

## Simon Kilvington QC

Called: 1995

Silk Date: 2016



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### Practice Overview

#### Chambers & Partners 2022 (PI)

Simon Kilvington QC continues to develop his outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases. He is regularly instructed in cases involving complex medical and accountancy evidence.

#### Chambers & Partners 2022 (Industrial Disease)

Simon Kilvington QC is an experienced practitioner of personal injury law who is admired for his knowledge of industrial disease litigation. He focuses on asbestos cases. He has experience appearing before the Supreme Court and Court of Appeal.

### PRACTICE AREAS

Personal Injury

Industrial Disease

Professional Liability

### ASSOCIATIONS

Personal Injury Bar Association

### Personal Injury

Simon's caseload comprises complex and high value personal injury litigation including cases involving employers' liability, road traffic accidents, product liability and foreign accidents. Chambers & Partners 2012 says that he is "frequently found on high value spinal and brain injury cases..." In addition he regularly handles complicated Fatal Accident Act claims with multiple dependants and issues under sections 3 & 4 of the 1976 Act and difficult psychiatric injury cases. He has extensive experience of handling high value quantum claims and has a particular facility with complex accountancy evidence.

#### Concluded cases

**S v B** - Instructed by Claimant with significant cognitive impairment (with David Allan QC); substantial dispute as to the cause of the ongoing problems and their reversibility; approximately £1 million recovered

**L v T** - Instructed by Claimant in complex fatal accident and associated nervous shock claims with road traffic act insurer indemnity issues; £150,000 recovered

**W v L** - Brain injury to man already lacking capacity; recovered substantial lump sum payment

**P v V** - Significant psychiatric injuries sustained by a Claimant witnessing the death of a work colleague; substantial dispute as to the extent of the right to recover for psychiatric injury

**F v C** - Instructed by Defendant in public liability claim for £6.5m claim brought by film director - complex accountancy evidence - settled at joint settlement meeting for £400,000

**B v M** - Instructed by Claimant with catastrophic facial injuries (with David Allan QC); £1.5 million recovered

**W v. A** - Instructed by Claimant in fatal accident claim involving significant liability dispute and complex quantum issues: settled at joint settlement meeting

**B v W** - Instructed by Claimant in claim arising out of tragic accident when Deceased run over by ex-partner: sensitive and involved issues between dependants; resolved at joint settlement meeting

### Sample current cases

Instructed by self employed businessman with subtle brain injury having catastrophic effect on business - £multi-million claim with complex accountancy evidence

Instructed by spinally injured Claimant in public liability claim; elderly Claimant with substantial dispute as to accommodation and care needs and the need for periodical payments

Instructed by Claimant in high value fatal accident case with associated significant personal injury claim

### Professional Liability

Simon advises in relation to the negligence of legal professionals in the conduct of personal injury and industrial disease claims. He has recently handled claims arising out of inadequate advice about provisional damages.

### Industrial Disease

Simon has been in a number of leading asbestos cases in recent years including *Sabin v BRB (Residuary) Ltd* (with David Allan QC) examining the use of pathological evidence and *Willmore / Sienkiewicz* (with David Allan QC) on the extent of the Fairchild exception. In 2012, he handled what is thought to be the largest living mesothelioma claim recovering in excess of £3 million. He is regularly instructed in mesothelioma and lung cancer claims involving substantial expert evidence issues. He frequently represents Claimants on difficult show cause hearings in the RCJ and handles complex quantum disputes.

### Concluded Cases

**Sabin v BRB (Residuary) Ltd (2010) EWHC 267** - Comprehensive judgment addressing the use of pathological evidence in asbestosis claims

**Knowsley MBC v Willmore (with Sienkiewicz) (2011) UKSC 10** - leading case on the extent of the Fairchild exception with significant obiter on the causation of lung cancer and the use of epidemiological evidence

**J v R** - high value living mesothelioma claim for self employed businessman - settled for £750,000 2 days before trial

**P v M** - mesothelioma suffered by successful entrepreneur; complex accountancy evidence and eventual settlement in excess of £3 million

**W v N** - fatal lung cancer claim with issues of causation and epidemiological evidence; involved consideration of Australian jurisprudence; settled day before start of 10 day trial

**S v M** - fatal mesothelioma claim on behalf of Maltese citizen (with David Allan QC); significant jurisdiction and choice of law issues; recovered substantial damages

**B v M** - bladder cancer claim with significant dispute about the consequences of the disease; settled after a joint settlement meeting

### Sample current cases

Cases concerning the ability of a Claimant to pursue a claim for mesothelioma having settled a previous claim against other tortfeasors for pleural plaques on a full and final basis

Nasal cancer claim with complicated epidemiological evidence

Complex liability issues arising out of the decision of the Court of Appeal in Williams

Wood dust and asbestos related fibrosis case with epidemiological evidence

Multiple mesothelioma claims, both living and fatal

### Directory Comments

Simon Kilvington QC continues to develop his outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases. He is regularly instructed in cases involving complex medical and accountancy evidence.

**Strengths:** "He is commercial and looks at the whole picture." "He is calm and collected with clients, putting them at ease immediately. He is detailed and analytical, ensuring that the best possible case is produced." "Simon has sound judgement which can cut through the most complicated of cases with ease."

Chambers & Partners 2022 (PI) - Band 2

Simon Kilvington QC is an experienced practitioner of personal injury law who is admired for his knowledge of industrial disease litigation. He focuses on asbestos cases. He has experience appearing before the Supreme Court and Court of Appeal.

**Strengths:** "He is incredibly thorough and very forensic when looking at evidence. He can explain complex legal points in a digestible way."

Chambers & Partners 2022 (Industrial Disease) - Band 1

Continues to develop his outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases. He is regularly instructed in cases involving complex medical and accountancy evidence.

**Strengths:** "He's tactically excellent and is very good with clients. He can cut through the issues quickly and succinctly, and provides very clear and concise advice to his clients." "He's clear, analytical and very good on his feet."

Chambers & Partners 2020 (PI)

An experienced practitioner of personal injury law who is admired for his knowledge of industrial disease litigation. He focuses on asbestos cases. He has experience appearing before the Supreme Court and Court of Appeal.

**Strengths:** "A true asbestos specialist who is at the top of his game. He has an excellent bedside manner and an ability to summarise highly complex legal arguments without ever making them dull or overly complicated." "He is spellbinding in court and puts vulnerable clients at ease with his down-to-earth, calming manner. He's a

real team player with an encyclopaedic knowledge of asbestos disease litigation."  
Chambers & Partners 2020 (Industrial Disease)

An experienced practitioner of personal injury law who is admired for his knowledge of industrial disease litigation. He focuses on asbestos cases. He has experience appearing before the Supreme Court and Court of Appeal. "He's intellectually secure and absolutely up to date on the law." "He's very impressive, methodical and calm under pressure."  
Chambers & Partners 2019 (Industrial Disease)

Continues to develop his outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases. "He is an extremely persuasive advocate, as well as being great with clients." "He is one of the standout barristers in the UK for asbestos litigation. He is a formidable advocate, has an unflappable and forensic manner, and is always meticulously prepared. He has the ability to explain complex legal issues to clients in a down-to-earth and succinct manner."  
Chambers & Partners 2019 (PI)

Since taking silk in 2016 Simon Kilvington has further developed his outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases.  
**Strengths:** "A hugely impressive advocate who combines a brilliant legal and tactical mindset with clear, calm and constructive legal advice. Clients find him hugely impressive, sympathetic and reassuring." "An extremely skilled and able advocate."

#### **Industrial Disease**

An experienced practitioner of personal injury law who is admired for his knowledge of industrial disease litigation. He focuses on asbestos cases.

**Strengths:** "Constantly outstanding in his work and approach."  
Chambers & Partners 2018 (PI)

New silk who has an outstanding practice handling industrial disease and serious injury claims. He is well known for his expertise in asbestos-related cases, and is widely praised for his advocacy skills and clear, straightforward advice.

**Strengths:** "He is able to summarise the key issues of a case in very clear terms for the client. He's also tactically astute and a good negotiator." "A thoughtful, detailed barrister who is meticulous in his preparation of detailed work."  
Chambers & Partners 2017 (PI)

A highly respected advocate with expertise in complex brain and spinal injuries and cases involving challenging forensic accounting. Sources admire his work in the field of asbestos litigation.

**Strengths:** "He is intellectually formidable and will take on and fight difficult cases. He is the standout junior for asbestos work in the country." "He has fantastic knowledge of the relevant law and is a great tactician."  
Chambers & Partners 2016 (PI)

'A leading barrister on claimant asbestos litigation.'  
Legal 500 2016

"He has considerable experience in the field of asbestos litigation."  
Legal 500 United Kingdom 2015

"Receives acclaim from solicitors for his advocacy skills in severe personal injury cases. He handles a range of claims, and is recognised for his experience in asbestos-related disease work."

**Expertise:** "He is an impressive advocate who is very thorough, with an admirable intellect and a good deal of pragmatism." "He's utterly dependable, and really wants what is best for the client."  
Chambers and Partners 2015 - Personal Injury

"Excellent with clients."  
Legal 500 2014

"Has a wide-ranging personal injury practice, including serious and catastrophic injury claims in which he acts primarily for claimants. He is recommended in particular for his expertise in industrial disease work.

**Expertise:** "In any area of serious personal injury he's absolutely top-notch - somebody you can absolutely rely on." "He's incredibly thorough with a meticulous eye for detail, and he's particularly adept at high-value complex quantum case."  
Chambers and Partners 2014 - Personal Injury

"A highly regarded disease and serious injury advocate." Impressed instructing solicitors describe him as "an absolutely top-notch junior," and note his "meticulous eye for detail and considerable experience of handling asbestos litigation"  
Chambers and Partners 2013 - Personal Injury

"Recommended within Personal Injury and Clinical Negligence"  
Legal 500 2103

"hugely impressive in his clear and calm approach to difficult legal issues"  
Legal 500 2012

"is head and shoulders above the vast majority of counsel, including some silks"  
Chambers & Partners 2012

"lawyers admire his 'superb client skills and impeccable presentation' and judges value his 'first-rate command of the law and excellent advocacy"  
Chambers & Partners 2012

"has a reassuring manner with clients ... very good at breaking down complex issues for the benefit of the lay client."  
Chambers & Partners 2011

"Simon Kilvington is one of the most highly praised juniors in the field"  
Chambers & Partners 2010