



# Matthew Phillips KC

**Year of Call:** 1993  
**Year of Silk:** 2017  
**Direct Access:** Yes

|   |                                  |
|---|----------------------------------|
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Matthew Phillips KC practises in the following fields: **Clinical Negligence**, **Personal Injury** and **Sport**.

In the field of personal injury Matthew specialises in asbestos related disease claims and catastrophic head and spinal injuries.

In the field of clinical negligence he acts for Claimants and Defendants in a wide variety of high value claims.

In the field of sports law Matthew has extensive experience of personal injury claims and **regulatory** work involving anti-doping regulations.

Matthew practises nationwide and is happy to travel to meet clients. He prioritises the management of cases in a sensitive and inclusive manner.

He has been recommended in Chambers & Partners and Legal 500 in personal injury since 2006. He appears in the "Spotlight Table" for industrial disease in Chambers & Partners and is ranked Tier 1 in Legal 500.

## Areas of Expertise

### Personal Injury

#### Asbestos-related Disease Claims

Matthew has specialised in asbestos disease claims for over 20 years. His practice now focuses on mesothelioma claims.

In addition to cases involving workplace exposure to asbestos he has extensive experience of claims involving domestic / environmental exposure. He has acted for Claimants against all the major industrial / commercial asbestos users and manufacturers.

Matthew was junior counsel in the House of Lords in the landmark causation case of Fairchild v Glenhaven Funeral Services.

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He has also been instructed in international multi-party / group litigation: i) Cape "Afrika" litigation – on behalf of several thousand South African asbestos miners. ii) Anglo American Plc. litigation – on behalf of over a thousand South African gold miners suffering with silica / tuberculosis related diseases.

Matthew is instructed by the leading firms of solicitors in the asbestos field. He has lectured widely on asbestos-related litigation.

## **Notable Asbestos-related Disease Claims**

### **H & B v John Barnsley & Sons Ltd**

Represented the successful Claimant at the trial of a mesothelioma claim. Relatively low exposure. Central issue whether in breach of duty in the light of CA decision in Williams v Birmingham University.

### **C v John Laing Plc**

Represented the successful Claimant at the trial of a mesothelioma claim. Early and intermittent asbestos exposure sawing asbestos sheets in the 1940s. Central issue whether exposure "substantial" in the legal sense.

### **R v The National Coal Board**

Trial on liability in a mesothelioma claim. Alleged low level exposure to blue asbestos in a colliery workshop. Complex evidence on air testing and asbestos fibre levels.

### **D v National Grid Gas Plc**

Trial on the issue of quantum in a mesothelioma claim in which period of pain and suffering endured by the deceased was exceptionally short (5-6 weeks). Issue of principle regarding the application of the JSB Guidelines. Successfully argued that the JSB Guidelines should not be applied. Recovered £45,000 by way of general damages.

### **E v Liberty Retail Plc**

Claim arising out of asbestos related Retroperitoneal Fibrosis (RPF) – an unusual abdominal condition that has destroyed the Claimant's kidney function. No previously litigated claims of this type. Issues of causation and foreseeability of injury. Claim compromised.

### **C v Birmingham City Council**

Trial on liability in a "living mesothelioma" claim. Very low level exposure to asbestos in a school kitchen. Successfully recovered in excess of £200,000.

### **B v Horace W Cullum Ltd**

Represented the widowed Claimant whose husband died of an asbestos related mesothelioma. The deceased was a relatively high earner with complicated pension arrangements in place. Complex dependency issues. Recovered in the region of £500,000.

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### **I v Balfour Beatty Ltd**

High value mesothelioma claim. Complex income dependency claim. Damages recovered in excess of £600,000.

### **S v The National Dock Labour Board**

Domestic / environmental exposure claim. Acted for the Claimant who had contracted mesothelioma when exposed to asbestos working in a café on Tilbury Docks. Recovered in excess of £200,000.

## **Catastrophic Claims**

Matthew's personal injury practice revolves around high value spinal and brain injury claims arising out of road traffic and workplace/industrial accidents. Matthew is also experienced in handling fatal accident claims and the calculation of damages pursuant to the Law Reform Act and Fatal Accidents Act.

### **Notable Catastrophic Claims Cases:**

#### **Y v The National Trust**

Trial on the issue of liability on behalf of a spinally injured (paraplegic) tree surgeon. Unusual legal issue regarding the duty of care owed by occupiers to the employees of independent contractors.

#### **W v Mckenzie**

Acted for Claimant who had sustained a severe head injury in an RTA. Difficult quantum and case management issues. Recovered a lump sum and periodical payments worth in excess of £1.5 million on a capitalised basis.

#### **H v Mackie**

Claimant sustained severe head and spinal injuries in an RTA. Recovered in excess of £5 million on a capitalised basis.

#### **H v MIB**

Claimant rendered paraplegic when aged 5. Claim settled for in excess of £6 million when the Claimant was aged 17. Complex issues surrounding the suitability of periodical payments for a Claimant who was resident in Ireland.

#### **W v Groupama Insurance Co**

Claimant sustained a life-changing brain injury when only a few days old. Claimant compromised for in excess of £6 million (capitalised) at the age of 15.

#### **G v Cooper**

Claimant paraplegic. Presented an interim payment application for £500,000 (on top of previous payment in excess of £1 million) in order to purchase and adapt a particular property. Claim compromised for in excess of £6 million (capitalised).

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### **M v Burr & Warren Transport**

Trial on the issue of quantum in a tetraplegia claim that compromised after case opened. Lump sum in excess of £3 million plus significant periodical payments – difficult indemnity issues relating to future state funding.

### **L v Ling**

Devastating brain injury claim with Claimant requiring a 24 hour two carer regime. Difficult quantum issues in relation to care provision and accommodation. Settled shortly before trial. Lump sum value of the compromise in excess of £8 million.

### **M v CICA**

CICA claim arising out of severe spinal injury. Applicant stabbed in the neck with a screwdriver in an unprovoked attack – suffers from Brown Sequard Syndrome (effectively incomplete tetraplegia). The claim involved an application for a new category of tariff award for “incomplete tetraplegia” which was accepted by the Tribunal who recommended it to the CICA executive. Total award in excess of £450,000.

### **P v James**

Acting for the Claimant who sustained a severe spinal injury in an RTA at the age of 21. Claimant has undergone several major spinal operations and has been left with disabling symptoms of cauda equine with significant psychological consequences.

### **L v Nomorex**

Acted for widowed Claimant whose husband, a builder, was killed at work when a wall collapsed. He was 48 years of age at the time of his death. Complex dependency claim under the Fatal Accidents Act on behalf of the Claimant and three children. Claim settled for in the region of £500,000.

## **Clinical Negligence**

In the field of clinical negligence Matthew represents both Claimants and Defendants in a wide variety of claims of significant value. He has particular experience in the fields of birth injury, failed spinal surgery and cardiological issues.

### **Notable Clinical Negligence cases**

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#### **M & R v Aneurin Bevan Local Health Board**

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Acting for the Claimants in a birth injury claim of the utmost severity resulting from a delayed transfer to a specialist maternity unit. Complex causation issues. Involves a claim for psychiatric injury on the part of the child’s mother. Recovered in excess of £4 Million on a capitalised basis.

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#### **J v Poole Hospital**

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Represented the Claimant who had sustained incomplete tetraplegia as a result of a delayed diagnosis of spinal infection. Amputation of left leg subsequently required. Challenging breach of duty and causation issues. Compromised for in excess of £3 million.

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L v Dr Kanagaratnam

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Claim arising out of the insertion of a pace maker without obtaining the Claimant's proper consent. Alleged failure to set out the non-invasive treatment options. Claimant developed pericarditis as a result of the pace maker procedure.

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W v George Eliot Hospital

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Infant Claimant sustained a severe brain injury following a clash of heads at school. Alleged delays in obtaining a CT scan, diagnosing the cranial bleed and surgical intervention. Recovered in excess of £3 million.

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W v Oxford University NHS Trust

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Claim on behalf of an infant Claimant whose had lost his mother to meningococcal septicaemia. Alleged failure to diagnose and treat the infection on the part of the hospital. Complex loss of services claim pursuant to the Fatal Accidents Act. Recovered in the region of £500,000.

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C v PC

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Instructed by the MDU to defend a failed spinal surgery claim of the utmost severity. Claimant rendered tetraplegic. Significant liability and quantum issues. Compromise in excess of £10 million.

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P v Nottingham University NHS Trust

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Delayed diagnosis and treatment of severe spinal pathology resulting in collapse of spinal column and subsequent paraplegia. High value claim.

## Sports Law

Matthew's practice covers personal injury, sports injuries and clinical negligence.

He has extensive experience of sports related personal injury claims and regulatory work involving anti-doping regulations. In recent years he has been instructed in a number of concussion/brain injury claims in the fields of football, rugby union and rugby league. He has an academic interest in all aspects of sports law and practice.

Matthew sits as a Legally Qualified Chair on the British Equine Federation's Anti-Doping and Controlled Medication

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Hearing Body.

He has been recommended in Chambers & Partners and Legal 500 in personal injury since 2006.

### **Notable Sports Law cases**

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A v B

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Advised a former Premier League footballer in relation to a civil damages claim. He sustained a career-ending injury in an on-field challenge. Issues regarding degree of recklessness of the challenge.

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M v The RFU

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Advised a student rugby union player in relation to claim arising out of severe spinal injury. The client was rendered tetraplegic when a scrum engaged prematurely and collapsed. Central issue was the referees control of the scrum.

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D v Smith

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Represented the successful Claimant who was the victim of a reckless challenge in an ice hockey game that resulted in incomplete tetraplegia. Central issue whether the challenge constituted serious foul play. Compromised for in excess of £1 million.

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J v Portsmouth City Council & Others

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Representing an amateur racing cyclist who sustained a devastating head injury in a sprint finish on a closed racing circuit. Allegations revolving around the layout of the circuit and the numbers of entrants.

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Q v Dr Achan

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Advised semi-professional footballer in relation to his claim arising out of failed knee surgery that caused a premature end to his football career. Liability issues and quantum issues regarding loss of playing and management/coaching opportunities.

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A v W

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Advised Premiership rugby union player in relation to a potential clinical negligence claim arising for a failure on the part of his club's medical team to diagnose and treat a blood disorder.

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#### J v UKAD

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Represented a professional footballer in front of the UKAD Tribunal. He had tested positive for a class A drug. Defence based on consumption of a "spiked" drink. Issues of credibility and degree of care taken by the player.

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#### A v The Rugby Football League

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Client a semi-professional rugby league player suspended following a positive test for a Class A drug. Appeared on his behalf before the Court of Arbitration for Sport (CAS).

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#### M v The RFU

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Anti-doping case on behalf of a rugby union player. Central issue whether player entitled to withdraw consent to having urine sample analysed after providing the sample and, of so, what the appropriate sanction is.

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#### X v Y

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Positive drugs test by an international level athlete whilst competing abroad. Defence based on food contamination.

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#### J v L

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Instructed on behalf of a professional rugby league player in relation to career-ending problems with concussion. Issues centre on compliance with the concussion protocols and return to play guidelines.

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## Memberships

- Association of Personal Injury Lawyers
- Association for Victims of Medical Accidents
- British Association for Sport and the Law
- Personal Injury Bar Association
- British Association for Sport and the Law

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## Qualifications

- Called to the Bar, Lincoln's Inn (1993)
- Diploma in International Law, St. Catherine's College, Cambridge (1992)
- MA in Jurisprudence, Trinity College, Oxford (1991)

## Awards

- Recommended by Legal 500 for his expertise in Personal Injury – industrial disease.

## Recommendations

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**2025**

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