

Christopher Melton QC

CALL 1982 (Gray's Inn)

SILK 2001

PRACTICE AREAS Personal Injury
Clinical Negligence
Industrial Disease
Professional Liability
Multi-party Litigation
Inquiries and Inquests
Criminal Law

APPOINTMENTS Recorder 2005

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DIRECTORIES

According to the most recent entries:

- "... has an excellent reputation for his work on difficult birth injury claims, and is 'approachable and very talented.' Commentators praise his empathy and

lightness of touch and say he us 'great with clients and has an excellent brain.'
" (Chambers and Partners 2011)

- He *"is an authority on industrial disease cases. He acts exclusively for claimants on asbestos cases and wins plaudits for his 'really smooth advocacy style.'*" (Chambers and Partners 2011)
- He has *"a forensic ability to grapple with difficult causation and quantum issues and many solicitors think of him as an obvious choice for complex catastrophic cases. Interviewees say that they enjoy working with him as he seamlessly combines approachability and extraordinary talent."* (Chambers and Partners 2010)
- His *"incredibly compelling and charming court style means he always gets his points over beautifully."* (Chambers & Partners 2010)
- *"Sources rate the knowledgeable Christopher Melton QC for his client manner and forensic analysis of medical evidence, especially in brain damage cases"* (Chambers & Partners 2009)
- *"Quiet but determined, he is widely praised for his charming manner and thorough understanding of even the most complex of clinical negligence matters."* (Chambers & Partners 2008)
- *"never shirks from pressing a point and is exceptionally good with clients"* (Legal 500 2010)
- *"Combines approachability and talent seamlessly"* (Legal 500 2009)

PERSONAL INJURY

Christopher 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.

Christopher Melton specialises in advising and representing the seriously, catastrophically or fatally injured and/or their families and dependants. He regularly appears in Court, both at first instance and at appellate level. His current caseload encompasses the whole range of issues that arise in such cases. He has significant expertise at appellate level. 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, he has an ongoing interest in cases involving upper and lower limb amputations. He has been recognised as a leading practitioner in his chosen fields over many years.

Concluded cases

The following are examples of contested cases in which Christopher Melton has appeared (in reverse chronological order):

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.

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

[CM TO COMPLETE]

Karen Sienkiewicz (Administratrix of the Estate of Edith Costello (Deceased)) v Greif (UK) Ltd [2009] EWCA Civ 1159

Asbestos disease: causation of mesothelioma. What is the appropriate test for determining causation? What is the impact of s.3 Compensation Act 2006? The defendant's appeal was heard by the Supreme Court in October 2010.

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.

Barry Cornes Boden v (1) Crown House Maintenance Ltd (2) Balfour Kirkpatrick (2006)

In a case management conference concerning damages for mesothelioma, where the claimant was in the final stages of his illness, the issue of liability was ordered to be dealt with during the claimant's lifetime with the assessment of damages to be adjourned until after his death when the claim would be more valuable to his dependants. In adopting that course the dependants' claim under the Fatal Accidents Act 1976 would not be barred.

CLINICAL NEGLIGENCE

[CM TO COMPLETE]

Concluded cases

P v Salford Royal Hospitals NHS Trust (QBD) (2002)

The Claimant, a 47-year-old women, received £67,786.33 following a trial, after undergoing vulval surgery as the result of clinical negligence in 1994. The claimant was unable to resume normal sexual relations and suffered psychological stress as a result of the surgery.

AB v Dr SHM (2009)

A case involving the delayed diagnosis of a CSF fluid by a GP. The Claimant recovered a significant seven figure sum after a five day trial.

Kristian Adey v Leeds Health Authority & NHS Litigation Authority (QBD) (2000)

Two doctors had discharged their duty of care to a Down's Syndrome child by fully and properly advising his parents so that they could make an informed decision as to whether the child should undergo surgery for the repair of a complete atrio ventricular septal defect.

Nunnerley & Anor v Warrington Health Authority (QBD) (1999)

The Claimant argued successfully in a wrongful birth claim that she was entitled to recover the cost of bringing up her child, beyond the attaining of his majority. The Court of Appeal at an oral hearing refused permission to appeal.

LECTURES AND ARTICLES

Christopher Melton's family thinks that he spends too much time working already and should not be writing articles.

Nevertheless he is a regular contributor to Chambers seminar programme and has recently published two papers:

Ogden six - adjustments to working life multipliers

Journal of Personal Injury Law J.P.I. Law (2009) No.1 Pages 66-83

Publication date: 1/1/2009

Document No.: Articles Index - AL2800385

Periodical payments and terminal disease

Journal of Personal Injury Law J.P.I. Law (2008) No.4 Pages 285-290

Publication date: 1/10/2008-1/12/2008

Document No.: Articles Index - AL2800375

PERSONAL INFORMATION

Born: 15th November 1958.

Educated at Manchester Grammar School and Bristol University.

Married with four children.

Enjoys gardening, running, five a side football, tennis, sailing and skiing.

Francophile and francophone.