

Catherine Brown

Call: 1990
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AREAS OF EXPERTISE

Personal Injury, Industrial Disease, Clinical Negligence, Public Authority Liability, Abuse, Employment & Discrimination, Health & Safety, Inquests, Costs & Litigation Funding, Arbitration

JUDICAL APPOINTMENTS

Recorder: 2008

Catherine is a specialist personal injury barrister. She is recognised as a leading junior in both Chambers & Partners and Legal 500. She is known, in particular, for her expertise in occupational stress and occupiers' liability claims. However, she is experienced in all fields of personal injury and industrial disease (including fatal claims). She also undertakes clinical negligence cases.

Catherine is regularly instructed in public authority liability cases. In addition to personal injury claims, her public authority practice includes human rights law, social work and educational negligence, misuse of private information, property damage, and disability discrimination.

Catherine also has a strong defendant health and safety practice, she is regularly instructed at high profile inquests, and she has an expanding practice in the field of costs.

Catherine has been a Recorder since 2008 and she sits in the criminal (including serious sexual offences) and civil jurisdictions (Wales Circuit).

When not working, Catherine is often to be found walking her retired racing greyhound (or watching her run around the local park).

Personal Injury

Catherine's specialist personal injury and fatal accident practice covers all areas of this field. She is recognised as a leading junior in both Chambers & Partners and Legal 500.

Catherine's personal injury practice has a particular emphasis on liability and causation issues, including public liability claims and employers' liability and construction site cases. She regularly acts in cases involving public authorities, or in which issues of occupiers' liability, highway authority liability or occupational stress arise. Her experience of the interface between employment law and personal injury civil claims gives her a particular expertise in dealing with the issues arising when ET proceedings have previously been issued or contemplated.

Catherine is instructed in cases from the largest brain injury and spinal injury claims, to those involving chronic pain,

conditions such as fibromyalgia, psychiatric injury or issues of exaggeration and malingering.

In addition to her trial practice, Catherine is regularly instructed on interlocutory issues, including those relating to costs and costs budgeting, as well as relief from sanctions, issues relating to video surveillance, interim payments and similar applications.

Catherine is an experienced and effective negotiator, both in the context of joint settlement meetings and at mediations, as well as in the drafting of offers and settlement agreements.

Catherine sits as a civil Recorder in Wales and this, combined with her practice acting for Welsh public authorities, means that she has a knowledge and understanding of the particular legal issues which can arise in Welsh cases as a consequence of the devolution settlement. Catherine accepts instructions as an arbitrator (see 12KBW ADR).

Catherine's personal injury cases include:-

- *Willis v Northumberland CC & another*, Newcastle upon Tyne CC (2017) – occupiers not liable to fisherman who fell off unfenced breakwater (D)
- *Dyer v East Sussex CC*, Brighton CC (2016) – school not liable for brain injury suffered by pupil (D)
- *Manda v UBS AG*, Central London CC (2016) Lawtel 20/7/16 – strike out of stress claim as *res judicata* due to previous ET proceedings arising from same facts (D)
- *ABC v Chief Constable of Northumbria Police* QBD, Newcastle upon Tyne DR (discontinued by C April 2016) – psychiatric injury claim by police officer arising out of Raoul Moat shooting of PC Rathband (D)
- *Burton v Arrow Light Rail Ltd*, Nottingham CC (2016) – tram operator not liable for accident involving cyclist at crossing (D)
- *Russell v Newlon Housing Trust*, Central London CC (2015) – housing association not liable for C's fall down smoke shaft despite defect in door mechanism (D)
- *Armstrong v Keepmoat Homes Ltd & 2 others* QBD, Newcastle upon Tyne DR 3/2/12 (Lawtel LTL 14/2/12) – local authority not liable for injuries caused to a child who had crossed a dual carriageway by accessing it from local authority land through a gap in a fence (D2&3)
- *Thomas v Warwickshire CC* [2011] EWHC 772 (QB) – liability of highway authority to cyclist for concrete deposit on highway – scope of section 41 Highways Act 1980 (D)
- *Button v Caerphilly CBC* [2010] EWCA Civ 1311 – Workplace (Health, Safety and Welfare) Regulations 1992 and definition of "traffic route" – importance of oral submissions (D)
- *Harvey v Plymouth CC* [2010] EWCA Civ 860; [2010] PIQR P18 – occupier did not owe duty to a person who acted outside the scope of any implied permission and was therefore not a visitor to the land in question at the time of the accident (D) (led by Edward Faulks QC)
- *Cunningham-Jones (deceased) v (1) EST Bus Co. & (2) Vale of Glamorgan* (settlement 2007) – issue of whether a local authority/school owes a duty of care to a pupil on a school bus (claim discontinued against D2) (D2)
- *Maloney v Torfaen CBC* [2005] EWCA Civ 1762; [2006] PIQR P21 – no liability to tenant taking short-cut who fell into unfenced pedestrian subway and suffered brain injury (D)
- *Wallis v Balfour Beatty* [2003] EWCA Civ 72 – foreseeability of employee risking his own safety in performance of his duties (D)

Qualifications

- University of Birmingham: B Com (Hons)
- Polytechnic of Central London (now University of Westminster): Diploma in Law

Appointments & Memberships

Recorder: 2008 (Wales Circuit – Crime, including Serious Sexual Offences, and Civil)

Barrister Member of Bar Standards Board Professional Conduct Committee 2009 – 2015 (continuing role as a retired

pool member)

Previously Faculty Member, SE Circuit International Advocacy Course, Keble College, Oxford (Advocacy and Ethics trainer)

Personal Injuries Bar Association

Professional Negligence Bar Association

Association of Women Barristers

South Eastern Circuit

Middle Temple

Directories

Chambers & Partners 2017 says that she is widely recognised for her broad expertise and delicate handling of psychiatric injury, stress at work and sexual abuse claims. "She very quickly picks out the key details from vast swathes of information." "She's excellent, a joy to work with."

Legal 500 2016 says "She has a wonderful knack for putting difficult legal concepts into plain language".

Chambers & Partners 2016 said "She provides very authoritative and clear advice and she has the ability to assimilate a large amount of documentation very quickly. She is an expert in stress and harassment cases".

Legal 500 2015 said "Her intellect is immense and solicitors trust her judgement implicitly"

Earlier editions of the directories included the following:

"The "decisive and robust," Catherine Brown is a skilled negotiator who is "able to explain complex issues in straightforward terms" and put clients at ease." She has "sound judgment and focus" and was commended for having skills associated with a far more senior advocate. She is respected for her "detailed and comprehensive" approach and the fact that she was "ever-prepared to make hard decisions. "Catherine "is widely held out as one of the leading personal injury juniors on the circuit" who is well known for her "tenacious cross-examination." Fellow barristers note that she is "tough but sensible – she will hold her line but never if it is a foolish one."

She has also been described as "clued up" and "regularly briefed on important personal injury cases". The entry continued by saying that she was "a tenacious trial lawyer and a formidable opponent who is outstanding on large stress claims". Clients have described Catherine as an "exceptional cross-examiner" and "always extremely supportive of her clients".