

## 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

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Simon is listed as a Band 1 Silk in costs and litigation funding. Having practiced in this field for over 25 years he is also recognised in the Legal 500 “Hall of Fame” 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:

- ***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, Peugeot 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.