12
King's Bench Walk

Marcus Dignum KC



Call: 1994
Silk: 2020

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AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, International & Travel, Insurance, Fraud

Marcus is a specialist defendant catastrophic personal injury silk, who acts for most of the large insurers in the UK defending claims predominantly in the context of RTA and EL/PL work. He also defends clinical negligence claims.

He took Silk in 2020, having been recognised as a Tier 1 Junior in Chambers & Partners and a Leading Junior in The Legal 500 for many years. He is lauded for his “robust, realistic and very personal service.” He combines “intellectual rigour, a commercial approach and great charm” to good effect on high-value catastrophic injury cases.

For many years he has dealt with claims of the highest value and has extensive experience of claims involving the most serious head and spinal injuries where awards are made or settlements reached of several million pounds.

He has particular expertise in cases involving paralysis, amputation and brain injury, including subtle brain injury.

He is much sought after as a trial advocate and was recently instructed to defend one of the largest personal injury claims ever made (£33m) over the course of a 10 day trial in the High Court.

Personal Injury

Marcus is much sought after as a trial advocate in cases where liability is in issue. This is true both in the fields of RTA and EL/PL.

So far as quantum is concerned, he deals with claims of the utmost severity, including those arising out of brain Injury (including “subtle”) paralysis and amputation.

He also has significant expertise in Fatal Accident claims, cases involving PTSD, CRPS, CPS and Fibromyalgia.

Clinical Negligence

Marcus defends clinical negligence claims where the merits permit, most recently in the field of podiatry.

International & Travel

Marcus is used by foreign insurers to represent their interests where accidents have occurred abroad.

Insurance

Marcus is frequently asked to advise on matters relating to Motor Insurance and MIB issues.

Fraud

Marcus is often instructed in cases where malingering is suspected and is adept at addressing the expert evidential issues which can often arise.

Directories

For a silk, Marcus is amazingly available and he will always come straight back to me. He has a very good strategic vision as to where a case should go, and is very good with experts as well. – Chambers & Partners, 2027

Marcus is approachable, straightforward and commercially aware. – Chambers & Partners, 2027

Marcus is phenomenal and he is an especially good advocate. – Chambers & Partners, 2027

Marcus is an incredibly robust advocate but also gives realistic advice and is very commercially aware. He is very user friendly and always helpful to have at the end of an email. – Chambers & Partners, 2027

Very pragmatic and commercially focused. Excellent on his feet and a very good negotiator. Very personable. – Legal 500, 2027

He is loved by clients and is very down to earth. He is excellent at cutting to key issues. – Chambers & Partners, 2026

He stays calm under pressure and always gets excellent results. – Chambers & Partners, 2026

Marcus is very strong all round, approachable with clients and a superb trial advocate. – Chambers & Partners, 2026

Marcus is at the top of his game. He is a pragmatic and insightful individual. – Legal 500, 2026

He is an incredible advocate – very commercially minded, excellent in court and in written argument, very friendly and always available to give ad hoc advice. – Chambers & Partners, 2025

Marcus is very courteous, constructive and imaginative as a negotiator. – Chambers & Partners, 2025

A consistently brilliant barrister who is my first choice in very large loss and catastrophic personal injury cases. – Chambers & Partners, 2025

Marcus is a formidable courtroom advocate. He is a sensible and pragmatic negotiator. – Legal 500, 2025

He is a consistently brilliant barrister who is first choice in very large loss and catastrophic personal injury cases. – Chambers & Partners, 2024

Marcus is a very good trial advocate, particularly strong on liability issues. – Chambers & Partners, 2024

He is an excellent advocate at trial and in conference and settlement meetings. He is very commercially astute and experienced. – Chambers & Partners, 2024

Marcus is an excellent silk. Straight to the point, always gets to the heart of issues very swiftly. – Legal 500, 2024

Marcus has taken seamlessly to silk and maintained his easy-going style. He is an astute tactician and very skilled at cutting through to the crux of the issues. – Legal 500, 2023

He has an excellent way with clients and is able to distil complex issues in a way that is easy to understand. – Chambers & Partners, 2022

A first-class advocate whose technical expertise and presentation skills impress both clients and judges. – Legal 500, 2022

He is extremely quick and is a formidable advocate. He delivers submissions with a dry wit and good humour, but has a complete honesty that plays well with judges. His punchy pleadings cut straight to the issues. – Chambers & Partners, 2021

Highly experienced, capable, pragmatic and seasoned professional who never fails to deliver. – Legal 500, 2021

His pragmatism and willingness to assist are invaluable. – Chambers and Partners, 2020

He is a very safe pair of hands. – Chambers & Partners, 2019

Very well trusted and does excellent work. – Chambers & Partners, 2019

A strong advocate who is willing to take a robust approach to liablity. – Legal 500, 2019

Achieves great results. – Chambers & Partners, 2018

Drafts very powerful and persuasive pleadings. Excellent in conference with experts and has such a grasp on the expert evidence. – Chambers & Partners, 2018

A formidable advocate whose cross-examination skills are second to none. – Legal 500, 2018

Always keeps his commercial hat on and he'll push for a commercial settlement. – Chambers & Partners, 2017

He's brilliant on road traffic accident liability and deals with some of the highest-value cases. He's got a good manner and he'll fight when he needs to. – Chambers & Partners, 2017

Very commercial and a good negotiator. – Legal 500, 2017

He has a dry wit that clients like and plays out well with judges. He is tactically astute; he knows when to go into a fight and when to seek to compromise. – Chambers & Partners, 2016

His main strength is his ability to extract a deal out the most challenging of cases. – Legal 500, 2016

Extremely robust in court. – Legal 500, 2015

Cases

RORY MACDONALD (BY HIS LITIGATION FRIEND LINDSAY MACDONALD) v SIMON BURTON (2020)

It was appropriate to await imminent guidance from the British Psychological Society in relation to the use of recordings of neuropsychological tests in personal injury cases; it was not for the instant court to lay down any guidance prior to that. In the instant personal injury claim the court decided that as the claimant's neuropsychological test had not been recorded, the defendant's test should also not be recorded, to ensure a level playing field.

FULL JUDGMENT

PERSONAL INJURY – CIVIL PROCEDURE

QBD (Martin Spencer J) 13/03/2020

References: LTL 17/3/2020 EXTEMPORE : [2020] 3 WLUK 235

IAN SCOTT v (1) SIMON RICHARDSON (2) LIVERPOOL VICTORIA INSURANCE CO LTD (2019)

QBD (Master Davison) 04/12/2019

NEGLIGENCE – PERSONAL INJURY – ROAD TRAFFIC

MOTORCYCLES : ROAD JUNCTIONS : ROAD TRAFFIC ACCIDENTS : SPEEDING

Solicitors:

For the defendants: DWF Law LLP (Manchester)

LTL 16/1/2020 : [2019] 12 WLUK 517

EDWARD GREGORY CLAYTON NYE v SAMUEL RAYSON (2019)

A driver was not liable in negligence for the injuries suffered by a passenger who fell from his car while it was moving. The driver knew the passenger was drunk and acting in a giddy and childish manner, but that did not give rise to an independent duty to look after his welfare and to get him home safely. The last thing any reasonably prudent and competent driver would expect would be for a passenger to try and get out of the passenger side window, even if drunk and in high spirits.

NEGLIGENCE – ROAD TRAFFIC

QBD (Manchester) (Judge Platts) 7/05/2019

References: LTL 9/12/2019 : [2019] 5 WLUK 747

PETRENA MARY KEANE v DAVID R TOLLAFIELD (2018)

A surgeon had not breached his duty of care towards a patient by failing to explain the risks of a surgical procedure to her. Despite the claimant's oral evidence contradicting her written statement, she should not be deprived of the protection of qualified one-way costs shifting, because the defendant had failed to show that she did not have a genuine belief in the contents of her statement when she made it.

PERSONAL INJURY – NEGLIGENCE – PROFESSIONAL NEGLIGENCE

CC (Birmingham) (Judge Williams) 8/08/2018

References: LTL 19/11/2018 : [2018] 8 WLUK 306

LEILA MOHAMED v (1) SHANE ENRIGHT (2) DIRECT ACCIDENT MANAGEMENT LTD (2018)

The court gave directions on the service of late expert evidence in a personal injury action so as to avoid vacating or splitting the trial.

CIVIL EVIDENCE – PERSONAL INJURY – CIVIL PROCEDURE

[2018] EWHC 764 (QB)

QBD (Geoffrey Tattersall KC) 6/03/2018

References: LTL 7/3/2018 EXTEMPORE

ABC (BY HER LITIGATION FRIEND DEF) v DFT (2018)

It would have been disproportionate and unfair to allow a personal injury claimant to recover £872,787 to appoint a deputy to administer a relatively modest award of damages of around £220,000. The work in managing such a modest fund would be very little after the first few years, and in those circumstances the properly recoverable sum in respect of deputyship costs was £125,000.

PERSONAL INJURY – DAMAGES

QBD (Cambridge) (Judge Yelton) 28/02/2018

References: LTL 24/5/2018

SCARLETT v GRACE (2014)

Witness summaries could not be relied upon under CPR r.32.9 by a defendant in the trial of a personal injury action where the defendant had failed to demonstrate that he had been unable to obtain witness statements. The defendant had to show that he had taken the matter to a point where the witness's refusal to assist was clear.

CIVIL EVIDENCE – PERSONAL INJURY – ROAD TRAFFIC – CPR

[2014] EWHC 2307 (QB)

QBD (Phillips J) 4/06/2014

PAULA DRABBLE v IAN HUGHES (2013)

A patient had not complained to her dentist of changes in the appearance of a white patch in her mouth, and no such changes had been apparent. Although the patient was later found to have a tumour, the dentist had not been negligent in not making an urgent referral to an oral surgeon.

PERSONAL INJURY – CLINICAL NEGLIGENCE – HEALTH – NEGLIGENCE

QBD (Recorder Sweeting KC) 23/01/2013

References: LTL 29/1/2013

J W GRANT & CO v TROY FOODS LTD (2012)

A judge had properly directed himself in respect of the considerations relevant to the weighing of hearsay evidence and in respect of the law of conversion when deciding that the defendant had failed in its duty as bailee to return to the claimant certain containers used to transport vegetables.

TORTS – CIVIL EVIDENCE

[2012] EWCA Civ 1702

CA (Civ Div) (Sir Andrew Morritt C, Longmore LJ, Davis LJ) 24/10/2012

References: LTL 24/10/2012 EXTEMPORE

KNOWLES v CULLEN & ORS (2012)

The court determined liability in a personal injury claim following a road traffic accident involving multiple defendants.

PERSONAL INJURY – ROAD TRAFFIC – NEGLIGENCE

[2012] EWHC 3536 (QB)

QBD (Swift J) 12/10/2012

References: LTL 15/10/2012 EXTEMPORE

SCOTT v SYMONS (2012)

A judge had been entitled to find, on the balance of probabilities, that a motorcyclist was responsible for the road traffic accident in which he was injured by riding his motorcycle onto the wrong side of the road.

ROAD TRAFFIC – PERSONAL INJURY

[2012] EWCA Civ 1354

CA (Civ Div) (Lord Neuberger MR, Moses LJ, Rimer LJ) 19/06/2012

References: LTL 19/6/2012

(1) NIGEL DAVID STANGROOM (2) EQUITY RED STAR LTD v VALERIE ANN BROWN (ADMINISTRATOR OF THE ESTATE OF CHRISTOPHER NOEL BROWN, DECEASED) (2012)

A judge had been wrong to find that a tractor driver had any liability for an accident in which a motorcyclist travelling at high speed collided with his tractor and trailer while he was pulling slowly out of a lay-by.

PERSONAL INJURY – NEGLIGENCE – CIVIL EVIDENCE

[2012] EWCA Civ 424

CA (Civ Div) (Lord Neuberger MR, Longmore LJ, Stanley Burnton LJ) 4/04/2012

References: LTL 4/4/2012

MALASI v ATTMED (2011)

While a road traffic accident in which a cyclist was injured had been caused by a taxi driver's excessive speed, the cyclist had been contributorily negligent in failing to stop at a red traffic light and failing to brake in sufficient time to avoid the collision. Damages for personal injury were therefore reduced by 80 per cent.

PERSONAL INJURY – ROAD TRAFFIC – NEGLIGENCE

[2011] EWHC 4083 (QB)

QBD (Judge Seymour KC) 5/12/2011

References: LTL 6/12/2011 EXTEMPORE