

## Steven Snowden KC

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### AREAS OF EXPERTISE

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

### Cases

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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 Ladbroke 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-focussed, 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.