12
King's Bench Walk

Simon Browne KC



Call: 1982
Silk: 2011

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AREAS OF EXPERTISE

Costs & Litigation Funding, Clinical Negligence, Personal Injury, Sport, Mediation, Arbitration, Abuse, Arbitration, Aviation, Fraud, Group Litigation, Group Claim Litigation, Industrial Disease, Inquests, Insurance, Professional Negligence, Professional Regulatory & Discipline

"Always brilliant, he's polished and prepared and is someone who has a great manner with clients. His advice is spot on."

Simon is consistently recognised by The Legal 500 and Chambers and Partners as a leading silk in the fields of commercial costs and litigation funding, catastrophic brain and spinal injury, and related areas of sports law, clinical negligence, insurance, and professional negligence and professional regulation.

In addition, Simon is at the forefront of the development of law and civil procedure in the Court of Appeal and High Court in cases such as:

- Part 36 regime in ***F & C Alternative Investments*** **(2012) CA,** ***Walker Construction v Quayside Homes*** **(2014) CA,** ***Yentob v MGN (*****2015) CA,** ***Seabrook v Adam*** **(2021) CA, and** ***FKJ v RVT*** **(2022) HC.**
- Relief from sanctions/abuse of process in ***Mitchell v NGN*** **(2014) CA,** ***Cable v LV Insurance*** **(2020) CA** and ***CS LLP v HMRC*** **(2024) Upper Tier Tax Tribunal.**
- Costs budgets, the drafting of e-bills of costs, and QOCS in ***Henry v NGN*** **(2013) CA,** ***Bowman v Norfram and Ors*****. (2018) HC,** and ***AKC v Barking and Havering Health Authority*** **(2022) CA.**

Simon is a qualified mediator and arbitrator. He is registered with the Bar Council to accept direct access instructions and at the higher level of conducting litigation.

Costs & Litigation Funding

Simon is listed as a Band 1 Silk in costs and litigation funding. Having practised in this field for over 25 years he is also recognised in the Legal 500 for Costs Litigation. In addition to dealing with costs in commercial litigation and advising on litigation funding, Simon has a formidable reputation regarding costs in group litigation, be it for the claimant group or defendants. He has advised and conducted advocacy in the civil phone hacking litigation concerning News of the World and the Mirror Group, the Construction Industry Vetting Litigation, the Truck Cartel Claims in the Competition Tribunal, the Sub-Postmaster claims against the Post Office, the Iraqi civilian claims against the MoD, the Grenfell Inquiry, the Hillsborough misfeasance claims, and the Diesel Emissions Claims.

Simon drafts and advises extensively upon the enforceability of conditional fee agreements, damages-based agreements, litigation funding, and legal expenses insurance. He was an author of the Sweet & Maxwell Practitioner text on Costs between 2008 to 2018 and was appointed to sit as a barrister costs assessor in the High Court and on the Cost Committee of the Civil Justice Council.

Other areas of his current costs practice involve litigation funding by way of drafting and advising on retainer and funding documents, and commercial costs disputes involving multinational companies and high net worth individuals, both inter parties and solicitor-client.

Cases of note:

- ***In the Matter of the Russian Aircraft Operator Policy Claims (2025) Commercial Court*** – Advising upon Security of Costs by way of indemnities, guarantees and application to Court in amounts in excess of £100 million.
- ***Duke of Sussex v MGN Limited* (2025)** – Assessment of costs following 28 day phone hacking High Court trial with various costs issues being raised including general costs challenges and level of ATE premium.
- ***Alexander Nix -v- Emerdata Limited and (1) Dynamo recoveries Limited (2) Emerdata Limited v Alexander Nix* (2025) Business and Property Court Moulder J** – This case arose from the demise of Cambridge Analytica. Mr Nix was a Director and proceedings concerned breach of director's duties and the demise of the business. The consequential hearing involved orders over incidence of costs including percentage deductions, basis of costs (indemnity or standard), interest application prior to and after judgment date, orders of account of costs and relevance of application of costs budgets.
- ***The Guaido Board of the Central Bank of Venezuela (Appellant) v The Maduro Board of the Central Bank of Venezuela (Respondent)* (2024) UKSC 2020/0195 and 2023/0109** – Assessment of costs in Supreme Court over issues of indemnity principle and retainers.
- ***Surrey Searches Limited and Others v Northumbrian Water Limited and Others* (2024) Commercial Court** – Group litigation consequential orders over incidence of costs, basis of costs (indemnity or standard), interest application prior to and after judgment date, orders of account of costs and relevance of application of costs budgets.
- ***JMW v R* (2024)** – Detailed assessment over solicitor costs in excess of £1 million.
- ***Various Claimants v Stellantis, IBC, Peugot and Ors [2023] and Various Claimants v Vauxhall Motors* [2023] HC** – Advising upon funding issues after PACCAR judgment in the Supreme Court.
- ***Santiago v MIB* [2023] CA** – Court of Appeal test case as to the recovery of interpreter fees in the fixed costs regime.
- ***AKC v Barking and Havering Health Authority* [2022]** Court of Appeal – Test case in the Court of Appeal concerning the Civil Procedure Rules governing the drafting of paper bills of costs and electronic bill of costs.
- ***Khashoggi v Khashoggi* [2021]** – Multimillion-pound solicitor client dispute over level of fees and identification of work streams.
- ***Butler v Bankside Commercial* [2020] Court of Appeal EWCA Civ 203** – Simon successfully represented a solicitor firm resisting a challenge to the termination of a conditional fee agreement by the solicitor for rejecting an opinion about making a settlement with the client's opponent.
- ***Richard Slade & Co. v Boodia* [2018] Court of Appeal EWCA Civ 2667** – Simon successfully represented a solicitor firm in persuading the Court of Appeal that Mr Justice Slade in the High Court was wrong to hold that to qualify as an interim statute bill, a bill must include both profit costs and disbursements in respect of the period to which it covers.
- ***BNM v MGN* [2017] Court of Appeal EWCA Civ 1767** – This was the first appeal case to review the test of proportionality in costs. The Court of Appeal unanimously held Simon's submissions that the saving and transitional provisions in Civil Procedure Rule 48, combined with the more limited definition of "costs" applicable since 1 April 2013 (that now omits any reference to "additional liabilities"), together operated to preserve the former costs rules, with their attendant practice directions, to the assessment of costs that include additional liabilities.
- ***Times Newspapers Ltd (Appellant) v Flood (Respondent); Miller (Respondent) v Associated Newspapers Ltd (Appellant); Frost and Other (Respondents) v MGN Ltd* (Appellant) UKSC 33 [2017]** – Supreme Court –

three national newspapers (The Times, Daily Mail, and The Mirror) were attempting to avoid paying any additional liabilities (success fees and after the event insurance premiums) to privacy and defamation claimants funded by conditional fee agreements. The challenge, which failed, was based upon the newspapers' freedom of expression under Article 10 of the European Convention of Human Rights.

- ***Eurasian Natural Resources Corporation Plc v Dechert LLP* [2016] Court of Appeal and High Court [2021]** Appeal to Court of Appeal concerning legal professional privilege between the parties on a solicitor client assessment. Application in 2021 for £20m security for costs.

Clinical Negligence

In clinical negligence cases, Simon has successfully represented claimants and defendants in claims brought against medical practitioners both in hospitals, private practice, and general practice. He advises extensively over disclosure and expert evidence thereon.

Cases of note:

- ***Costello v North-West Anglia NHS Foundation* [2023]** – Failure to diagnose the intracranial lesion within the left mid brain and pons on the CT scan of the brain leading to paralysis where breach of duty was admitted but causation unsuccessfully denied.
- ***DEF v Southend University NHS Hospital* [2019]** – The claimant (aged 10 years) was injured because of negligent procedures during his birth in the defendant's hospital. The claimant was severely disabled by quadriplegic dyskinetic cerebral palsy level 4/5, having suffered damage in the deep grey matter of his brain. He always required assistance from multiple carers for the rest of his life. Settlement on liability was previously reached whereby the defendant was liable to the extent of 70% and substantial damages claim was settled.
- ***Hannah Bhadri v Dr. Hariram and Dr. Freed* [2018]** – Clinical negligence case against two GPs. The claimant was born with subluxation (partial dislocation) of her hips bilaterally. The claimant's condition was not identified until she was aged 4 ½- 5 years old when she complained of pain and limping. Following referral to Great Ormond Street, she underwent major hip surgery, which will have to be repeated later in life.

Personal Injury

Simon represents both claimants and defendants in catastrophic injury cases, mainly involving brain damage and spinal injuries. He is well liked by clients for his convivial yet practical style. He is ranked in Band 1 for personal injuries in the legal directories. Further, having practised in this field for over 25 years, he is recognised by the Legal 500 in their "Hall of Fame" for catastrophic injury work. Each year he is instructed regularly in cases with a value in excess of £10 million and in cases with unusual or difficult points of law.

Cases of note:

- ***W v CR* [2024] HC** – Claim in excess of £10 million for severely injured army officer and medical practitioner following road traffic accident where career progression, pension claim and care requirements and costs in issue.
- ***Taylor v Raspin* [2022] CA** – Court of Appeal case concerning the use of expert evidence in the High Court for road traffic accidents. In re-affirming its decision in *Liddell v Middleton* [1996] PIQR P35 CA the Court of Appeal repeated that the primary evidence is such cases was that of lay evidence and that expert evidence should be limited to matters only where the Court required expert assistance.
- ***HW v JL* (2022)** – Representing a tetraplegic teenage claimant whose case was settled for an eventually agreed capital sum of £21.5 million.
- ***R v C* (2022)** – Fully contested liability trial of a claimant motor cyclist, rendered paraplegic, travelling at speed in collision with the defendant car driver emerging onto the carriageway.
- ***DEF v S&M* (2021)** – Approval of a £12m settlement for a 24-year-old who sustained a severe brain injury in a road accident aged 9. She sustained polytrauma including visible white-matter damage on CT to her frontal and temporal lobes. While she made a relatively good recovery in terms of her cognitive function, she required

significant lifetime care.

- ***ABC v Young*** **(2021)** – High Court's approval of £1.85m settlement for girl sustaining severe head injuries when struck by wing mirror of a speeding minibus as she stepped off the kerb when the pedestrian light was red against the claimant.
- ***D v C*** **(2021)** – Motorcyclist rendered paraplegic because of an accident on the motorway when defendant driver slowed his car and caused a rear end collision. Liability and assessment of damages were in dispute.
- ***W v L*** **(2021)** – Unrestrained claimant passenger in rear of car driven by a drunk driver rendered tetraplegic. Issues on contributory negligence for failure to wear a seat belt and knowledge of driver under influence in addition to valuation of significant claim.
- ***B v E*** **(2020)** – Damages award of £12m for a mother rendered tetraplegic in a road traffic accident. The claimant requires lifelong round-the-clock care because of the injuries. The case involved complex issues on care, accommodation and life expectancy and required consideration of loss of earnings arising from the claimant's business.
- ***R v F*** **(2020)** – Claimant's claim for substantial disability following a road traffic accident in 2014. The claimant was already paraplegic as the result of a previous road traffic accident in 2008. The case raised interesting questions of acceleration in paraplegia cases, and how to approach quantitative rather than qualitative differences in care needs because of a defendant's negligence.
- ***VWX v Connells Residential*** **(2019)** – The claimant was left with enduring neuro-psychiatric and vestibular symptoms after a modest blow to the head. He was 39 at the time of the accident and the principal breadwinner for his family. He had a pre-accident history of psychological vulnerability. Causation was very much an issue prior to settlement of the claim.

Sport

Simon's work has included several sports and sports-related cases over his career as set out below. He has sat on various sporting committees and disciplinary tribunals. Further, Simon is knowledgeable on head injuries and dementia arising from contact sport having links with research projects. Between 2022 and 2024, he chaired a series of conferences and produced a number of reference papers on head injuries in sport.

Cases of note:

- ***XH and ITIA*** – Representing a professional tennis player who provided positive "A" and "B" samples for banned substances.
- ***P v D*** – A multi-million claim by a Premier League professional footballer settled after he suffered a serious leg injury in a road traffic accident. Liability and quantum were in issue. Both parties relied upon expert evidence including statisticians, industry experts and detailed forensic accountancy evidence, as to career prospects with the issues of career progression and loss of chance being central to the claim.
- ***Jones v WRU and WRRS*** – Advice upon liability for head and neck injuries sustained due to alleged lack of application of laws of game by referee.
- ***DEF v SW Harness Club and Kent CC*** – Trial as to liability and assessment of damages for severe injury sustained at horse trials sporting event with consideration of safety procedures, voluntary undertaking of risk, duty of care, and the governing rules of the sport etc.
- ***MH v RFU*** – Advice upon liability for Leicester and England prop in scrummage training when scrum collapsed and neck broken rendering tetraplegic. Consideration of disclosure, duty of care and practices in scrummaging.
- ***H – Club*** – Advice regarding rules concerning members sporting events in relation to health and safety and internal procedures.
- ***W v F*** – Advising on serious injury arising from polo event where foul play was alleged by victim against a fellow player.
- ***S v British Athletics*** – Advising on appeal of Olympic athlete following denial of funding, with the funding being restored on review.

Alternative Dispute Resolution

Simon qualified as an Accredited Mediator at the London School of Mediation in 2015 with a further mediation qualification in 2021. He has conducted mediations regularly since qualification, both in his primary fields of practice of costs and litigation funding, catastrophic injury and clinical negligence. In addition, he has mediated in disputes in other areas. Simon is qualified to offer both facilitative and, if at any point requested by all parties, evaluative mediation. He is on the panel of mediators at CADR (Costs Alternative Dispute Resolution), Limelight Resolution (mediation in arts and sports disputes), and LCAM (London Chamber of Arbitration and Mediation). Simon is also a qualified arbitrator as well as a mediator and is available in both roles.

Directories

- *"A barrister with enthusiasm,who tackles difficult legal issues with innovative arguments. He is finely attuned to the strategy of the case and good at adapting to legal and factual developments."* – Chambers & Partners, 2026
- *"A standout individual who has considerable expertise in costs cases associated with heavy commercial and group litigation. He's always very practical; he thinks through the consequences and is five steps ahead of everyone else." "He knows all the rules and regulations and knows exactly which buttons to press."* Chambers and Partners
- *"Noted for expertise in catastrophic brain and spine injuries, which he regularly handles on behalf of major insurers and leading claimant solicitors. Over the course of his celebrated career, he has also developed a strong reputation for aviation accidents, clinical negligence cases and cross-border litigation. A pleasure to instruct."* Chambers and Partners
- *"He is polished: there is absolutely no padding in his advice; it is what you need to hear without any flannel. He is also very good at handling difficult clients. He is an excellent QC."* Chambers and Partners
- *"He's got a really good aura in court and can put even the most complicated points across clearly and in a succinct fashion. An excellent QC who has a very smooth manner with clients."* Chambers and Partners
- *"Simon Browne QC is an excellent leading counsel, and is always fully prepared be it for advising in consultation or presenting in court."* The Legal 500

Appointments & Memberships

- Appointed to the England Boxing Disciplinary Panel.
- Personal Injuries Bar Association (PIBA).
- Association of Personal Injuries Lawyers (APIL).
- Law in Sport.
- Registered for instruction in Sport Resolutions SCMP Legal Advice Service.

Qualifications

Qualified Mediator and Arbitrator.

Appointments

- Appointed by the Lord Chancellor to sit as a Barrister Assessor in the High Court on Appeals (2007 to date).
- Chairperson upon barrister disciplinary tribunals under Bar Tribunals and Adjudication Service (2013 to 2018).
- Appointed by the Master of the Rolls to sit as chairperson of the Costs Committee of the Civil Justice Council (2013 to date).
- Joint Tribunal of the Bar Council and the Law Society (2013 to 2019).