

Mary Ruck KC

Called: 1993

Silk Date: 2023



0161 829 2100



Mary.Ruck@byromstreet.com



Practice Overview

Clinical Negligence (Band 1)

Mary Ruck KC 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.

Strengths:

"Her attention to detail is second to none and she really goes the extra mile to get results for the clients."

"Mary has excellent attention to detail and will fight tooth and nail for clients."

"A very forensically-minded and detailed lawyer."

Legal 500

Clinical Negligence (2)

She is a very analytical and thorough silk

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

Peter Burns KC

Called: 1993

Silk Date: 2019



0161 829 2100



Peter.Burns@byromstreet.com



Practice Overview

Personal Injury (Band 1)

Peter Burns KC specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants, and is regularly instructed in cases involving complex medical causation issues.

Strengths:

“He's a top level KC. Peter has an ability to break down even the most complex aspects so they are manageable, and he is very user-friendly.”

“He is calm, sensible and measured and concentrates on the essential points.”

“He is excellent. Peter is mostly on the defense side. He is very pragmatic and finds solutions to problems and finds solutions for his clients.”

“Peter really adds value with his approach and clients like his manner. He is very accessible and adds real value to every case.”

“Peter is excellent on high-value matters. He gets the best result for the clients working multiple angles.”

Legal 500

Personal Injury (1)

Intelligent silk who can cut through complex issues in an incisive way.

PRACTICE AREAS

Personal Injury
Insurance Law
Professional Liability
Multi Party Litigation
Inquiries and Inquests

ASSOCIATIONS

Personal Injury Bar Association

Insurance Litigation

Peter is regularly instructed in disputes concerning construction of insurance contracts, coverage and repudiation of policies for non-disclosure or misrepresentation. He has particular expertise in claims relating to motor insurance.

Personal Injury

Peter has extensive experience of the whole spectrum of catastrophic injury and large loss claims, including spinal injury, brain injury and amputation. His caseload consists predominantly of claims valued at several million pounds, if capitalized. He has extensive experience of Joint Settlement Meetings and mediations

Concluded cases

Brain injury:

B v H & E (2020). B suffered a severe traumatic brain injury when he fell from a lorry. Pleaded at £8.7m; settled for £2m.

J v B (2020). J suffered a severe traumatic brain injury in an accident as a child. He made good progress but was left with significant care needs. An application to adduce social media material and surveillance material made shortly before trial was successful, to illustrate his day to day function. Pleaded at £11m & provisional damages ; settled at £3.8m & provisional damages

M v RJS (2020). M fell from height, suffering a severe traumatic brain injury. Pleaded at £2.7m; settled at £1.85m.

R v M (2020). R fell from a platform, suffering a severe traumatic brain injury. Pleaded at £1.5m; settled at £650,000.

J v GL (2020). J suffered a head injury and developed epilepsy. He complained of a constellation of typical head-injury symptoms, but there was an issue as to whether his symptoms were of organic origin or psychologically mediated, impacting on prognosis. Pleaded at £6m; settled at £2.59m.

O v B (2020). Severe head injury. Pleaded at £1.9m; settled at £675,000.

C v B (2019). C suffered a severe head injury, against a background of pre existing Autistic Spectrum Disorder and parental neglect. Pleaded at £11.2m; settled for £5m.

W v CM (2019). W fell from a ladder. There were significant issues as to the circumstances of the fall, impacting on liability, for which engineering evidence was obtained. Settled at £890,000, against a full liability value of £2m.

H v P (2019). Severe head injury. Pleaded at £1.3m; settled at £1m.

O v T (2019). Severe traumatic brain injury. Pleaded at £6.2m; settled at £2.7m.

G v CB (2019). Explosion in a hotel in Spain gave rise to a severe traumatic brain injury. Quantified under Spanish law. Pleaded at £3.5m; settled at £1m.

Spinal injury:

M v L (2020). M suffered complete paraplegia when he fell over a low wall when attending a house party. Substantial liability issues. Pleaded at £3.5m; settled at £1m.

C v M (2020). C developed tetraplegia following attending a barbers. M denied negligence and denied C's tetraplegia arose from his treatment at the barbers, alleging it arose from an unrelated constitutional transverse

myelitis. Settled for nominal payment (£50,000).

B v B (2020). B fell into a garden balustrade, which collapsed, leading to her falling from height and suffering complete paraplegia. Serious liability issues. Settled for £500,000, representing approximately 10% of the full liability value of the claim.

O v S & W (2020). O suffered spinal injury in an accident suffered during a space hopper race. Settled for £525,000.

E v S (2019). E suffered complete paraplegia in a road traffic accident. A consensual approach led to early resolution at a JSM within 2 years of the accident. Pleaded at £11m; settled for £5.7m.

K v S (2019). K cycled into a vehicle which had been parked blocking a cycle lane on double yellow lines, rendering him tetraplegic. Substantial liability issues. Pleaded at £12m; settled at £2m.

A v A (2019). A fell over a low balustrade at a hotel when drunk, giving rise to complete paraplegia. Substantial liability issues. Settled prior to a trial of preliminary issue of liability for a lump sum of £1m.

H v ES (2019). H developed a severe conversion disorder presenting itself as a complete paraplegia. Pleaded at £5m; settled at £1.4m.

Amputation.

M v D & C (2020). Lower limb amputation. Pleaded at £9.2m; settled for £3.6m

M v F (2020). Lower limb amputation and severe traumatic brain injury to an elderly claimant. Pleaded at £1.6m; settled for £900,000

L v C (2020). Scalping injury. Recovery against health & safety advisors. L's claim settled on confidential terms.

R v M (2020). Upper limb amputation. Settled on confidential terms.

K v S (2020). Upper limb amputation. Liability settled on 62% basis in K's favour; quantum settled on confidential terms.

G v A (2019). Lower limb amputation treated by osseointegration. Pleaded at £10m; settled at £3.3m.

A v MP (2019). Lower limb amputation. Pleaded at £5m; settled at £2.45m.

H v J&R (2019). Lower limb amputation. Pleaded at £6m; settled for £2.1m.

F v H (2019). Lower limb amputation suffered following a fall while gilding the ceiling of a bedroom in an Emir's Palace in the Middle East. Pleaded at £4m; settled at £2.5m.

M v I (2019). Elective upper limb amputation as treatment for severe CRPS. Pleaded at £1.5m; settled at £1m.

Other notable injuries:

S v J (2020). S developed myotonic dystrophy type 1 (DM1) following a road traffic accident. Issues concerning the causation/acceleration/ exacerbation of his condition. Pleaded at £9.6m; settled at £2m.

J v LA (2020). J suffered a devastating stroke, which she alleged was caused by an incident on a ladder, which was said to have been due to LA's negligence. Serious issues on liability and causation. Pleaded at £3.2m; settled for £525,000.

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 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

Chambers & Partners 2025 (Clin Neg) - Band 2

Mary Ruck KC 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 is very technical and has good attention to detail. She is great at getting to the crux of issues and working with difficult experts."

"Mary has always been prepared to e-mail and discuss issues and her insights into the issues in the cases she has been involved in have been impressive."

"Mary is well-prepared and gets to the nub of the matter quickly."

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 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

H v W (2020). H, who was a paraplegic, suffered a serious wrist injury which impacted on his ability to self-care. Pleaded at £2.6m; settled at £950,000.

P v W (2020). Fatal Accident Acts claim, the principal aspect of which was a services dependency claim for care provided to a disabled child. Pleaded at £1.8m; settled for £790,000.

M v W (2019). Serious orthopaedic injuries. Pleaded at £1.8m; settled at £800,000.

B v C (2019). Serious orthopaedic injuries. Pleaded at £1.5m; settled at £545,000

Reported cases

Cockerill v CKX [2018] EWHC 1155. High Court trial. Instructed by the Defendant. Occupier's liability; section 69 of the Enterprise and Regulatory Reform Act 2013. C fell down a step, which it was alleged was not adequately marked. Claim dismissed.

Maylin v Dacorum Sports Trust [2017] EWHC 378. High Court trial. Instructed by the Defendant. Occupier's liability. M fell from a climbing wall suffering a spinal injury. Claim dismissed, applying the observations made in Poppleton.

Fox v Foundation Piling [2011] EWCA Civ 790. Court of Appeal. Instructed by the Defendant. Case concerning costs consequences of Part 36 offers.

Goundry v Hepworth [2005] EWCA Civ 1738. Court of Appeal. A child Claimant, who was crossing a road in a group, stopped in the centre of the road to let a vehicle pass before running out in front of the Defendant's vehicle, suffering catastrophic brain injury. Successfully represented the Defendant on appeal, the Claimant's claim being dismissed.

Drinkall v Whitwood [2004] 1 WLR 462. Court of Appeal. Instructed by the Defendant. An agreement made by insurers with a Claimant who was a protected party but which had not been approved was not binding and could be resiled from at will.

Tomlinson v Congleton [2004] AC 14. Instructed by the Defendant in the House of Lords in a landmark case concerning occupiers' liability arising from natural dangers. Guidance given as to the importance of free will and the social utility of activities when addressing breach of duty. (With Raymond Machell QC).

Jones v JLA [2002] EWCA Civ 1120. Court of Appeal. A dry cleaning machine exploded due to inappropriate oil being used. Scope of duty for the supplier of the oil. Claim dismissed on appeal. (With Mark Turner QC).

Oldham MBC v Secretary of State for Work and Pensions [2002] R(CR) 1-02. Tribunal of Commissioners. Right of compensator to appeal certificate of recoupable benefits on the ground that the recipient of the benefits was not entitled to receive them. (With Mark Turner QC).

Professional Liability

Peter's professional negligence practice relates primarily to actions against legal advisers arising out of failed or inappropriately compromised personal injury and clinical negligence claims.

Directory Comments

Chambers & Partners 2025 (PI) - Band 1

Peter Burns KC specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants, and is regularly instructed in cases involving complex

medical causation issues.

"Peter provides a high level of client service and is popular with clients as a result."

"For high value brain and spinal cord cases Peter is one of the go-to silks. He's very easy to get on with, easy to talk to and calms the situation."

"Peter is one of the leading KCs in the region, if not the country. Exceptional talent. You can be absolutely reassured by his advice."

"He is highly innovative on his strategy, incredibly user-friendly and super easy to work with: this is a real bonus. The way that he marshals expert opinion is also supremely impressive."

Chambers & Partners 2024 (PI)

Peter Burns KC specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants, and is regularly instructed in cases involving complex medical causation issues.

"He has an incredible ability of being able to quickly sift through the detail to pick out the issues that really matter, He is a great strategic thinker who can always be relied upon to help navigate the most difficult of cases."

"Peter is very focused and his commercial awareness in this area makes him a solid leader on high value cases."

"Peter is an excellent all round silk: very knowledgeable, always well-prepared and great with clients."

Peter Burns QC specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants, and is regularly instructed in cases involving complex medical causation issues.

"Peter offers considered and well thought-out advice."

"He is at the top of his game. His ability to navigate some of the most complex cases is unrivalled."

"Nothing fazes him."

"His approachable manner makes working with him a pleasure."

Chambers & Partners 2023 (PI) - Band 2

Strengths: "He is pragmatic but also robust and has an excellent negotiating style. He understands how clients work well and the issues and strategic and tactical steps that need taking." "A really effective barrister who comes up with very sensible strategies. He is very user-friendly and cuts through the issues very effectively."

Recent work: Instructed in a case in which a teenage pedestrian suffered a lower limb amputation after being struck by a vehicle.

Chambers & Partners 2022 (PI) - Band 2

Specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants, and is regularly instructed in cases involving complex medical causation issues.

Strengths: "His legal knowledge is second to none, but what really sets him apart from his peers is his ability to see the wood for the trees on a case and take a commercial view." "He is technically excellent, extremely

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)

thorough and impressive in conference."

Recent work: Instructed in a case involving an individual who suffered a spinal injury following a fall from a climbing wall.

Chambers & Partners 2020 (PI)

Specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants. "He is extremely intelligent and able to absorb vast amounts of information quickly." "He is one of the best juniors in the North of England for complex personal injury claims; it's hard to fault him."

Recent work: Acted in a case involving a cyclist who was rendered tetraplegic after a collision with a vehicle that was parked obstructing a cycle lane and on double yellow lines. The case concerned difficult liability issues.

Chambers and Partners 2019 (PI)