12
King's Bench Walk

Richard Methuen KC



Call: 1972
Silk: 1997

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AREAS OF EXPERTISE

Personal Injury, Professional Negligence, International & Travel, Mediation, Arbitration

JUDICAL APPOINTMENTS

Arbitrator under the Motor Insurers' Bureau Untraced Drivers' Agreements since 2001 | Recorder since 2002

Richard is one of the most well-known and well-respected silks at the personal injury bar.

He is vastly experienced, having appeared in such seminal cases as Wells v Wells, Masterman-Lister and Cain v Francis.

He is instructed on behalf of both claimants and defendants and regularly acts for and against most major insurers, and in cases involving the Motor Insurers' Bureau.

He is a member of the Ogden Committee.

A significant percentage of his current practice is as a mediator. His expertise in the field and his pragmatic and friendly style appeal to all sides. That coupled with his judicial experience as both a Recorder and an Arbitrator means that he is able to provide significant help and guidance to the parties to resolve the issues between them.

Personal Injury

The vast majority of the biggest claims result from brain or spinal injuries.

The vast majority of such injuries are caused in road traffic accidents.

Most claims involve consideration of PPOs, statutory funding and capacity.

Such cases have for many years provided Richard's staple diet.

He regularly advises, mediates or arbitrates on disputes between motor insurers.

Professional Negligence

Example cases include:

Claimant lost chance of suing her ex-husband for assault due to the breach of duty of her former solicitors – assessment of her chances of recovery.

Alleged negligent under-settlement of the claim of a brain damaged child – argument between solicitor and barrister on apportionment – extent of insurance cover.

International & Travel

Example cases include:

US resident injured in England – consideration of the impact of US tax on the lump sum award and on the PPO.

RTA in Germany – Claimant an English resident on holiday Defendant resident in Germany – German law applied to liability and quantum – limit of liability of German motor insurers.

Mediation

Richard is currently involved in more than 30 mediations a year. He specialises in evaluative mediations, giving each party a steer as to what a judge might think of its case. All the mediations are in the fields of personal injury or clinical negligence, or involve professional negligence claims arising out of those areas of practice. The vast majority of cases settle either on the day or shortly afterwards.

Qualifications & Awards

Accredited by the ADR Group as a mediator.

Appointments & Memberships

Head of Chambers 2000 to 2005.

Arbitrator under the Untraced Drivers' Agreements, 2001 to the present.

Arbitrator under Article 75 of the MIB's Regulations 2001 to the present.

Recorder (civil and criminal) 2002.

Member of the Ogden Committee, 2004 to the present.

PIBA

PNBA

Directories

Solid and utterly impartial in his endeavour to settle the case. – Chambers & Partners, 2024

Richard Methuen is frank and sensible in identifying where both parties are realistic and where they aren't. – Chambers & Partners, 2023

He is academically superb and at the top of tree in international travel. – Chambers & Partners, 2022

He totally understands the concepts involved and reads people very well. Never one to stand on ceremony, he doesn't force opinions but instead creates a nice atmosphere that encourages settlement. – Chambers & Partners, 2021

An excellent mediator with an easy yet authoritative manner. – Legal 500, 2021

A very impressive silk. He grasps the main issues of a case very quickly and he knows personal injury law inside out. –

Chambers & Partners, 2020

A very competent performer both as counsel and as mediator. He is calm, precise and has a sound decision-making ability. – Chambers & Partners, 2019

He provides great focus and direction in complicated cases. – Chambers & Partners, 2019

He is very strong on cross-border claims. – Legal 500, 2019

Effective mediator, who is able to promote a common sense approach between seemingly irreconcilable parties. – Legal 500, 2019

A very perceptive barrister who is willing to take on difficult cases and produce outstanding results in difficult situations. – Chambers & Partners, 2018

A first-rate problem solver. – Chambers & Partners, 2018

Bright and user-friendly. – Chambers & Partners, 2018

He is very bright, professional and is able to cut through the unnecessary points. – Legal 500, 2018

He has an excellent reputation in travel law and impresses with his technical knowledge. – Legal 500, 2018

He is calm, fiercely clever and quite brilliant on complex quantum. – Chambers & Partners, 2017

He's willing to take on more difficult cases than many would, and has achieved some fantastic results over the years. – Chambers & Partners, 2017

Extremely good at facilitating the coming together of people to achieve a satisfactory outcome. – Chambers & Partners, 2017

He is extremely adept at mediating difficult cases. – Chambers & Partners, 2017

Behind his abundant charm lies a cunning tactician with a brilliantly sharp legal brain. – Legal 500, 2017

Charming, calm and a good tactician. – Legal 500, 2016

He is measured, unflappable and determined. He is astute and gets to the point quickly, delivering sound and practical advice. – Chambers & Partners, 2016

According to sources, Richard Methuen is an "extremely knowledgeable and experienced" mediator who is able to "distil complex information and articulate it in a straightforward form." He predominantly focuses on personal injury and clinical negligence claims, as well as professional negligence claims arising in these areas. – Chambers & Partners, 2016

[He is] extremely knowledgeable and experienced mediator who is able to distil complex information and articulate it in a straightforward form. – Chambers & Partners, 2016

He has a very sharp mind and brilliant analytical skills. – Legal 500, 2015

Cases

Pankhurst v White [2010] EWCA Civ 1445 – consideration of a Claimant's entitlement to enhanced interest and costs

under Part 36.14.

Aktas v Adepta: Dixie v British Polythene [2010] EWCA Civ 1170 – a failure to serve proceedings in time is not an abuse of process and does not prevent a Claimant invoking section 33 of the Limitation Act in a second action.

Pankhurst v White [2009] EWHC 1117 (QB) – MacDuff J **–** C4 tetraplegic – general damages £225k – very large accommodation claim held to be unreasonable- claim for loss of investment income failed.

Cain v Francis [2008] EWCA Civ 1451 – Court of Appeal revisited the principles upon which courts should exercise their discretion under section 33 of the Limitation Act.

Sarwar v Ali [2007] EWHC 1255 (QB) – Lloyd Jones J – Claimant's preference for a lump sum – periodical payments ordered for future care and earnings linked to indices other than the RPI.

Taylor v Chesworth [2007] EWHC 1001 (QB) – Ramsey J – Claimant's preference for a lump sum – periodical payments ordered.

Shelton v Jones (November 2005) – instructed in what was then thought to be the largest ever personal injury settlement at £15m.

Thacker v Steeples and MIB (16 May 2005) Cox J – whether MIB a reasonably secure provider under the then new periodical payments regime.

Masterman-Lister v Jewell [2003] 1 WLR 1511 – Claimant who had compromised a personal injury claim 15 years before this trial sought to reopen it on the grounds of his mental capacity at the time of the compromise – Mental Health Act 1983 – definition of patient.

Smith v White Knight Laundry [2002] 1 WLR 616 – limitation – restoration of company – whether cause of action against dissolved company accrues only on order restoring company to the register.

Scutts v Metropolitan Police Commissioner (Court of Appeal May 2001) – duty of care owed by a police officer driving to an emergency.

Van Oudenhoven [2000] 1 WLR 1413 – multipliers – what is a very exceptional case justifying a lower discount than 2.5% – Hodgson v Trapp – Dutch claimant subject to a harsher tax regime

O'Mahony v Joliffe [1999] PIQR P 149 – liability of MIB – when is a passenger using a vehicle.

Cassin v London Borough of Bexley (Court of Appeal February 1999) – liability of Highway Authority for removal of traffic signs on police instructions prior to a demonstration.

Wells v Wells [1999] 1 AC 345 – House of Lords decision on multipliers.

Armstrong v British Coal (Court of Appeal July 1998) – test cases of VWF in the coal industry.

Sellen v Bailey (Court of Appeal January 1998) – insurers estopped from contesting a second action.

North East Shipyard Litigation – label given to a batch of test cases to determine the respective liabilities of shipyard employers on the one hand, and of the manufacturers/sprayers of asbestos on the other hand for asbestos-related diseases amongst workers in the North East shipyards. Instructed on behalf of Turner and Newell (third party manufacturer/sprayer). Achieved settlement on the day of trial (November 1997).

Gahan v Szerelmey [1996] 1 WLR 439 – dismissal for want of prosecution – financial prejudice.

Ping v Letraset [1992] PIQR P 74 – number of plaintiffs claiming work related upper limb disorders.

Matthews v Waltham Forest Health Authority (Pill J January 1991) – causation of cerebral palsy – birth asphyxia or genetically determined.

Pitts v Hunt and MIB [1991] 1 QB 24 – Pillion passenger encouraging motor cyclist to drive dangerously after both had been drinking together – what duty of care owed by rider to passenger – defences of ex turpi and volenti – whether a finding of 100% contribution sustainable.