

Mary Ruck KC

Called: 1993

Silk Date: 2023



0161 829 2100



Mary.Ruck@byromstreet.com



Practice Overview

Chambers & Partners 2024 (Clin Neg) - Band 1

Mary Ruck is a hugely popular choice for highly complex fatal delayed diagnosis, spinal injury and gynaecology cases. She has notable experience in birth-related brain injury cases.

"Mary has a keen eye for detail and is very thorough in her investigation of a case."

"Mary's attention to detail is phenomenal. She's very attentive and is extremely conscientious in making sure everything is prepared and she leaves no stone unturned."

"She is a fearless advocate for her clients."

Mary is described in the directories as a hugely popular choice for complex cases with notable experience in birth brain injury cases, possessing excellent analytical skills with amazing attention to detail and a forensic approach to complex cases.

Mary has a long-held interest in medical law, stemming from post graduate academic study in Medical Law and Ethics with Professor Ian Kennedy at King's College, London.

Mary spent her early career at the London Bar before moving to Manchester.

In 2008 Mary moved to Byrom Street Chambers, as a senior junior. She particularly enjoys the variety of work that position brings within her specialism. She is established as a specialist in clinical negligence, serious personal injury and fatal injury cases. She has a particular interest in the human rights aspects of medical law and has litigated claims in the ECHR resulting in awards of damages and friendly settlement. She has experience of medical regulatory work.

She undertakes cases nationwide with clients largely in the Northwest and London.

Mary undertakes consultations hearings in-person, remotely and a hybrid of remote/in-person working. She lectures regularly for Chambers and undertakes training for the Northern Circuit.

Mary was appointed to the First Tier Tribunal, Mental Health in 2007 and to the Special Educational Needs and Disability Tribunal in 2019.

Mary supports the Evolve Foundation for International Legal Assistance, assisting with submissions for clients on death row in Uganda.

PRACTICE AREAS

Clinical negligence

Personal Injury

Healthcare

Human Rights Fatal Accidents

Professional Discipline

CASELOAD

Claims are of high value and are usually complex in terms of law or medicine or both. Less valuable claims will involve a particular issue of legal importance or novelty. Mary has particular interest in and experience of claims arising out of brain injury.

Mary undertakes Article 2 inquests with and without a jury in cases involving deaths in custody, care homes and psychiatric hospitals and numerous cases under the Fatal Accidents legislation with particular emphasis on cases involving vulnerable clients and systemic failings. She is currently involved in Article 2 Inquests arising out of Covid-19.

Mary was involved in the Kenyan Emergency Group Litigation from 2012. She represented 20,000 victims of torture at trial in the High Court between May 2016 and October 2018. She was the First Junior in a team involving three leading counsel, including specialist leading counsel on international law. She managed a team of juniors with responsibility for pleadings and submissions in relation to 27 Test Claimants.

She undertook cross examination of medical witnesses and made oral submissions to the Court in interlocutory and final hearings. She undertook the drafting of legal arguments, including submissions in relation to interlocutory hearings on domestic and international law, the drafting of petition to the Supreme Court and submissions for the Court of Appeal.

Mary represented the Claimant parents in Khan -v- UK from first instance to its eventual successful resolution in Strasbourg, with significant developments in domestic law at the Court of Appeal concerning the duty of care owed to children. Her argument at first instance regarding the rights of parents was successful in the ECHR.

IMPORTANT CASES

Re CM [2021]: successful resolution at trial, where Defendant arguing statutory funding sufficient in a catastrophic injury where client is subject to a section 41 restriction order; pending resolution of a separate argument on the recoverability of personal injury trust costs. The case required consideration of cross-border funding and care arrangements with the Republic of Ireland for patients under restriction pre- and post-Brexit.

Kimathi & Ors -v- Foreign and Commonwealth Office [2018] 605 QB, concerning trial judge's finding on limitation.

Kimathi & Ors -v- Foreign & Commonwealth Office [2015] - [2018]: multiple interlocutory decisions.

RK and AK -v- Oldham NHS Trust and Dr B Lloyd's Law Report Medical [2003]1

JD, MAK & RK & Anor -v- East Berkshire Community Health NHS Trust & Ors [2005] UKHL 23;

JD, MAK & RK & Anor -v- East Berkshire Community Health NHS Trust and Ors [2005] EWCA Civ 1151;

RK and AK -v- United Kingdom (Application No 38000/05): use of the Human Rights Act 1998 to argue for a duty of care to children and parents in medical misdiagnosis of non-accidental injury, leading to care proceedings

Anderson -v- Blackpool Wyre and Fylde Community Health Services NHS Trust (2003) (unreported); split trials on liability and quantum; lead by Andrew Moran QC. Eventual award of over £2 million for Claimant needing

Simon Myerson KC

Called: 1986

Silk Date: 2003



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Simon.Myerson@byromstreet.com



Practice Overview

PRACTICE AREAS

Commercial Litigation
Civil Fraud
Employment
Clinical Negligence
Professional Liability
Partnership
Health and Safety
Professional Discipline
Defamation
Public Law

APPOINTMENTS

Attorney General's Provincial List (1992)
Standing Counsel Inland Revenue (2000)
Recorder (Crime, Class 2, Civil, Chancery) (2001)
Qualified Mediator (2009)
Bencher (Middle Temple) 2013

ASSOCIATIONS

HSLA,
CBA

Commercial Litigation

Simon is experienced in all aspects of commercial litigation and has developed his junior practice in silk.

Concluded cases

Catfoss Finance v Topdog: claim for conversion of hired goods settled at trial.

Dixon v S & N [2002] 4 Comp LR 484. Construction of Beer Order in a case in which the issue was whether the tenant had breached the terms of his tenancy agreement. First time the order had been the subject of judicial consideration.

Abbey Archway v Cooper. Construction of an option agreement for the sale of land in which there were 2 such options, both of which the Claimant purported to exercise and in respect of which the Defendant alleged undue influence.

Flowrite v Masternaut. £1,000,000 claim for breach of contract resulting from a failure to pay for goods supplied, the Defendant claiming that the goods were unfit for purpose.

Garforth Residential v Leeds City Council. Claim against local authority for failure to pay block grant involving construction of the National Assistance Act 1948.

TNT v Somerfield Stores Claim for loss of profits where extension of contract was conditional upon minimum sales figure being reached. Issue of whether figure was reached and whether, if not, the failure was manipulated by the Defendant.

Sample current cases

€30m claim for damages and conversion in connection with 4 yachts.

Defending Commercial Court claim for breach of contract in relation to the contract's termination for non-performance.

Defending £6m claim for company accused of deliberately misinforming insurers about financial information.

Representing company directors in Tax Tribunal where HMRC seek penalties in respect of a declared tax avoidance scheme, which failed.

Employment

Simon has long experience in employment work, especially relating to improper use of confidential information and breach of restrictive covenants, but including advisory work on the implementation of new rules and regulations.

Concluded cases

Menage v Nuffield. Claim by doctors wishing to decamp to new private hospital to be released from their contract of services with the existing provider.

Re F. Claim by a taxi company to restrain passing off relating to their name and the recruitment of existing employees by competing business set up by ex-employees.

Re Nuffield. Advice on application and requirements of new nursing homes regulations to large private supplier.

Re X: Advised serving police officer on whether disclosure of adverse judicial finding is compulsory or whether, in the circumstances, the Chief Officer is breaching the agreement for service. Officer reinstated in investigative capacity with disclosure accompanied by explanation of circumstances of finding.

CCC: Super-Injunction against employee, restraining disclosure of confidential information.

Sample current cases

Advising partner dismissed by partnership in claim including sex, religious and age discrimination.

Representing respondent charity in claim by alleged employee whose contract for services expired and was not renewed.

Personal Injury

Simon has long experience in employment work, especially relating to improper use of confidential information and breach of restrictive covenants, but including advisory work on the implementation of new rules and

regulations.

Concluded cases

Barnsley Footwear v Masters. Claim by company against former employee for account of profits arising from employee's new business. Issue as to precise status of Defendant, confidentiality of information and whether information legitimately acquired.

Menage v Nuffield. Claim by doctors wishing to decamp to new private hospital to be released from their contract of services with the existing provider.

Re F. Claim by a taxi company to restrain passing off relating to their name and the recruitment of existing employees by competing business set up by ex-employees.

Re Nuffield. Advice on application and requirements of new nursing homes regulations to large private supplier.

Re X: Advised serving police officer on whether disclosure of adverse judicial finding is compulsory or whether, in the circumstances, the Chief Officer is breaching the agreement for service. Officer reinstated in investigative capacity with disclosure accompanied by explanation of circumstances of finding.

Sample current cases

Advising ex director on whether co-director's actions amount to repudiation of contract where key financial decisions made in absence of director and where financial information deliberately withheld.

Clinical Negligence

Simon has regularly acted for Hospital Trusts and doctors.

Concluded cases

M v Calderdale and Kirklees Health Authority (formerly West Yorkshire Health Authority) [1998] Lloyd's Rep Med 157. Health Authority's delegation of care of patient under S1 NHS Act 1977.

Bancroft v Harrogate Health Authority [1997] 8 Med LR 398. Causation in cervical cancer.

Burke v Leeds HA [2001] EWCA Civ 51. What constitutes negligent advice in clinical care.

Sample current cases

Acting for Claimant in claim against hospital for cerebral palsy said to be caused by negligent treatment.

Professional Liability

Simon mainly deals with cases involving solicitors, barristers and accountants, often when professionals acts together to administer an estate or as part of a tax planning exercise. He has also acted in cases involving architects and surveyors.

Concluded cases

Del Grosso v Payne & Payne [2007] EWCA Civ 340. Claim against solicitors for negligent advice regarding the purchase of a club.

Singer v James Hay. Claim by beneficiary of pension fund against pension trustees, solicitor and accountants regarding pension planning and purchase of annuity.

Seddon v Egan. Acted for solicitor in a claim by client alleging failure to adequately advise on £3m deal to sell commercial site subject to conditions.

Sample current cases

- Acting for charitable trustees regarding potential misuse of charitable funds by employees as sanctioned by professional advisers who were also trustees.
- Right to Buy. Lead counsel for 11,000+ Claimants in negligence claim against solicitors acting for purchasers of council houses.

Professional Discipline

Simon acts regularly for firms of solicitors being investigated by the SRA. He has advised other professions as diverse as accountants and probation officers, and has advised on the wording of professional rules and guidance, and the setting up of disciplinary proceedings. He has represented numerous police officers via the Police Federation. In December 2010 he completed a 6 year stint on the BSB Conduct Committee and resumed taking instructions for Barristers.

Concluded cases

The Law Society v Waddingham & Ors [2012] EWHC 1519 (Admin): successfully defended solicitors the subject of SRA appeal that SDT's decision that clients not dishonest should be overturned.

Re T: Successfully argued that case against barrister should be dropped and recovered costs for Bar Mutual.

Re H & L. Representing firm of solicitors appearing before SDT in relation to charges brought arising from the COPD (Miners' Compensation) scheme.

Richard Inquiry. Acted for the Humberside Police Federation in the Inquiry into the Soham murders and made successful representations regarding comments in the Report.

Alder Inquiry. Represented police officers in the IPCC inquiry into the death of Christopher Alder.

Cross Border. Represented 3 officers charged with various offences arising from the Cross-Border investigation.

Re H Probation Service. Advised Probation Service as to disciplinary routes open regarding officer who had failed to complete an adequate OASYS assessment with catastrophic results.

Sample current cases

Representing firm of solicitors appearing before SDT in relation to charges brought arising from the COPD (Miners' Compensation) scheme.

Advising Customs Officers regarding disciplinary proceedings brought after criminal charges were dismissed.

Partnership

Simon regularly deals with partnership matters, usually involving the dissolution of professional firms, or misfeasance on the part of partners. He also has experience of franchise litigation.

Concluded cases

Scargill v Crank. Claim for an account turning on issue of when the Partnership was dissolved involving close construction of Partnership Agreement.

Re Cheshire. Claim for breach of Franchise Agreement by local franchise holders of national firm, based on deliberate default of franchisor.

Thompson v Shackleton. Breach of Partnership in food business including claims of theft and fraud.

Re C. Claim by one partner against others for conspiring against him to force his retirement, including holding secret partnership meetings and refusing to provide proper access to information.

Sample current cases

Acting for partners in claim against ex-partner alleged to have breached accounting rules and procured resignation rather than expulsion by covering up those breaches.

Acting for partner in claim that ex-partners falsified accounting position of firm in attempt to expel him from partnership and obtain existing assets when partnership dissolved.

Advising solicitor on restrictive covenants and construction of contract as he attempts to extricate himself from his former partners.

Advising solicitor on construction of interrelated Partnership/LLP/LMC Deeds and his entitlement as regards basic share and points.

Health and Safety

Simon deals with criminal cases, advises on the effect of accidents, and deals with civil claims involving damage to property.

Concluded cases

R v Butters. Acted for employee directly responsible for fatal accident at Lightwater Valley in both the Inquest and the criminal proceedings.

R v Next. Prosecuted Next Plc for fatal accident in which employee abseiled from fork-lift truck with inadequate equipment and died when the rope paid out without stopping, causing a fall of about 30m.

Re E MAPPA. Advice on departmental enquiry after offender committed suicide when the subject of supervision.

R v Next plc. Prosecuted Next for fatal accident when lift inadequately specified and maintained.

Sample current cases

Representing 2,000 Claimants in claim against chemical company for allowing fire causing escape of toxic gas from its premises.

Defamation

Simon has accepted defamation instructions since taking silk.

Concluded cases

X v Y. Acted for Claimant in a case where Defendant making accusations of criminality and theft from friends. Settled for damages and costs.

Re Solicitors. Acted for 2 firms of solicitors accused in a script of an investigative BBC Radio programme of assisting an offender. Script altered.

Levi v Bates ([2009] EWHC 1495. Acted for successful Claimant in action for libel against Ken Bates regarding the takeover and subsequent management of Leeds United.

Weston v Bates & Anor [2012] EWHC 590. Successfully represented Claimant before Master and Judge in

constant care due to severe PTSD; one of the largest known awards at the time for psychiatric injury; included representation (without silk) in front of the Court of Appeal regarding trial judge's decision on evidence.

Wardlaw -v- Farrar [2003] EWCA Civ 1719: represented on appeal to the Court of Appeal. Concerning causation of/contribution to death from pulmonary embolism (pre - cursor to Bailey); concerning service of experts' literature

Ziemniak -v- EPTM Deep Sea Limited [2003] EWCA Civ 636; concerning trial judge's finding on duty of care for catastrophically injured dockworker; right of civil action under the Merchant Shipping (Life Saving Appliances) Regulations 1980, SI 1980/538.

SAMPLE CURRENT CASES

LH: birth brain injury; against Angus Moon QC; approval of settlement before Turner J in February 2021; now proceeds on quantum

CM: catastrophic injury arising from sepsis; quantum resolved at trial in May 2021; pending hearing on recoverability of personal injury trust costs for vulnerable claimant

DLS: delayed diagnosis of retinopathy of prematurity; proceeds on quantum with issues of overlap/double recovery

SC: PTSD arising out of workplace bullying

JS: catastrophic injury from RTA of young claimant; liability resolved, proceeding on quantum

Fatals cases: deaths from Covid; negligent discharge from psychiatric care leading to suicide; negligent mismanagement of post-partum care.

APPOINTMENTS

First Tier Tribunal Judge, Health and Social Care Tribunal (formerly MHRT) (2007)

Assistant editor of the Fatal Accidents section of Butterworths Personal Injury Litigation Service.

Human Rights Commission Preferred Counsel Panel (2011)

Legal Adviser to the Republic of South Africa for National Summit on Asbestos in Johannesburg (1998)

ASSOCIATIONS

Professional Negligence Bar Association

AvMA

Northern Circuit Medical Law Association

PERSONAL INFORMATION

Mary is originally from the South West of England. She attended university in Wales and London, practised at the Bar in London for 6 years and then moved to the Northwest where she married a Lancastrian and settled in Cheshire (an honourable compromise).

Directory Comments

Mary Ruck is a hugely popular choice for highly complex fatal delayed diagnosis, spinal injury and gynaecology cases. She has notable experience in birth-related brain injury cases.

"Mary has an excellent eye for detail and is very thorough in her approach to cases."

"She is very precise and thorough."

"Mary has a calm, measured and persuasive approach to advocacy. Her client care skills are excellent."
Chambers & Partners 2023 (Clin Neg) - Band 1

Strengths: *"Mary does not shy away from grappling with complex issues." "Absolutely fearless in conference and in court, excellent in cross-examinations, very methodical and leaves no stone unturned."*

(Tier 1 Clin Neg; Chambers & Partners 2022)

2021

Hugely popular choice for highly complex fatal delayed diagnosis, spinal injury and gynaecology cases. She has notable experience in birth brain injury cases.

Strengths: *"She's very personable, has excellent analytical skills and is able to robustly assess evidence in a case." "She is forensic in detail and leaves no stone unturned."* (Tier 1 Clin Neg; Chambers & Partners 2021)

Amazing attention detail and forensic approach to complex cases, a firm hand to work through difficult issues.'
Legal 500 (Clinical Negligence)

2020

Hugely popular choice for highly complex fatal delayed diagnosis, spinal injury and gynaecology cases. She has notable experience in infant brain injury cases.

Strengths: *"She is really compassionate, very knowledgeable and very confident in her advice." "Very meticulous and very skilled at putting the experts through their paces." "She is very up to date with the medical and legal issues that arise and their impact."* (Chambers & Partners 2020; Tier 1 Clin Neg)

2019

Great on her feet, with first-class technical skills." "Very experienced in the field. Very hard-working, thorough and meticulous. A tough negotiator, who adheres to deadlines and is good with clients and experts alike."

"She offers a no-nonsense approach to litigation. She has a brilliant understanding of the law and tactics in clinical negligence." (Chambers & Partners 2019; Tier 1 Clin Neg)

2018

Hugely popular choice for highly complex fatal delayed diagnosis, spinal injury and gynaecology cases. Has further experience in child brain injury cases and niche claims relating to the negligent transmission of viruses.

Strengths: *"She's very experienced in the field and is very hard-working, thorough and meticulous." "She is very good with clients and adopts a no-nonsense approach to settlement negotiations."*

2017

Hugely popular choice for highly complex fatal delayed diagnosis, spinal injury and gynaecology cases. Has further experience in child brain injury cases and niche claims relating to the negligent transmission of viruses. Mary Ruck attracts particular attention for her recent work on high-profile group litigation that raises major human rights issues.

Strengths: *"She's bright and thorough but brings some warmth to everything she does." "She is very approachable from a solicitor point of view; we can very often have conversations about a case off the cuff."* (Chambers & Partners)

2016

Noted for her substantial experience in complex claims, where sources value her in-depth knowledge. She frequently undertakes cases involving human rights issues of medical law.

Strengths: *"Her knowledge is beyond belief. She's very friendly and very approachable. The clients loved her and she fought and fought on their behalf." "She's exceptionally tenacious, with fantastic attention to detail. She's particularly good in dealing with difficult experts."* (Chambers & Partners)

She has an exceptional ability to deal with difficult clients (Legal 500)

2015

"Maintains a broad clinical negligence practice, and is frequently instructed on behalf of both defendants and claimants. She is noted for her expertise in brain injury claims. Expertise: "She really empathises with the client and becomes involved in the whole journey from an early stage." (Chambers and Partners)

A clever and effective tactician. (Legal 500)

2014

Has a particular focus on brain injury cases. She primarily acts for claimants. Expertise: *"She has a good way with lay clients and manages to pitch things in the right way; she is clear in her explanations and makes people feel involved."* *"Her knowledge of the law is excellent and she really thinks outside the box."* (Chambers and Partners)

'Hardworking and diligent.' (Legal 500)

2013

Highly regarded for her expertise in complex, high-value claims relating to severe brain injuries. (Chambers and Partners)

Recommended within Personal Injury and Clinical Negligence (Legal 500)

2012

Mary Ruck is frequently sought after to act on behalf of clients in high-value cases, notably brain injury and wrongful birth claims, and is further distinguished by her experience in medical regulatory matters. Peers describe her as *"a formidable opponent who is tenacious, robust and dynamic."* Clients appreciate *"the clarity of her advice and her straight-talking, no-nonsense approach."* (Chambers & Partners)

"completely reliable, tenacious and pragmatic counsel" (Legal 500)

2011

Mary Ruck's *"straight talking style"* goes down well with solicitors. She gives clear, direct advice on a range of medical negligence issues, often with a human rights slant. Clients admire her ability to lead negotiations to a sensible conclusion, and the way she *"combines practical experience with an academic approach"* (Chambers and Partners)

"Mary Ruck is 'compassionate, yet strong', and is an 'exceptional barrister with both the intellect to deal with the complex issues arising in clinical negligence cases and the interpersonal skills to deal with clients in very stressful circumstances'." (Legal 500)

Defendant's application for order that he had not been properly served in Monaco.

Levi & Anor v Bates & Ors [2012] EW Misc 9. Successful harassment claim, following on from the defamation action between the named parties.

Ontulmus & Ors v Collett & Ors [2013] EWHC 980. Successfully resisted strike out on basis that Claimants had no trading reputation in the jurisdiction.

Sample current cases

- Advising professional sportsman the subject of made up quotes in a newspaper article, which adversely affected ongoing contract negotiations.
- Representing foreign businessman in libel claim against ex-customer and the customer's business/legal advisor, in which claim for lost business exceeds €4.5m.
- Representing director of a company accused by US based journalist of being a fraudster.

Directory Comments

"His commercial and Chancery expertise includes tax tribunal matters"
Legal 500 United Kingdom 2015

"Is recognised for his expertise in commercial cases and a range of other civil matters "
Legal 500 2014

"His practice encompasses criminal, civil and regulatory matters, and his financial crime expertise extends to covering insurance, advance fee, broking and tax frauds. "
Chambers and Partners 2013 - Fraud Criminal

"is exceptionally bright and an outstanding advocate"
Legal 500 2013 - Chancery and Commercial Litigation

"Has a heavyweight commercial litigation practice "
Legal 500 - 2012

"Simon Myerson QC ... acted on the Asgha Holdings case, concerning an alleged pension and banking fraud on shareholders. In a strong vote of confidence in his abilities, his clients include legal professionals themselves accused of fraud."
Chambers & Partners 2012 - Fraud: Criminal

"Simon Myerson QC has a heavyweight civil fraud, defamation and disciplinary practice."
Legal 500 2011

"...very user-friendly and high-quality. He handles serious crime, criminal and civil fraud, regulatory work and commercial and professional negligence"
Chambers and Partners 2010