

## Winston Hunter KC

Called: 1985

Silk Date: 2000



0161 829 2100



Winston.Hunter@byromstreet.com



### Practice Overview

Chambers & Partners 2024 (PI) - Star Individual

Winston Hunter KC is a catastrophic injury specialist who also has extensive knowledge of issues surrounding loss of earnings and insurance indemnity. He applies his exceptional technical abilities to representing both claimants and defendants in complex, high-value cases.

"He's a brilliant leading counsel to have at the head of your team. He has expertise in all areas of law and is personable with clients."

"Winston is a forensic advocate, who reads the tribunal well and is decisive in his submissions. He has strong client care skills, with an empathic yet direct and respectful approach."

"He inspires confidence and is willing to spend the time going through the case."

Chambers & Partners 2024 (Clin Neg)

Winston Hunter KC has a broad personal injury practice that often crosses over into the clinical negligence sphere. His wide-ranging expertise encompasses wrongful birth claims and complex failure of diagnosis and treatment cases.

"He has a brilliant mind and he is absolutely fantastic with clients."

"He's very meticulous and an excellent advocate. He's also exceptionally kind and sensitive to clients."

Chambers & Partners 2024 (Professional Neg)

Winston Hunter KC is frequently instructed in cases arising from professional negligence claims. He focuses on those brought against solicitors and insurance brokers.

### PRACTICE AREAS

Personal Injury  
Clinical negligence  
Insurance Litigation  
Professional Liability  
Commercial Litigation  
Employment

### APPOINTMENTS

## Christopher Melton KC

Called: 1982

Silk Date: 2001



0161 829 2100



Christopher.Melton@byromstreet.com



### Practice Overview

#### Chambers & Partners 2024 (PI)

Christopher Melton KC is a standout silk who excels at representing claimants in high-value catastrophic injury and fatal accident cases, particularly those involving minors. He does a significant amount of appellate advocacy and has appeared in the Supreme Court numerous times.

"Chris is highly skilled and approachable."

"Chris is the perfect silk. He is charming with all clients at all levels. His advocacy is masterful and he always finds a solution to a problem, even some very sticky ones."

"Chris is excellent. He is unflappable and is able to get the issue immediately."

#### Chambers & Partners 2024 (Clin Neg) - Band 1

Christopher Melton KC regularly handles major cerebral palsy cases alongside wrongful birth and spinal injury claims. He has been instructed in a number of multiparty claims, including those arising out of sexual abuse by medical practitioners and abuse in care homes. He has earned an impressive reputation for his experience in high-profile inquiries or cases that test novel points of law before the Supreme Court.

"Christopher is extremely experienced and has a calm and detailed approach to the evidence in complex cases."

"He can distil complex cases down and get right to the heart of the key issues. Chris is also excellent in the courtroom and commands respect."

"He has a great ability to get to the crux of a case. His expertise is formidable and he employs it tactically to great effect."

### PRACTICE AREAS

Personal Injury  
Clinical Negligence  
Industrial Disease  
Professional Liability  
Multi-party Litigation  
Inquiries and Inquests

## Criminal Law

Chris Melton KC was born and educated in Manchester which is where his Chambers has its main base. His clients live all over England and Wales and he spends much of his time on the road visiting them.

He took silk in 2001 when he was 19 years' call. He then became Senior Counsel to the Shipman Inquiry for four years until normal service resumed in 2005. Since that time he has acted exclusively for very seriously injured Claimants and for bereaved families.

Chris has appeared on four occasions before the Supreme Court and in a large number of Court of Appeal and litigated first instance cases.

He is a member of PIBA and APIL and is on the APIL discount rate working party.

Chris is an advanced advocacy trainer for the Northern Circuit and for the renowned Keble College International Advocacy Course

His Supreme Court cases are:

*Armes v Nottinghamshire CC* where the Appellant is seeking to establish that a LA owes a non-delegable duty or is vicariously liable in respect of sexual abuse perpetrated by a foster parent.

*Woodland v Essex CC* where the Claimant successfully established that a LA owed a non-delegable duty to a child brain damaged by the negligence of a non-employee swimming teacher.

*Dunhill v Burgin* where the Claimant successfully established that the settlement of a claim was invalid where the Claimant lacked litigation capacity, even where the Defendant had no knowledge of her incapacity.

*Sienkiewicz v Greif* where the Claimant successfully established liability on the basis that her mother's mesothelioma was caused by negligence, even though the risk of contracting the disease was only slightly increased by the relevant exposure.

His CA cases include:

*Sabir v Osei-Kwabena*, where the Claimant successfully resisted the Defendant's appeal against a 25% contributory negligence finding against a pedestrian;

*McCracken v Bell*, where a brain injured pillion passenger on off road trials bike being unlawfully ridden on cycle path successfully resisted an appeal by the third party driver;

*Waterhouse v Welsh*, where the CA rejected a surgeon's appeal against findings of negligence

*Nunnerley v Warrington HA*, where the CA refused the Defendant's application for permission to appeal in a twin wrongful birth case, holding that damages were recoverable beyond the child's age of 21.

The reported first instance cases include:

*Paul Tate* - five day High Court trial for brain injured Claimant where the main issue was the cause of his behavioural problems. The court determined that it was his brain injury, not his background that was the main cause and awarded £6m, allowing £165,000 for continuing care costs

*Chelsea Armstrong* - a three day liability trial in the High Court where liability was established in favour of a teenage girl who ran onto a Newcastle dual carriageway in darkness and was knocked down by the Defendant's vehicle, travelling at 30mph.

*Tom Buckett* - a difficult and ultimately unsuccessful five day trial run on behalf of a teenage boy who fell through

a school skylight suffering a devastating brain injury.

Russell v Partington - two High Court trials where the Claimant obtained a substantial interim payment where there was no admission of liability and then went on to obtain a 100% liability finding for the accident that caused his high level complete tetraplegia

Sedge v Prime - two High Court trials where the Claimant won a liability trial and went on to obtain a substantial interim payment to fund a best interests hearing and community living where the Defendant had argued for institutional care.

Marcel Beasley - two High Court trials where the Claimant motor cyclist recovered 100% damages and went on to obtain a substantial interim payment to fund community living where the Defendant had again argued for institutional care.

More generally other cases relating to:

the recovery of substantial future care costs for the heroin addict passenger in road accident; numerous cases involving the MIB and the interpretation of its agreements; the successful claim by a 2 year old child who crept unnoticed from a vehicle and walked into the path of another; the claim by a 14 year old girl rendered paraplegic for whom an interim payment was obtained and a suitable property purchased within 9 months of the accident; the recovery of substantial damages for a teenage boy with complete personality change; the settlement of the liability aspects of a claim in which the insurer alleged contributory negligence of a passenger in a vehicle in which no seat belts were fitted; the claim of a senior manager with an airline who suffered a personality change and brain injury as the result of a carotid stroke in a road accident; the pursuit of damages for an elderly man who prior to his accident had looked after his severely disabled wife; several claims for motorcyclists suffering amputations, brain injuries and/or spinal cord injury in which allegations of contributory negligence were either defeated or diminished; three cases involving CRPS (chronic regional pain syndrome); a case involving severe leg injury as the result of infection following a wakeboarding accident; several cases involving fall from height at work, two involving defective scaffolding; a claim involving a defective skylight at a school.

## **APPOINTMENTS**

Recorder 2005

## **ASSOCIATIONS**

PIBA

PNBA

Northern Circuit Medical Law Association

## **Personal Injury**

Chris Melton has practised in all aspects of medical and personal injury law throughout his career. He was Senior Counsel to the Shipman Inquiry between 2001 and 2005, appointed by the Treasury Solicitor. He is instructed by specialist firms nationwide and spends a significant proportion of his time appearing and advising in London as well as in the regions.

Chris Melton specialises in advising and appearing in cases involving the seriously, catastrophically or fatally injured. He regularly appears in Court, both at first instance and at the highest appellate level. His current caseload encompasses the whole range of issues that arise in these cases. He has a particular interest in the analysis of medical, financial and scientific expert evidence and exploring the interface between the law and science. Although the mainstay of his practice involves brain, spinal and fatal injury, particularly cerebral palsy in the clinical negligence sphere, he has an ongoing interest in cases involving upper and lower limb amputations and problems of the digestive tracts. He has been recognised as a leading practitioner in his chosen fields over many years. He occasionally ventures into the criminal courts, both prosecuting and defending, where medical or scientific evidence is at the fore. He also appears at Inquests, an area of the law in which he gained in-depth

knowledge on the Shipman Inquiry. He has advised or appeared in numerous multi-party claims, including group actions arising out of product liability for asbestos, sexual abuse by medical practitioners and physical and sexual abuse in care homes. The professional liability work undertaken is against medical professionals and lawyers; the claims against lawyers involve multifarious failures appropriately to prosecute clinical negligence and personal injury claims.

In order to give an idea of Chris Melton's personal injury cases, we have listed the cases in which he has appeared since 2009.

The sample is not wholly representative of the breadth of his practice because of the unpredictable nature of litigation. Other cases involve a wide range of issues involving Chris Melton's practice areas. These range from cases involving a challenge to the conventional method of assessing accommodation damages (*Roberts v Johnstone*) and many cases involving issues surrounding periodical payments. Specific injuries/ and clinical negligence issues covered in the last three years have included: frontal lobe injury, other brain injury, spinal injury at all levels, pelvic fractures in men and women, arm and leg amputations, meningitis, severe burns; motor cycle contributory negligence, accident reconstruction evidence, tachograph evidence, seat belt contributory negligence, causative potency, ice or water on roads, factory accidents, claims against hoteliers, security of continuity of periodical payment, local authority funding, PCT funding, alternative funding of care in partial recovery cases, Motor Insurers' Bureau liability, interpretation of insurance policies, recovery under personal health/accident policies, establishing the true dependency in high value Fatal Accident Claims, *volenti* and *ex turpi causa*.

#### **Recently concluded reported cases**

##### **Dunhill v. Burgin (2014)**

Supreme Court, acting for the successful Claimant

A compromise on behalf of a brain injured Claimant who lacks litigation capacity is of no effect even where the relevant incapacity was unknown to her legal advisers and the Defendant. The test for legal capacity is to be assessed by reference to the whole of the underlying claim and not the claim as formulated by her legal team.

##### **Thompson v Renwick (2014)**

Court of Appeal, judgment awaited

Whether a parent company is liable for the acts or omissions of its subsidiary when the subsidiary's employee contracted asbestos disease.

##### **Woodland v. Essex County Council (2013)**

Supreme Court, acting for the successful Claimant.

The obligation of a school to take reasonable precautions for the safety of its pupils in the provision of swimming lessons is non-delegable.

##### **McCracken v. Smith and MIB (2013)**

QBD Keith J, Lawtel, acting for the successful Claimant over six days. Appeal to Court of Appeal pending.

The pillion passenger on an uninsured off road motor-cycle was entitled to recover damages for severe brain injury from the negligent driver of a mini-bus and his claim was not defeated by the *ex turpi causa* doctrine. He could not recover against the MIB because he ought to have known that the cycle was uninsured. The MIB took but at the court door abandoned the argument that such a motor-cycle was not a motor vehicle for the purposes of the Road Traffic Acts.

##### **Berry v Star Autos and others (2013)**

QBD King J, Lawtel, acting for the successful Claimant over six days. Appeal to Court of Appeal on interlocutory point concerning interim payment application.

The Claimant was entitled to recover damages relating to catastrophic injury suffered when he was electrocuted when working on the set up of the Kendal Calling Music Festival. Those who ran the festival were uninsured and their Health and Safety adviser had limited insurance cover. He recovered (with a 25% reduction for contributory

negligence) from his employers and from the owners of the temporary accommodation that he was delivering using a Hi-ab.

**Sedge v. Prime (2011)**

QBD Royal Courts of Justice (HHJ Burrell QC, sitting as a Deputy High Court Judge) January 2011. Lawtel. In a claim for damages for catastrophic brain injury sustained by a pedestrian who stepped into the Defendant's path, liability was established with a reduction of damages on account of 25 per cent contributory negligence. The case involved detailed analysis of expert accident reconstruction evidence. Indemnity costs awarded, Claimant having equalled his Part 36 offer. The claim subsequently was resolved.

**Russell v Partington (2009 and 2010) (QBD)**

In a claim for damages arising from personal injuries sustained in a road traffic accident, a substantial interim payment was made even though liability was in issue because the judge was satisfied that liability would be established, albeit with a reduction of damages on account of 50 per cent contributory negligence, and that the eventual trial judge would probably capitalise the loss of earnings claim in the event of a finding of substantial contributory negligence. In July 2010, after a four day trial on liability, the Claimant tetraplegic motorcyclist established liability on a 100% basis. The case involved the interpretation of digital tachograph evidence. The claim subsequently was resolved.

**Devoy v Doxford & Stuntbrand [2009] EWHC 1598 (QB)**

In a FAA claim, how should the Court value the necessary replacement of services provided by a deceased husband to his severely disabled widow. The Claimant successfully argued that she was entitled to recover the actual financial cost involved.

**JC v TP (2009)**

Three days into the trial of the Claimant's claim for damages for stress at work, the claim was compromised on confidential terms.

**Agg v MOD (2009)**

The Defendant was not entitled to resile from an admission made prior to the commencement of proceedings

**LA v BB and AB (2009)**

After a five day contested trial on liability the Claimant motor cyclist established 85% liability, with damages to be assessed for his catastrophic injury, against two Defendants arising essentially out of the negligent siting of a construction site entrance. Damages were later agreed. Expert accident reconstruction evidence was central to the case.

**GB v MIB (2008)**

After a three day trial the Claimant motorcyclist successfully recovered 100% of his damages and his advisers then progressed to agree one of the earliest MIB PPOs. The main issue was as to the causative potency, if any, of the Claimant's speed as he overtook a line of standing traffic.

**Industrial Disease**

Chris Melton's expertise and experience in the area of Industrial Disease is demonstrated by the important reported cases in which he has been involved. He is the independent trustee of the Turner and Newall Asbestos Trust. His practice primarily involves mesothelioma and other cancer cases but includes all aspects of industrial disease.

**Thompson v Renwick (2014)** Court of Appeal, judgment awaited

Whether a parent company is liable for the acts or omissions of its subsidiary when the subsidiary's employee contracted asbestos disease.



**Karen Sienkiewicz (Administratrix of the Estate of Edith Costello (Deceased)) v Greif (UK) Ltd [2011] UKSC 10**

Asbestos disease: causation of mesothelioma. Appropriate test for determining causation. Impact of s.3 Compensation Act 2006.

**Kathleen Banks v Jones and Lewis (2010)**

After a six day trial, the Claimant succeeded in establishing liability in relation to her husband's death from mesothelioma.

**Doreen Browne (2009)**

The Claimant argued successfully that she was entitled to a visual inspection of the insurance records, including the electronic records, held by the alleged former insurers of her deceased husband, in order to test their assertion that they had not been on cover at the relevant time.

**Gorham v Plessey (2009)**

The Claimant was entitled to substantial damages for asbestosis and his symptoms were more than minimal and were not attributable to other causes.

**Cox v Rolls Royce Industrial Power (India) Ltd [2007] EWCA Civ 1189**

The Claimant successfully resisted the Defendant's appeal, lodged on the grounds that it was necessary in some way to quantify the material increase in risk before causation in a mesothelioma claim could be established.

**George Smith v Bolton Copper Ltd (QBD) (Master Whitaker) (2007)**

The Claimant succeeded in establishing that the deceased's septuagenarian twin was a dependent of the deceased and that the general damages awarded for his mesothelioma should not be at a level lower than the range recommended by the JSB, notwithstanding their short duration.

## Directory Comments

Christopher Melton KC is a standout silk who excels at representing claimants in high-value catastrophic injury and fatal accident cases, particularly those involving minors. He does a significant amount of appellate advocacy and has appeared in the Supreme Court numerous times.

"Christopher is excellent. He is astute and can navigate the most complex areas of a case with ease."

"He is an incredibly effective silk."

Chambers & Partners 2023 (PI) - Star Individual

Christopher Melton KC regularly handles major cerebral palsy cases alongside wrongful birth and spinal injury claims, as well as claims which address complex mental health issues. He has been instructed in a number of multiparty claims, including those arising out of sexual abuse by medical practitioners and abuse in care homes. He has earned an impressive reputation for his experience in high-profile inquiries or cases that test novel points of law before the Supreme Court.

"He has a very calm and considered manner and is very reassuring with clients."

"Chris is extremely experienced in dealing with complex, high-value clinical negligence work. He is prepared to go the extra mile to achieve great outcomes for clients."

Chambers & Partners 2023 (Clin Neg) - Band 1

Christopher Melton QC is a standout silk who excels at representing claimants in high-value catastrophic injury and fatal accident cases, particularly those involving minors. He does a significant amount of appellate advocacy and has appeared in the Supreme Court numerous times.

**Strengths:** "He takes a thorough approach to case preparation and is great at advising from start to finish as the case develops." "He is vastly experienced, highly intelligent, fantastic with clients, approachable and great to work with." "Very user-friendly, approachable and willing to discuss matters with instructing solicitors."

**Recent work:** Instructed in a case concerning a young man who fell from a motorway flyover having been abandoned by a taxi driver.

Chambers & Partners 2022 (PI) - Star Individual

Christopher Melton QC regularly handles major cerebral palsy cases alongside wrongful birth and spinal injury claims. He has been instructed in a number of multiparty claims, including those arising out of sexual abuse by medical practitioners and abuse in care homes. He has earned an impressive reputation for his experience in high-profile inquiries or cases that test novel points of law before the Supreme Court.

**Strengths:** "A very personable and innovative barrister - he will find the truth and the correct way to approach things and is very resolution-focused." "Highly experienced and brave. He accepts instruction in cases that others wouldn't. He is also very calm and has great humility with clients. He's not only a formidable advocate, but clients tend to warm to him and he's very considered in his delivery."

Chambers & Partners 2022 (Clin Neg)

Standout silk who excels at representing claimants in high-value catastrophic injury and fatal accident cases, particularly those involving minors. He does a significant amount of appellate advocacy and has appeared in the Supreme Court numerous times.

**Strengths:** "Fantastic with clients - he's immediately reassuring, calming and able to instil confidence. He is the safest pair of hands." "An extremely approachable individual who balances the necessary formalities with the need to engage and explain complex legal and evidential principles to the layperson. He's able to really connect with his clients and gain their complete trust."

**Recent work:** Instructed in a case concerning a 19-year-old who suffered the amputation of his arm following an accident at work.

Chambers & Partners 2020 (PI)

Regularly handles major cerebral palsy cases alongside wrongful birth and spinal claims. He has been instructed in a number of multiparty claims, including those arising out of sexual abuse by medical practitioners and abuse in care homes. He has earned an impressive reputation for his experience in high-profile inquiries or cases that test novel points of law before the Supreme Court.

**Strengths:** "A stalwart in the clinical negligence field; he has a very calm approach, which is incredibly effective." "He takes a creative approach in settlement negotiations and will stand firm for his client." "He is fabulous at cutting through to the key issues in a difficult case, and is exceptional with clients."

Chambers & Partners 2020 (Clin Neg)

Standout silk who excels at representing claimants in high-value catastrophic injury and fatal accident cases, particularly those involving minors. He does a significant amount of appellate advocacy and has appeared in the Supreme Court numerous times. *"He is incredibly astute, intelligent and knows the law, but has a very calm and relaxed manner with clients."* *"He has enormous experience in brain and other catastrophic injury claims, including at the appellate level, and great written and oral advocacy skills."* Recent work: Instructed in *Armes v Nottingham County Council*, a Supreme Court case concerning whether the local authority was vicariously liable for sexual abuse committed by foster parents, even though it exercised reasonable care in the selection and monitoring of the foster parents.

Chambers & Partners 2019 (PI)

Silk who regularly handles major cerebral palsy cases alongside wrongful birth and spinal claims. He has been instructed in a number of multiparty claims, including those arising out of sexual abuse by medical practitioners



and abuse in care homes. He has earned an impressive reputation for his experience in high-profile inquiries or cases that test novel points of law before the Supreme Court. *"He is very good, at the top of his game and very approachable."* *"Always calm and professional, he's an excellent advocate and fantastic with clients. He has a wealth of experience and knowledge."* *"He fights tirelessly for his clients and is an excellent negotiator who gets to grips with the finer details."*

**Recent work:** Acted in a claim brought against the Ministry of Justice, alleging liability for an independent prison healthcare team's delayed diagnosis of a prisoner's cancer, leading to the amputation of a leg.  
Chambers & Partners 2019 (Clin Neg)

Recorder 2000  
Deputy High Court Judge 2008

## ASSOCIATIONS

PNBA,  
PIBA,  
Northern Circuit representative of The Bar Council Committee,  
Chair of the Northern Circuit Race Committee,  
Member of The Bar Council Race Working Group

## Personal Injury

Winston Hunter is routinely instructed by both Claimants and Defendants in cases of maximum severity. In the recent past he has been instructed in some of the highest values claims with several of his recent or current instructions involving damages awarded or claimed in excess of £15 million. A particular feature of many of his instructions is where there are complex claims for loss of earnings arising from injuries to professionals such as bankers, lawyers and accountants or senior directors of large companies and other high net worth individuals.

### Concluded cases

Fatal Accident Act claim for widow of young healthy Chairman and Chief Executive of FTSE 100 company. Claim pleaded at over £20 million (and settlement) reputed to be the largest ever arising from personal injuries. Highly complex claim financial claim with each party relying on multiple financial experts addressing the issues of share options valuation, loss of financial benefits and dependency claim on interest earning capital.

Claim for damages arising out of minor RTA. Claimant was Associate Solicitor with Magic Circle firm. Damages for past and future loss of earnings claimed in excess of £8million on the basis of loss of career as equity partner. Complex medical issue as to precise cause of alleged pain in the absence of any physical injury. Defendant accepted some future disability subject to medical issue but contested claim as to nature of lost career and correct legal principles in valuation of the same.

Claim for damages for injuries of maximum severity. Claimant child aged 2 at accident, aged 17 at trial. Claimant requiring highly skilled 24 hour nursing care, presently cared for in residential setting. Complex issues as to responsibility for funding of future care needs and as to court's ability to award damages by way of PPO against insurer in liquidation. Case settled by way of complex reverse indemnity relating to periodical payments.

One of the largest ever claim for damages for stress related illness due to alleged harassment and bullying at work. Claimant was a Consultant within PCT. Damages claimed at over £7million. Complex issues relating to whistle blowing of allegations of misconduct against senior colleagues. Six week trial due to commence in January 2009. Settlement shortly before trial subject to comprehensive confidentiality agreement

Complex claim involving contribution proceedings against hospital relating to treatment of C who was negligently injured by G. M Hospital raised issues of breach and causation which were finally resolved in favor of G. C's claim complex due to combination of injuries that required 24 hour care by team of trained nurses costing £500,000 pa. Case settled in 2009 for what is said to be the largest ever PPO in respect of care.

### Sample current cases

Fatal accident claim pursued by widow of senior equity partner in major city law firm. Very significant loss of dependency claim. Major issues relating to calculation of loss and valuation of outside business interest. Claim ongoing. I was instructed on behalf of the Defendant.

Fatal accident claim in respect of solicitor in large city practice but with significant and complex commercial and property interests. Significant legal issues as to approach to loss and valuation of interest.

Complex claim for damages by blind, tetraplegic claimant with some brain damages. Action ongoing due to complex issues relating to security of periodical payments. Issues if resolved by court will involve ruling on a novel and important issue relating to the powers of the court under the Damages Act 1996.

Several claims involving individuals with severe injuries including tetraplegic ventilator dependant adult and children with complex co-morbidities and adults with profound brain damage resulting in locked in state, PVS or low awareness. Complex issues relating to venue of care, the statutory responsibility of the NHS to provide care and the role of the Court of Protection under the Mental Capacity Act in determining the appropriate venue for long term care on grounds of best interest.

Claims involving funding of ongoing care where PCT involved in funding care but wish to argue that a claim for damages by the Claimant amounts to an election to waive any right to PCT funding irrespective of extent of recovery, and /or that the PCT acts lawfully in deciding that the individual no longer has any reasonable need for PCT services. Personal Injury

## Clinical Negligence

Winston Hunter has a significant caseload in the area of clinical negligence. His practice covers all areas of medical mal practice. He has particular expertise in claims involving wrongful birth and failure of diagnosis and treatment in Accident and Emergency Medicine, and the complexities of quantification arising from claims for loss of a chance of a better outcome.

### Concluded cases

Complex claim arising from breech delivery. Child with minimal early signs of distress but later diagnosis of developmental abnormalities in early infancy. Issues of breach and causation. Competing explanation for radiological evidence of deep brain infarcts. Role of neonatologists and other experts in identifying most likely cause amongst a number of competing causes.

Claim for damages arising from failed termination. Infant born with severe disabilities. Claimant pursuing damages for future cost of care and other losses on the basis that disabled child will reside with her for life. Measure of damages.

Failure to diagnose skin melanoma. Claim defended on basis of less than 50% chance of successful treatment had timely diagnosis been made. Complex medical and statistical evidence as to correct approach to statistical data on chances of successful outcome. Issue as to difference between legal and clinical definition of successful outcome.

GP failure to diagnose early signs of meningitis. Duty of GP, causation issues relating to allegation that non negligent range of response by hospital would have led to similar time delays. Burden of proof as to what would have happened. Absence of direct evidence as to what would have happened. Role of experts in identifying what would have been best practice. Relevance of financial constraints within individual Trust.

GP failure to advise on and provide vaccination to individual within target group for mumps immunization programme. Causation. Effectiveness of vaccine had it been provided.

Infant suffering apparent mild concussional head injury. Accident and emergency admission. Failure to admit infant for observation. Whether negligent. Discharge advice to parents. Re-admission. Failure to admit to ward and or to monitor. Major intracranial bleed. Duty to and timing of CT scan. Causation. Apportionment between joint tortfeasors.

### Sample current cases

Admission of Claimant to hospital following assault. Failure to carry out CT scan. Claimant's condition diagnosed

as due to intoxication. Delay in diagnosis of basal skull fracture and intracranial bleed. Major brain damage leading to cognitive deficit. Breach of duty. Causation. Apportionment of damage between initial injury and failure to diagnose.

## Insurance Litigation

Winston Hunter is regularly instructed in claims arising out of repudiation of policies for alleged non disclosure and issues relating to the construction of insurance contracts. Particular expertise exists in claims relating to motor vehicle insurance

### Concluded cases

Engagement of independent contractor. Whether terms of engagement entitled contractor to benefit of Employers Liability insurance and thus benefit of significantly higher level of indemnity. Issues highly relevant to ability of claimant to secure periodical payments.

Court of Appeal: Whether description of part time employment by insured made material by the term of the motor policy. Whether insurer entitled to avoid policy for material non-disclosure.

Terms of combined motor policy and tractor policy obtained by farmer. Whether plant hired by contractor to third party resulting in accident covered under terms of either policy. Delay in notifying insurers, whether insurer entitled to treat duty to report as condition precedent to liability under the policy.

Historic market hall destroyed by fire. Construction of policy. Re-instatement costs under insurance. Whether insurer required to indemnify to extent of re-instatement of building to standard existing at time of fire or in accordance with modern building regulations.

### Sample current cases

Court of Appeal (and ECJ): Appeals arising out of interpretation of section 151(8) Road Traffic Act 1988 and compatibility with Article 13 of 2009 Motor Directive.

Accidental fire resulting in destruction of block of residential flats. Claim under public liability policy. Whether fire as result of negligence and if so whether insurer entitled to avoid. Delay in notification. Whether report made as soon as practicable. Whether insurer required to demonstrate detriment as a consequence of any delay.

## Professional Liability

Winston Hunter receives instructions in a wide range of cases involving the negligence of professionals. He has particularly expertise in cases involving claims alleging loss of a chance.

Many of his instructions relate to solicitors failure in pursuing litigation appropriately and in advising clients.

### Concluded cases

Solicitors' negligence: failure to advise client as to appropriate defendant in claim for dust nuisance leading to close of business. Claim for loss of a chance of favourable outcome had correct defendant been sued. Correct measure of loss where business would have been affected to some extent but might not have failed absent nuisance. Effect of claim where nuisance contributed to by number of parties not all of whom would have been sued in the original action.

Solicitors' negligence: failure to progress litigation. Claimant's date of knowledge. Nature of the facts of which the Claimant must have knowledge before time starts to run. What is the 'damage' of which the Claimant must have knowledge?

### Sample current cases

Solicitors' negligence: joint venture agreement in respect of development of land. Failure to advise as to terms of

agreement. Solicitors' duty to advise professional client as to implication of bargain negotiated by client when drawing up formal document to reflect negotiated terms. Scope of contract of retainer.

## Directory Comments

Winston Hunter KC is a catastrophic injury specialist who also has extensive knowledge of issues surrounding loss of earnings and insurance indemnity. He applies his exceptional technical abilities to representing both claimants and defendants in complex, high-value cases.

"He does the most complex work in the area. He is phenomenal - exceptionally talented and ultra bright. He has an unbelievable depth of knowledge."

"Winston is a very good negotiator. He has a top-class reputation."  
Chambers & Partners 2023 (Personal Injury) - Star Individual

Winston Hunter KC has a broad personal injury practice that often crosses over into the clinical negligence sphere. His wide-ranging expertise encompasses wrongful birth claims and complex failure of diagnosis and treatment cases.

"He is able to cut through the detail to get to the key issues."

"Winston is a pleasure to work with. He is particularly empathetic with clients and will take his time to ensure that they fully understand the most complex of legal issues. He has a thoughtful, considered approach and is a force to be reckoned with."  
Chambers & Partners 2023 (Clin Neg) - Band 1

Winston Hunter KC is frequently instructed in cases arising from professional negligence claims. He focuses on those brought against solicitors and insurance brokers.  
Chambers & Partners 2023 (Prof Neg) - Band 2

Winston Hunter QC has a broad personal injury practice that often crosses over into the clinical negligence sphere. His wide-ranging expertise encompasses wrongful birth claims and complex failure of diagnosis and treatment cases.

**Strengths:** "He is very engaging with clients who need a lot of emotional support, and experts also warm to his collaborative approach and depth of knowledge in medical issues. It is always a pleasure to work alongside him."  
Chambers & Partners 2022 (Clin Neg)

Winston Hunter QC is a catastrophic injury specialist who also has extensive knowledge of issues surrounding loss of earnings and insurance indemnity. He applies his exceptional technical abilities to representing both claimants and defendants in complex, high-value cases.

**Strengths:** "He is thorough and always meticulously prepared." "Incredibly dedicated and hard-working in terms of turning around the most complex, time-consuming and document-heavy work. He has very deep knowledge of issues relating to life-changing injury cases."  
Chambers & Partners 2022 (PI) Star Individual

Winston Hunter QC is frequently instructed in cases arising from professional negligence claims. He focuses on those brought against solicitors and insurance brokers.

**Strengths:** "Very assiduous and prepares enormously thoroughly."

## Chambers & Partners 2022 (Prof Neg) - Band 2

Has a broad personal injury practice that often crosses over into the clinical negligence sphere. He is seen as a "high-value specialist" and has expertise in wrongful birth claims and cerebral palsy cases.

**Strengths:** "He brings out the best in clients when talking through their experiences, and helps them to feel confident in his care." "Very experienced and knowledgeable and an excellently thorough silk."

Chambers & Partners 2020 (Clin Neg)

Head of chambers. A catastrophic injury specialist who also has extensive knowledge of issues surrounding loss of earnings and insurance indemnity. He applies his exceptional technical abilities to representing both claimants and defendants in complex, high-value cases.

**Strengths:** "He's very personable, always accessible and has incredible attention to detail. He has a remarkable ability to achieve great results in a very understated way." "He's calm, measured and always remains completely unflustered in the face of challenging circumstances. He is able to tackle sensitive issues with a professionalism and sincerity that can calm the most challenging individuals."

Chambers & Partners 2020 (PI)

"He has a breathtaking depth of knowledge and skill, inspiring confidence even in the most difficult of situations." "He is known to be at the top of the game. He has an unbelievable intellect and is so bright and astute." "He is meticulous, wonderful on his feet in cross-examination and has an endearing bedside manner - he displays great empathy and has the ability to put anyone at ease."

Chambers & Partners 2019 (PI)

"He is very thorough and very good with clients. He comes across as being very caring, which is paramount in these cases. He is able to empathise well." "He is a class act - the complete package."

Chambers & Partners 2019 (Clin Neg)

Head of chambers. A catastrophic injury specialist who also has extensive knowledge of issues surrounding loss of earnings and insurance indemnity. He applies his exceptional technical abilities to representing both Claimants and Defendants in complex, high-value cases.

**Strengths:** "The leader in this field. He's got a superb intellect and at short notice he can digest a case and give pragmatic advice of the highest quality. He has an encyclopaedic knowledge of the whole range of issues in these cases."

Chambers & Partners 2018 (PI)

Has a broad personal injury practice that often crosses over into the clinical negligence sphere. Has acted in several large cerebral palsy cases with large periodical payment orders.

**Strengths:** "A great intellect who combines his thorough approach to cases with a down-to-earth and approachable manner."

**Recent work:** Handled a wrongful birth claim in which the mother sued for costs following failure to advise in respect of Down's syndrome screening.

Chambers & Partners 2018 (Clin Neg)

Has experience on both the Defendant and Claimant side of complex cases, including crossover personal injury cases in which doctors fail to spot early signs of more serious injuries. Also advises on wrongful birth, obstetrics and adult-acquired brain injury cases.



**Strengths:** "Has the most massive brain in Manchester and is very switched-on." "He is a good communicator; he says so much with so few words."  
Chambers & Partners 2017 (Clin Neg)

A catastrophic injury specialist who also has extensive knowledge of issues surrounding loss of earnings and insurance indemnity. Renowned for the high calibre of his advocacy and technical expertise, he acts for both Claimants and Defendants in high-value, complex cases.

**Strengths:** "He has a encyclopaedic knowledge of catastrophic injury work and his breadth of experience is incredibly wide. He's also got the ability to assimilate a huge amount of information and deliver high-quality advice at very short notice." "Inspires confidence in all that he does: he is a superb advocate and a real team player."

**Recent work:** Represented the claimant, a former senior partner at a global law firm, in a high-value claim for loss of career following injuries sustained in an accident.  
Chambers & Partners 2017 (PI)

Excellent practitioner with a wealth of experience across the spectrum of clinical negligence matters. He is noted for his comprehensive knowledge of issues in claims of wrongful birth, delay in diagnosis and failure of treatment in accident and emergency medicine.

**Strengths:** "I was particularly impressed with his approach - he is intellectual and compassionate."

**Recent work:** Acted for the Defendant in a case concerning complex causation issues regarding a patient who lost their vision following a road traffic accident.  
Chambers & Partners 2016 (Clin Neg)

Instructed in high-value catastrophic injury cases by both Claimants and Defendants, including complex loss-of-earnings disputes and insurance indemnity cases. Sources acclaim his ability to identify key issues and his incredible knowledge in the area.

**Strengths:** "He is superb - a really skilful silk who can hold the court in the palm of his hands." "He is very articulate and able to deal with complex cases. He is approachable, friendly and supportive."  
Chambers & Partners 2016 (PI)

"His knowledge of the law and relevant issues is second to none."  
Legal 500 2016