James Rowley KC



Called: 1987
Silk Date: 2006

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Practice Overview

Personal Injury (Band 1)
James Rowley KC maintains a balanced practice representing both claimants and defendants in catastrophic injury cases. He deals with claims of the utmost severity, including amputations along with brain and spinal injuries. He is lauded by sources for his attention to detail and understanding of complex quantum issues.

"James is outstanding, very quick to advise, very efficient and skilled in negotiations with the other counsel." [Chambers & Partners, 2027]
"James has encyclopaedic knowledge of personal injury work." [Chambers & Partners, 2027]
"James is a very experienced silk, very bright and knowledgeable. His pleadings are second to none. He is a first class silk for defendant injury cases." [Chambers & Partners, 2027]
"James is innovative in the use of technology and his written work is of the highest quality." [Chambers & Partners, 2027]
"James' work and commitmnt to this field is outstanding." [Chambers & Partners, 2027]

Clinical Negligence (Band 1)
James Rowley KC is well known as a leading expert on quantum issues in high-value brain injury cases. He frequently represents child claimants at all stages of complex clinical negligence cases arising from negligence at birth. He has further proven strength in delayed diagnosis of cancer and meningitis cases.

"He is outstanding in the field, empathetic with clients, visionary and his drafting makes claims come alive." [Chambers & Partners, 2027]
"James' strategy is second to none, and he is a formidable advocate." [Chambers & Partners, 2027]
"He is incredibly responsive and available and an outstanding tactician, who is meticulous when it comes to detail." [Chambers & Partners, 2027]
"James' strategy is second to none, and he is a formidable advocate." [Chambers & Partners, 2027]
"He brings a calm and considered approach to cases and he applies his wealth of knowledge of the quantum issues to each case, so that you are safe in the knowledge that you are proceeding on the most robust footing." [Chambers & Partners, 2027]

Strengths:
“*James is a force to be reckoned with when it comes to birth injury claims.”*
“*His tactical knowledge is second to none, and he knows at the outset how he intends to present a case and is meticulous in the detail of it.”*
“*He is an original thinker and a bolder litigator.”*
“*He is a top level KC. James is my go-to for really complex cases requiring forensic attention to detail.”*
“*James is an unbelievable barrister and his knowledge is exceptional.”*
“*James is incredibly cerebral about his work and is very intelligent and very on it.”*
“*James mediated a very difficult case and he was just superb, and his knowledge and expertise is just unrivalled in the field.”*

Legal 500

Personal Injury (2)

"He has great attention to detail and preparation. Demonstrates wide-ranging experience and knowledge, which engenders confidence and assurance in the advice being delivered." [Legal 500, 2027]

"His attention to detail is unrivalled and he demonstrates excellent judgement. You always feel more confident about the case when James is on board."

Clinical Negligence (1)
"James is dazzling in consultation. An innovative thinker."

PRACTICE AREAS
Personal Injury
Clinical Negligence
Mediation as an expert/evaluative mediator in the above fields

APPOINTMENTS
Hardwicke Scholar of Lincoln's Inn
Counsel to the Alder Hey Inquiry (2000)
Recorder of the Crown and County Courts (2003-2015)
Chairman of the Personal Injuries Bar Association (2010-12)

ASSOCIATIONS
Personal Injuries Bar Association
Professional Negligence Bar Association
Member of the London School of Mediation
Registered Mediator of the Civil Mediation Council

AUTHORSHIPS
Serious Personal Injury Litigation - Quantum updated to 2024 [Buy Now]
A PIBA Guide to Pension Loss Calculation
Facts & Figures: sections on Care and Pensions

PERSONAL INFORMATION

Born in 1964 in North Staffs., educated at Stonyhurst and Emmanuel College, Cambridge, James studied Classics (MA) before converting to Law. He lives in the Cheshire countryside with his wife and has 3 grown up sons. He plays cricket but increasingly poorly. Otherwise, he describes himself as an armchair sportsman, gardener and cook, and keeps a wine cellar.

Personal Injury

James Rowley specialises in Personal Injuries litigation of maximum severity or special interest. He works for claimants and insurers. His breadth of experience allows him to cover the entire spectrum of cases. An

understanding of medical/expert evidence, numeracy and attention to detail in paperwork maximizes his client's position.

James has covered cases on liability involving almost every conceivable type of personal injury claim including:

- accidents on the roads
- accidents on construction sites, in factories and involving occupiers' liability
- military accidents in training (including SAS selection in the Brecon Beacons) and disasters in Iraq and Afghanistan
- sporting injuries
- injuries arising out of faulty consumer goods

On the quantification and settlement of claims, James takes an active role in choosing and leading the team; he drafts detailed Statements of Case, Schedules and Counter Schedules himself in heavy actions; he knows the ins and outs of early pathfinder JSMs and how to guide a case towards its best tactical resolution. He has particular experience in cases of:

- Serious brain injuries and where the issue of capacity is borderline
- Spinal injuries at all levels
- Amputee cases at all levels, including bilateral amputation
- Psychiatric injury and especially PTSD
- PPOs for overseas residents including Brazil and Australia
- Reverse indemnity agreements / abatement clauses from PPO orders in respect of statutory funding to the benefit of both claimant and insurer
- Reduced expectation of life and the medical literature associated with its evaluation

REPORTED CASES
Hammond v Gibbon [2023] EWHC 2550 (KB)
There was no liability on a motorist when a 4 1/2 year old child ran from behind a parked vehicle, in her nearside peripheral vision, into collision with the front nearside corner of her Freelander vehicle. (Represented the successful motorist.) [Click to read the article "Hammond v Gibbon - A case of eccentricity"]

Moreira v Moran (t/a ACH Joinery and Building Contractors [2021] EWHC 1800 (QB)
Two self-employed builders were equally liable for the brain injury sustained by a labourer who fell from a mezzanine onto a concrete floor. Their negligence in failing to provide a safe place and system of work had caused his accident. In the circumstances, the owner of the premises had not breached its common duty of care under the Occupiers' Liability Act 1957 s.2 and was not liable. (Represented the successful occupier of the premises.)

Faisal v Younis & Active Brands [2018] EWHC 1111 (QB)
On appeal in a case where a two-year-old child, accompanying his mother to a convenience store, had been able to open a bottle of caustic soda with faulty top and ingest from it, the Recorder had been entitled to apportion responsibility on the basis that the bottle manufacturer should bear two-thirds and the shopkeeper one-third for displaying hazardous goods at pushchair height.
(Represented the successful manufacturer, having admitted liability, in gaining contribution from the shopkeeper.)

Dunhill v Burgin [2014] 1 WLR 933, [2012] EWHC 3163 (QB), [2012] EWCA Civ 397, [2011] EWHC 464 (QB)
A litigant's capacity to conduct proceedings was to be judged on the basis of the claim which she actually had, not on the basis of the claim as formulated by her lawyers. CPR Pt 21 invalidated a consent judgment involving a protected party where it had been reached without the appointment of a litigation friend and court approval, even

where the individual's lack of capacity had been unknown at the time of the compromise.

"There was much more to the defendant's arguments than this, and they were made with conspicuous learning and skill. It was certainly not counsel's fault that we rejected them." - Baroness Hale, after summarizing James' arguments before the Supreme Court, in the Peter Taylor Memorial Lecture 2014 to the Professional Negligence Bar Association.

Scott and Evans v Griffiths 2014 WL 16579 - A motorist had taken the precautions a reasonable motorist would have taken in the circumstances before his car struck a pedestrian who had stepped on to the carriageway. He had reacted to the presence of the pedestrian at the side of the road by taking his foot off the accelerator and steering towards the centre of the road; there had been insufficient time to brake and, consequently, no breach of his duty of care in failing to brake. (Represented the successful motorist.)

Threlfall v Hull City Council [2011] ICR 209 - The Court of Appeal gave guidance about the correct approach to the Personal Protective Equipment at Work Regulations 1992 reg.4 and reg.6, with particular emphasis on how to determine whether personal protective equipment was "suitable". (Represented the claimant on the successful appeal.)

Stanley v Bryn Close t/a Armthorpe Moto Parc [2009] EWHC 2849 (QB) - The court determined that a motor track operator was both vicariously and directly liable for the actions of one of its track marshals, following a collision between two motorcyclists, as it had failed to employ and train the marshals properly. (Represented the successful claimant.)

The Kajaki Dam Disaster v MoD (2008) - Liability compromised on confidential terms between a section of 3PARA losing limbs and life in a minefield in Afghanistan in 2006. Chinook rescue helicopter attempted to land, the downwash causing further detonations. Issues on liability involving combat immunity and the duty of care; resources; practicalities; military planning and deployment of proper aircraft in Medevac. (Represented the family of Cpl. Mark Wright GC at the Inquest, when he questioned the Surgeon General on the lack of provision of suitable Medevac and rescue helicopters, and the survivors on liability issues in the civil actions.)

Samantha Roberts v MoD (2006) - Liability and quantum compromised on confidential terms. Sgt Roberts, the first British casualty of the 2nd Gulf War, was shot and killed by his own side having given up his body armour, which was in short supply and would have saved his life. Issues involving combat immunity and the duty of care; political constraints on the open purchase of equipment in the run up to the declaration of hostilities while UN Inspection Teams were still in Iraq; deficiencies in training in the firing of the coaxial machine gun of the Challenger 2 tank. (Represented the Widow at the inquest, where he unlocked the cooperation of the MoD in providing sensitive evidence by applying for a witness summons in respect of the Secretary of State for Defence, and in the civil action.)

In the PTSD Group Actions - Multiple Claimants v MOD [2003] EWHC 1134 (QB) - Ministry not generally in systemic breach in the past when the risk of chronic/delayed PTSD was thought to be low. Ministry immune under Statute prior to 1987 and with continuing Common Law combat immunity as widely defined. However, 4 of the 14 Lead Claimants established liability (subject to statutory immunity in early cases) for *Bolam* breaches in their care after combat. CBT and drug therapy found to be effective in the treatment of PTSD. (Senior Junior for the claimants, who were unsuccessful on generic breach issues but successful on generic causation issues.)

Craven v John Riches et al and Knockhill Racing Circuit [2001] EWCA CIV 375 - On a track day, the respondents had been negligent by allowing riders of motorcycles travelling at high speeds to be on the race track at the same time as riders travelling at slow speeds. (Junior for the claimant, who lost at first instance but succeeded on appeal.)

Jebson v MOD [2000] 1 W.L.R. 2055, I.C.R. 1220 CA - "Ministry liable for injury after night out" - where an obligation of care was implied or assumed in respect of a person who was likely to be drunk, that liability could

not be avoided because the person was inebriated. (Represented the claimant, who lost at first instance but succeeded on appeal.)

SAMPLE CURRENT CASES

Too numerous to specify. Relevant cases will be supplied on specific request.

Clinical Negligence

James has covered all the common sorts of case on liability over the years and many unusual ones. He has particular experience in the interpretation of CTG traces (applying the NICE Guidelines of 2001, 2007, 2014, 2017 and 2022) and cases of infant meningitis and septicaemia. An ability to find and focus on the key factors within the unique matrix of each case is what counts; but his experience includes:

- Obstetric/midwifery and neo-natal mismanagement

Failure in CTG monitoring, IUGR, excessive use of Syntocinon, cases of twin and home delivery, amniotic fluid embolism, premature labour, cord prolapse, uterine rupture and shoulder dystocia, perineal tears, HIE, hypoglycaemia and polycythaemia, persistent pulmonary hypertension, vitamin K deficiency and GBS infection in the new-born, retinopathy of prematurity, achondroplasia / foramen magnum decompression, neonatal balloon valvuloplasty for valve stenosis

- Delay in diagnosis

Premature precipitate labour, cancers, meningitis, subarachnoid haemorrhage, brain abscess, tetanus, diabetic foot, abdominal aortic aneurysm, cervical myelopathy, spinal extradural haematoma leading to paralysis.

- Cardio-vascular events

Cardiac disease, stroke, mismanagement of hypertension, peripheral arterial and vascular disease, DVT, delay in relief of tension pneumothoraces.

- Generally

Minimally-invasive (keyhole) surgery, ERCP including torn oesophagus, gastro-enterological and colo-rectal disease, acute pancreatitis and hepato-biliary tract disease; gastrectomy and vagotomy; radiation enteritis; mismanagement of schizophrenia.

James prefers to draft his own Statements of Case - usually for disclosure during the pre-action protocol - to refine the issues at an early stage. Following agreement/ determination of liability, he is active in the preparation for and negotiation of claims to assess damages.

REPORTED CASES

Beech v Timney [2013] EWHC 2345 (QB) - A GPs record of low/normal blood pressure (110/80) in a 34-year old man was not inaccurate or negligently obtained. Even if the BP had been ≥180/110, the absence of antihypertensive treatment, stepping up gradually over 6 months prior to a haemorrhagic stroke, made no difference as it would have happened anyway. Efficacy of treatment of high blood pressure considered. (Represented the successful GP.)

Spencer v NHS North West [2012] EWHC 2142 (QB) - A health authority had not been negligent in its treatment of a baby who had developed Group B haemolytic streptococcus shortly after her birth, causing irreversible brain damage. There was no basis for finding that no reasonable midwife would have acted as had the midwife in the case, and the fact that the illness had been preventable did not mean that it had been caused by negligence on the part of the health authority. (Represented the unsuccessful claimant.)

Parkes v Mann [2011] EWHC 1724 (QB) - No liability on a GP for failing to refer to hospital a woman in fact in *premature* labour but presenting with slow, almost silent dilation of the cervix (similar to common discomfort in pregnancy) rather than contractions. *Precipitate* delivery was not reasonably foreseeable: a GP could reasonably give advice to seek further assistance if there was some development. (Represented the successful GP.)

Morris v Blackpool Victoria Hospital NHS Trust [2003] EWHC 1744 (QB) and [2004] EWCA Civ 1294. (Junior for the unsuccessful claimant.)

SAMPLE CURRENT CASES

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Directory Comments

Chambers & Partners 2025 (PI) - a Band 1 Silk
James Rowley KC is well known as a leading expert on quantum issues in high-value brain injury cases. He frequently represents child claimants at all stages of complex clinical negligence cases arising from negligence at birth. He has further proven strength in delayed diagnosis of cancer and meningitis cases.

"James has a high level of technical knowledge and skill. He's an impressive and persuasive advocate."

"He has a brain the size of a small continent - just so intelligent!"

Chambers & Partners 2025 (Clin Neg) - a Band 1 Silk
James Rowley KC maintains a balanced practice representing both claimants and defendants in catastrophic injury cases. He deals with claims of the utmost severity, including amputations along with brain and spinal injuries. He is lauded by sources for his attention to detail and understanding of complex quantum issues.

"James is phenomenal. The guy is a walking encyclopaedia on case law. He never says a word that is not relevant to advancing his case and operates on another level."

"James is a true master of clinical negligence law."

Chambers & Partners 2024 (PI) - a Band 1 Silk
James Rowley KC maintains a balanced practice representing both claimants and defendants in catastrophic injury cases. He deals with claims of the utmost severity, including amputations along with brain and spinal injuries. He is lauded by sources for his attention to detail and understanding of complex quantum issues.

"James is very intelligent and knows his stuff. He is a very formidable opponent who is a reliable advocate."

"James has excellent attention to detail."

"James is a good barrister because he is effective and works well to targets."

Chambers & Partners 2024 (Clin Neg) - a Band 1 Silk

James Rowley KC is well known as a leading expert on quantum issues in high-value brain injury cases. He frequently represents child claimants at all stages of complex clinical negligence cases arising from negligence at birth. He has further proven strength in delayed diagnosis of cancer and meningitis cases.

"James is incredibly talented. He has an unbelievable depth of knowledge and exceptional negotiation skills."

"He's very sharp and in command of the detail."

James Rowley KC maintains a balanced practice representing both claimants and defendants in catastrophic injury cases. He deals with claims of the utmost severity, including amputations along with brain and spinal injuries. He is lauded by sources for his attention to detail and understanding of complex quantum issues.

"James is a real tour de force."

"He is a heavyweight silk of the finest quality."

"James is a master in his field who could write the book on the correct quantification of damages."

"He is hugely respected on both sides."
Chambers & Partners 2023 (P I) - Band 1

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"His experience in dealing with quantum in maximum-value claims is unsurpassed."

"James is a brilliant leader in terms of guidance, input and feedback."

"James is a master of detail."
Chambers & Partners 2023 (Clin Neg) - Band 1

Chambers & Partners Directories 2023 say this:

"James Rowley QC (a Band 1 Silk in both Clinical Negligence and Personal Injury sections each year) ...

Clinical Negligence

2023

- "James Rowley KC is well known as a leading expert on quantum issues in high-value brain injury cases. He frequently represents child claimants at all stages of complex clinical negligence cases arising from negligence at birth. He has further proven strength in delayed diagnosis of cancer and meningitis cases."
"His experience in dealing with quantum in maximum-value claims is unsurpassed."
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Personal Injury

"[He] maintains a balanced practice representing both claimants and defendants in catastrophic injury cases. He deals with claims of the utmost severity, including amputations along with brain and spinal injuries. He is lauded by sources for his attention to detail and understanding of complex quantum issues." (2021-23)

2023

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"James is a real tour de force."
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Lectures, Seminars and Publications

Books

PNBA *Facts & Figures* (annually) - General Editor and Author of Chapters K1: Care and attendance and H1: Notes on Pension Losses

Serious Personal Injury Litigation - Quantum Updated to 2024: Author

" ... a meticulous and masterful work ..." the Honourable Mr Justice Turner (in the Foreword)

A PIBA Guide to Pension Loss Calculation (2020): Main Author

"This publication calls for compliments, but I am not being merely complimentary in suggesting it will become indispensable" the Right Honourable Lord Justice Irwin (in the Foreword)

Articles

James has published articles on the themes in the above book titles for many years and in addition:

Periodical Payments Orders - Useful or useless? Kemp incorporating Quantum 1/2007

Combat Immunity and the Duty of Care [2004] JPIL 280

Seminars
James speaks regularly (to both sides): on the quantification of damages in serious cases; in Schedules Masterclasses, drafting tricky heads of damage on screen; on CTG interpretation for lawyers in obstetric claims with the evolving NICE Guidance.