



## **Dr Simon Fox KC**

**Mediator since 2018**

**Specialist areas: clinical negligence & personal injury**

Simon is a medically qualified specialist clinical negligence and personal injury silk with 25 years' experience.

Within clinical negligence Simon specialises in cases with difficult and complicated issues on breach of duty and causation where his medical qualification enables him to better understand the full breadth of the potential issues, get the most from the experts, present the client's case at its best and cross examine effectively. He represented a Claimant in one of the few claims based on material contribution to succeed at trial.

He is generally instructed in cases exceeding £1m in value and recently concluded a cerebral palsy claim in a lump sum equivalent value of £25m – believed to be then one of the highest ever clinical negligence awards made in the UK.

His practice is nationwide. He spends much of his time travelling the country to meet clients in Chambers (London), solicitor's offices and in client's own homes.

## **Background**

Simon qualified first as a doctor at Charing Cross and Westminster Medical School and worked in the UK, New Zealand and Central Africa from 1989 to 1994. His experience included emergency medicine, terminal care, neurosurgery and treating casualties from the Mozambique civil war.

As a result, he has first-hand clinical experience of many of the conditions involved in cases in which he now instructed.

In addition to his clinical negligence work, Simon sits two days per month as Assistant Coroner. He lives in Cheltenham.

## **Experience and Expertise**

### **Brain/Cerebral Palsy:**

- Cerebral Palsy – value up to £25 million (lump sum equivalent).
- Meningitis, encephalitis and brain abscess – including that caused by unusual organisms such as TB.
- Brain haemorrhage – subarachnoid, subdural, extradural.
- TIA/stroke.
- Hydrocephalus.
- Neurosurgical errors.
- Brain tumours eg medulloblastoma in 9-year-old girl leading to severe hydrocephalus, near fatal coning and Posterior Fossa Syndrome.

## **Spinal Cord Injury:**

- Management of myelopathy and radiculopathy.
- Spinal abscess.
- Cauda Equina Syndrome.
- Spinal surgical injuries.
- Injuries caused by spinal anaesthesia.

## **Cancer:**

- Brain (including pituitary and acoustic neuroma),
- Ophthalmic,
- Thyroid,
- Skin,
- Lung,
- Spinal cord,
- Lymphoma/leukaemia/sarcoma
- Gastrointestinal (stomach, colon, rectum)/Renal,
- Genitourinary – bladder, prostate, cervix.

## **Surgical cases:**

- Orthopaedic and vascular injuries.
- Middle ear surgery (eg cholesteatoma).
- Oesophagus, stomach, duodenal and bowel injuries.
- Acute bowel conditions such as appendicitis, ischaemia, diverticulitis, perforation.
- Bile duct injuries.
- Pancreatitis.
- Endoscopic and open surgery.
- Sex change surgery.
- Fatal surgical liver injury in cholecystectomy.

## **Medical cases:**

- Infection and sepsis.
- Angina, myocardial infarction, heart failure, endocarditis, atrial fibrillation.
- Coagulation (warfarin, heparin).
- Congenital heart disease.
- Inflammatory bowel disease.
- Diabetes, thyroid, pituitary and other endocrine disorders.
- Multiple sclerosis and other demyelinating conditions.
- Tuberculosis – including leading to death of a 14-year-old girl (neglect verdict and multiple recommendations to improve TB care in West Midlands).
- Emergency department management of excited delirium in cocaine user later collapsing in police cell.

## **Gynaecology and Urology:**

- Contraception (the pill, IUCD).
- Vaginal tape.
- Pelvic floor injury during childbirth.
- Urinary reflux.
- Glomerulonephritis.
- Renal failure.
- Torsion.
- Cancer – especially cervical and prostate.
- Sex change surgery.
- Wrongful birth – fetal scanning, hereditary conditions such as haemophilia, sterilization.

## Mediation experience

Simon has acted as Counsel in a number of mediations over the last 25 years.

For example –

- Acting for the widow of a patient with Spina bifida who developed a spinal abscess. Claim alleged negligence in discharging him from the Emergency Department. He collapsed and died at home in front of his wife who attempted resuscitation, resulting in a fatal and secondary victim claim. Settled at mediation for approximately £300,000.
- Acting for the widower of a mental health patient who hanged herself when not admitted to a psychiatric unit. Fatal claim brought on behalf of husband and young children. Settled at mediation (conducted by Andrew Hannam) for approximately £250,000.

Simon has observed 2 mediations with Andrew Hannam and 1 with Paul Balen. These have involved delay in hospital diagnosis, management of Cauda Equina Syndrome by hospital and GPs and most recently alleged neurosurgical negligence in operating on a cervical spine fracture leading to spinal cord injury. Participants ranged from 2 to 5 (multiple defendants) with Claimants aged 30 to 70. All involved living/surviving claimants, were medically complicated and required sensitive handling on the part of the mediator. All were full day mediations and concluded successfully at mediation for figures from £150,000 to £200,000.

## **Testimonials;**

*'commands a nationwide reputation for the depth of his specialisation' and "absolutely fantastic ... extremely talented ... really easy to work with and clients like him"*

*"He's very good with complex serious injury, particularly high-value cases. He's very forensic and knows how to handle experts. A fabulous barrister who gives sound, pragmatic advice."*

*"He communicates with experts with ease and goes above and beyond the call of duty."*

*"He is absolutely fantastic. He is really easy to work with and clients like him."*

*"He is an extremely talented barrister who provides practical support and advice."*

*... commands a nationwide reputation for the depth of his specialisation. Sources cite the strength of his medical knowledge and experience, which enable him to "get to grips with all of the pertinent issues in the case with unbelievable speed." In addition, solicitors praise his accessibility and "willingness to advise on the most complex matters even at short notice."*

*... elicited a tranche of enthusiastic feedback for his "excellent client care skills," as well as for "his strength on his feet in court."*

*"stands out as technically skillful, great with clients and able to hold his own with experts".*

*"one of the most delightful barristers you'll ever meet."*

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