

Steven Snowden KC

Call: 1989

Silk: 2017

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AREAS OF EXPERTISE

Personal Injury, Industrial Disease, Clinical Negligence, Public Inquiries, Sport, Court of Protection, Inquests, Insurance, Costs, Group Litigation

Steven Snowden KC is Head of Chambers at 12KBW. He is recognised in the independent legal directories as one of the leading barristers in the country in his chosen areas of work. He is ranked in band 1 for personal injury and industrial disease in both the C&P and the L500 guides and also ranked for Public Inquiries and Inquests by the Legal 500.

Steven's main areas of practice are high-value, complex or sensitive personal injury and industrial disease cases. His practice extends to associated clinical negligence and professional negligence work, Court of Protection, insurance, sports, group litigation and public inquiries. He works for claimants and for defendants.

Steven is a very experienced trial advocate and regularly deals with substantial and complex cases in court and in settlement meetings. His current caseload includes the liability and quantum aspects of head injuries, paraplegic and other serious spinal injury cases, amputations, psychiatric injuries and fatal claims. In disease work he deals with mesothelioma and other asbestos claims, and other occupational illness claims involving difficult issues of liability, causation or quantum. He represented the largest group of the infected and affected individuals and families (1,400+ core participants) in the Infected Blood Public Inquiry. He is instructed in the professional footballers' concussive injury claims. He is retained to represent patients and families in the Essex Mental Health Public Inquiry.

He was the elected Chair (2020 – 2022) of the Personal Injuries Bar Association, a member of the Bar Council (2020-2022), a Director of BMIF (2022 to 2024) and has for many years been one of the authors of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases.

Personal Injury

Recognised as a leading silk in the Chambers & Partners Guide (Band 1) and in the Legal 500 (Tier 1).

Steven works on his own or with a junior in the full range of personal injury work on liability and quantum for claimants and defendants, including:

- Maximum severity quantum claims (fatal accidents, brain, spinal, amputation and other catastrophic injuries) with issues including periodical payments, pension losses, accommodation claims, prosthetics, assistive technology. He regularly handles cases pleaded at £10m+.
- Road traffic accident claims involving technical expert reconstruction evidence.
- The full range of public liability and employers' liability claims, including occupiers' liability, Animals Act claims and those relating to manual handling, workplace accidents, defective work equipment, etc. He often deals with

issues of contribution among defendants and is familiar with substantial contracts and provisions within them for contractual indemnities.

- Sports injuries.
- Psychiatric injury claims including functional neurological disorders, functional cognitive disorders and somatoform disorders.
- Chronic or complex pain conditions including fibromyalgia and ME.
- Cases involving allegations of fraud, exaggeration or fundamental dishonesty.

Industrial Disease

Recognised as a leading silk both in the Chambers & Partners Guide (Band 1) and in the Legal 500 (Tier 1) and identified as one of only 10 silks nationwide in the “spotlight table” for industrial disease in the Chambers & Partners Guide.

Steven works on his own or with a junior in the full range of industrial disease work. He predominantly now acts for claimants in respect of asbestos-related illnesses (mesothelioma and lung cancer). But he also works in technical disease cases of all sorts for claimants and defendants including carbon monoxide (anoxic brain injury) cases, stress claims and higher-value or group industrial disease litigation.

This work regularly involves complex issues of limitation, breach, causation and apportionment and dealing with expert medical and engineering evidence. In mesothelioma claims he is very familiar with the process of taking evidence on commission and with the “show cause” procedure. He regularly deals with the quantum side of high-value fatal claims.

Clinical Negligence

Steven is experienced in clinical negligence cases and, most recently, in dealing with the necessary expert evidence from his prolonged work in the Infected Blood Public Inquiry. Examples of his work include:

- Liability and quantum aspects of catastrophic birth injury (cerebral palsy) claims.
- Acting for EL insurers pursuing contribution in a high-value personal injury claim for hospital's allegedly negligent treatment of claimant following eye injury at work, which led to loss of the eye.
- Failure to spot a lumbar disc injury shortly after a road traffic accident against a background of ankylosing spondylosis.

Public Inquiries and Group Litigation

Recognised as a leading silk in the Legal 500 (Tier 4).

The Infected Blood Public Inquiry

Drawing on his background in PI and medical work, the historical aspects of industrial disease litigation and his experience of dealing with complex medical and scientific evidence, Steven was from 2018 leading counsel for the largest group of infected and affected individuals and families (1,400+ core participants). Chaired by Sir Brian Langstaff, this is the largest public inquiry into deaths and injuries in English legal history, involving millions of documents, thousands of witness statements and live evidence from hundreds of individuals. It investigated how, in what has been described as the largest treatment disaster in the history of the NHS, haemophiliacs and others were in the 1970s and 1980s given blood factor products and blood transfusions which were contaminated with HIV, Hepatitis C and other viruses with devastating consequences. The wide terms of the Inquiry involved scrutiny of government decisions, the accountability of clinicians and civil servants, commercial exploitation and political cover-up, medical ethics, the involvement and influence of pharmaceutical companies and the inadequacy of current support schemes and Trusts. The Chair was persuaded to take the highly unusual step of recommending interim payments to some of those infected and affected in 2022, before the evidential hearings concluded. Steven and his juniors delivered detailed written closing submissions in December 2022 and in January 2023 he was the first lawyer for represented groups to make oral closing submissions. After further exceptional hearings in July 2023 (which included evidence from the Prime Minister and the

Chancellor of the Exchequer), the final report is now expected in March 2024.

The Essex Mental Health Public Inquiry

Steven is retained to act as leading counsel for patients and families in this Inquiry which has recently been converted into a formal, statutory Inquiry under the 2005 Act. It will investigate a wide range of issues including avoidable and unnecessary deaths, avoidable harm, intentional maltreatment by staff, cover-up, inadequate learning from previous incidents and inadequate response to Coroners' reports – at individual and structural levels – across NHS Trusts in Essex over the last 20+ years.

Sports

Steven is instructed to represent one of the defendant Football Associations in the professional footballers' claims arising from alleged repeated concussive head injuries. He has previously acted in cases of equestrian sporting accidents, has represented a successful amateur boxer in respect of a claim for the loss of the chance of a professional career following an accident and has dealt with cases of contact injuries in racquet sports.

Inquests

Steven has been instructed to appear at inquests arising from work accidents, RTAs and deaths in residential or care homes. He has undertaken jury inquests into a swimming pool death during a school swimming lesson, a driver's death arising from a roll-away HGV and deaths in care homes. He was retained on behalf of a major construction company in what was to be a three-week inquest involving 12 represented parties arising from multiple fatalities in sequential RTAs on a particular stretch of road where works had been carried out, and appeared at numerous pre-inquest hearings before successfully extricating his client completely from the inquest.

Insurance

Examples typical of Steven's work include:

- Advising motor insurers on policy coverage issues and motor insurance hierarchy in connection with a multi car accident during a "car cruise".
- Considering and advising on issues under the Road Traffic Act.
- Considering the effect of possible findings of exaggeration or dishonesty on liability insurance cover and, in other cases, in the context of ATE insurance.
- Advising historic liability insurers in a living mesothelioma claim on issues over coverage, exclusions, estoppel and withdrawal of admissions.

Costs

Steven is familiar with technical costs arguments.

Cases include:

- At costs hearings after trial advancing novel and detailed arguments about 'success' which achieved orders for issue-based costs, payment of a proportion of costs, and set-off against damages: *Everett v London Fire and Emergency Planning Authority* (Lawtel 7.11.14 and articles in JPIL 2015 C108 and PILJ 2015 (Feb) 10-11)
- Achieving an award of costs for a defendant despite its Part 36 offer being beaten by a margin: *Carver v BAA* [2008] EWCA Civ 412; [2009] 1 WLR 113; [2008] 3 All ER 911; [2008] PIQR P15

Qualifications & Awards

- Boroughmuir High School, Edinburgh (comprehensive)
- BA (Law) University of Nottingham 1988
- Inns of Court School of Law 1989

Appointments & Memberships

- Elected Chair (2020-2022) of the Personal Injuries Bar Association
- Member of the Bar Council and its General Management Committee (2020-2022)
- Director of Bar Mutual Indemnity Fund (BMIF) 2022 to 2024
- Member of the editorial board of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases (provided to all judges who hear PI cases)
- Member of PIBA, PNBA and LCLCBA.

Directories

Since taking silk in 2017 and for many years before that Steven has been listed as a leading barrister in personal injury and industrial disease. He is ranked in Band 1 by C&P and in Tier 1 by L500. He is one of only 10 silks nationwide in the "spotlight table" for industrial disease in the C&P Guide. He is also ranked as a leading silk for Inquests and Public Inquiries by L500.

Quotes over the years include:

He is very accomplished and knowledgeable, yet patient and kind. He can explain complex legal terms very simply ... There's not much he doesn't know about quantum (Chambers & Partners 2024)

Steven is a leading light in the area; always on top of his game and a compelling advocate (Legal 500, 2024, personal injury and industrial disease)

Steven is a very calm and polished advocate (Legal 500, 2024, inquests and inquiries)

Steven is an exceptional silk and a great negotiator ... Steven's ability to cut to the key points and cross-examine is superb ... He is brilliant on his feet ... Steven is a very calm presence, he puts clients at ease (Chambers & Partners, 2023)

Steven is one of the most balanced barristers at the personal injury Bar. He works for both claimants and defendants which gives him a unique insight that benefits everyone (Legal 500, 2023, personal injury)

An immense role in representing very many of the infected and affected in the Infected Blood Inquiry. He is regarded as a very fair-minded opponent, and all the more dangerous for it – does not take bad points, so is trusted by tribunals and has the ear of the court (Legal 500, 2023, public inquiries)

He is very bright, good on the detail and excellent to work with (Chambers & Partners, 2022)

A real heavyweight silk who has an attractive advocacy style and an easy manner (Legal 500, 2022)

An outstanding litigator with a forensic attention to detail. He is very good on his feet and always delivers the right results (Chambers & Partners, 2021)

Meticulous in his preparation and very effective on his feet (Legal 500, 2019)

Approachable, knowledgeable and good at working in a team to get the best results for clients (Chambers & Partners, 2018)

Clued-up, committed and sharp as a tack (Chambers & Partners, 2018)

A masterful performer in court.

...conjures an easy, yet beguiling, familiarity with witnesses.

Publications

One of the authors of the 11th to 16th editions of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases, and of the 17th edition (due to be published in April 2024).

Cases

Steven's reported cases include:

- **Clarke v Poole [2024] EWHC 1509 (KB)** – High Court decision on staying all aspects of future loss in a catastrophic personal injury claim when the claimant declined to agree to undergo testing to assist the defendant's experts to reach an opinion on the existence, nature and likely progression in any event of a pre-existing and underlying genetic condition.
- **Doughty v Kazmierski [2024] EWHC 1393 (KB)** – Acting for defendant motor insurers in a three-day High Court liability trial of a multi-vehicle pile-up in which the claimant (the motorcyclist at the rear of the line) was found 25% contributorily negligent. Judicial observations about the relevant importance of expert and factual evidence and about the assessment of contributory negligence.
- **Steve Hill Ltd v Witham [2021] EWCA Civ 1312** – Acting for the Claimant in the Defendant's appeal against the judgment which Steven (leading John-Paul Swoboda) had obtained in the High Court. CA judgment clarifies important principles on the scope and nature of FAA dependency claims and the breadth of a judge's discretion and permissible approach to quantification of damages. Judgment below was upheld on legal principles but remitted in one respect to take account of a significant post-trial change of circumstances.
- **Kyriacou v Finch [2021] 1 WLUK 359** – Acting for defendant in a 3-day High Court RTA liability trial, part in-person and part remote. Complex accident reconstruction, CCTV reconstruction and toxicology expert evidence. Finding of 80% contributory negligence.
- **Witham v Steve Hill Ltd [2020] 2 WLUK 412, [2020] PIQR Q4** – Acting for a widow in quantum trial following her husband's death after asbestos exposure. Novel quantum arguments over the law on Fatal Accidents Act dependency, where the couple had long-term special needs foster children, succeeded and the claimant was awarded £900k+.
- **Flanagan v Battie [2017] EWHC 3044 (QB)** – Disputed interim payment hearing in a catastrophic injury claim
- **Dowdall v William Kenyon & Others [2014] EWHC 2822 (QB)** – Preliminary issue trial in a living mesothelioma claim brought by a claimant who had many years before brought (and compromised provisional damages claims on a full and final basis) claims against a number of other employers who had exposed him to asbestos. Novel legal issues, with arguments of estoppel, abuse of process and limitation.
- **Kotula v EDF and others [2011] EWHC 1546 (QB) and [2010] EWHC B11 (QB)** – Acting initially for one, then for all three defendants in a paraplegic claim which had contested High Court hearings over liability, then over provisional damages and variable PPs, then over the terms of the final periodical payments order and the security of periodical payments when insurers were out of the jurisdiction and had policies with indemnity limits capped at fixed sums in Euros.
- **Dixie v British Polythene Industries [2010] EWCA Civ 1170, [2011] 1WLR 945** – Appearing at trial and in Court of Appeal on the issue of whether resurrection of a personal injury claim by second proceedings after the first had been struck out for failure to serve a claim form in time was permissible under the Limitation Act or was an abuse of process.
- **Gray v Thames Trains [2009] UKHL 491** – Appearing in the House of Lords (led) for the defendant in a claim by a survivor of the Ladbrooke Grove train crash for damages – issue of whether his claims for loss of earnings etc after committing manslaughter as a consequence of psychiatric injury sustained in the accident were barred as unlawful acts or under the doctrine of ex turpi causa.
- **Glaister v Appleby in Westmoreland Town Council [2009] EWCA Civ 1325, [2010] PIQR P6** – Acting at trial and in the Court of Appeal arguing over the existence of a duty of care alleged to have been owed to seriously injured bystander by a runaway horse at the Appleby Horse Fair.
- **Hashtroodi v Hancock [2004] EWCA (Civ) 652** – Appearing at all stages from master's hearing through to

Court of Appeal in a case concerning the proper test for extension of time for service of a claim form application made when claim form still valid but after limitation period had expired – whether “good reason” needed.

- **Fleet v Fleet [2009] EWHC 3166 (QB)** – Deceased mesothelioma claim – assessment of damages – proper approach to claims for loss of the unique care and attention of a spouse – Ogden 6 contingency discounts for a man older than 55.
- **Watson v Cakebread Robey Ltd [2009] EWHC 1695 (QB)** – Trial of a living mesothelioma claim – assessment of damages – recoverability of prospective funeral expenses – Ogden 6 contingency discounts for a man older than 55 – past and future loss of earnings when the claimant had not declared his business for tax, VAT, etc.

Recent examples of Steven's personal injury work include:

- Acting for a young man involved in an RTA with a lorry reversing on a country road as a result of which he suffered extremely serious brain injuries. The case had been rejected by previous solicitors and counsel but was re-focused, strengthened and ultimately settled satisfactorily at a JSM.
- Recovering £14m at a JSM for a claimant with the combination of serious brain and orthopaedic injuries.
- Successfully acting for a defendant in a 2-week quantum trial (part remote and part in person) over the nature and extent of an alleged brain injury following an accident at work, which involved evidence from, and cross examination of, five disciplines of experts.
- A case of allegedly hugely-disabling functional neurological / somatic disorder following a minor RTA.
- Acting for a defendant in a claim following a hypoxic/ischaemic brain injury with complex issues over the interaction of the brain injury with functional cognitive disorder, the claimant's pre-existing vulnerability and psychiatric illnesses, conscious exaggeration and how the claimant would have been in any event.
- Advising a defendant employer in a claim where the claimant employee fell from the top deck of a car transporter suffering a catastrophic brain injury. Damages of £15m claimed. All aspects of liability and quantum in issue and no positive evidence of how the accident occurred, so it was necessary to reconstruct from inference and expert engineering evidence the probability of what happened and how and when the safety rail may have been weakened. Claim successfully settled.
- Acting for a young claimant suffering a devastating combination of brain and orthopaedic injuries in an RTA. Damages of £20m claimed. Successful in opposing the introduction of life expectancy evidence from statisticians.
- Representing the defendant in a £20m claim where the claimant required permanent residential care as a result of devastating brain injuries and behavioural disturbance. Issues over security of the insurer to make periodical payments. Settled at JSM and approved.
- Securing the discontinuance after the first day of trial of an allegedly fraudulent claim involving surveillance evidence.

Recent examples of Steven's industrial disease work include:

- Acting for the widow and family of a former printing press engineer at the Mirror newspaper. Dealing with issues arising from the insolvency of the Mirror Group businesses and then a complex quantum claim arising from the deceased's various business interests and his family's dependency on him when he undertook the management of, and all practical work relating to, various business ventures based in the stables and land they owned.
- Regularly acting for claimants in mesothelioma cases where immunotherapy treatment is or may be provided, and negotiating terms of settlement which provide for payment of those ongoing treatment costs.
- Acting for claimants in asbestos claims where the defendant's historic liability insurer is insolvent and the FSCS / Capita are involved.
- A complex and novel claim for alleged hypoxic brain injury following chronic and long-term carbon monoxide exposure.

- Acting in a stress at work claim for a university lecturer who alleged that she was persecuted at work for her sexuality and subjected to unreasonable workplace pressures, deadlines and workloads, causing her to suffer serious psychiatric injury and eventually to have to leave her employment.
- Acting for the defendant in a potentially very high value claim arising from allegedly repetitive workplace systems in a car manufacturing plant. Claimant alleged almost total loss of use of both arms due to carpal tunnel syndrome evolving into a complex regional pain syndrome.