



ST. PAULS CHAMBERS

SIMON MYERSON QC



Personal Details:

Qualification(s): MA (Cantab)

Year of Call: 1986

Inn: Middle Temple

Appointments: Attorney General's Provincial List (1992)

Standing Counsel Inland Revenue (2000)

Recorder (2001):

Silk (2003)

I have a wide-ranging practice covering crime, civil and regulatory work. 22 years experience has taught me that working as a team is important and that the team should include both my Instructing Solicitor and the lay client.

'expertly mines the civil fraud/professional negligence territory' 2009 Legal 500

Practice Areas (press ctrl & click to be taken to specific areas)

[Crime](#) [Civil](#) [Employment](#) [Regulatory](#)

Crime

Appellate Work:

Apart from appearances in the Court of Appeal arising from my own cases I have experience in taking cases on after trial, specifically for the appeal. The most recent such case involved a defence not put at trial with security implications. All hearings were in private and I worked with the Court to establish lines of enquiry which would result in information going straight to the Court due to PII concerns.

Confiscation.

I conduct confiscation hearings under all regimes. I have appealed confiscation orders, applied for Certificates of Inadequacy and drafted applications to the European Court of Human Rights. I was involved in the confiscation hearings following Anglo-American (advance fee fraud); Smart (land fraud) and Akhtar (Drug Trafficking). I have advised RART on how to approach various scenarios in the light of POCA 2002.

Fraud. I have been instructed in a number of large frauds (trial and appeal) including Charnley Davies (franchise fraud); Alan Paul (insurance fraud); Breaks and Huggan (broking fraud), Simply Elegant Group (fraud on the company); Anglo-American (advance-fee fraud); Smart (land fraud); Bowden (travel and aviation fraud); Graham (tax fraud); Spokes (money laundering) and Routledge (MTEC).

Homicide.

I have experience in all types of homicide: murder, manslaughter and prosecutions for causing or allowing the death of a vulnerable person under the Domestic Violence Crime and Victims Act 2004. I prosecuted the first case in which the family of the murderer were charged under S5 DVCVA 2004 for allowing the death of a vulnerable adult – *R v Khan & Others* [2009] EWCA Crim 2

Murder includes:

- o Cases, including baby shaking turning on medical evidence (Gallagher and ongoing)
- o Serious pre-planned cases where the offender has been armed (Metcalf)
- o Attacks, using guns, on policemen (Roden & Others; Atkinson)
- o Domestic Violence and cruelty (Khan).
- o Cultural/Honour killings (ongoing)

Manslaughter includes:

- o Unlawful act manslaughter (Carey & Others [2006] EWCA Crim 17);
- o Gross negligence manslaughter (Hillsborough prosecution)
- o Corporate manslaughter (NCS)

Other Homicide includes:

Sexual Offences. Largely rape including gang rape (client acquitted) and intercourse between friends which is then said to be rape (Liddle).

Civil

I have set out the details under specific headings below. As a general rule, civil work is about attempting to settle matters on the best possible terms. Consequently, when outlining the areas of practice below, I have tried to avoid the names of the parties in cases which have settled rather than fought.

Administrative law:

I have wide experience in the administrative court including applications against education authorities – *R (on application of Ross) v Leeds City Council* [2005] EWHC 2495 (Admin) and police authorities regarding funding – *R v SYPA ex p CC S Yorkshire* [1999] EWHC Admin 286. I advise public bodies on the effects of local policies in areas covered by statute.

Civil Fraud and Conspiracy.

I act in cases of both deliberate frauds on e.g. insurance companies and in commercial cases in which fraud is alleged as part of the case. I was instructed in the application for a search and freezing order against the directors in the TAG litigation, and in a case where an anonymised Claimant sued Police Forces for Conspiracy during the conduct of a criminal investigation.

Commercial.

This area includes advisory work, drafting and litigation. I advise clients regarding the enforcement of share agreements, buy-outs and the interpretation of contracts. I draft contractual clauses. Commercial trials include *Lawtex v Mothercare* (purported termination of contract for non-compliance with specification – see also civil fraud) and *Dixon v S & N* [2002] 4 Comp LR 484 (construction of Beer Order). I am currently instructed in a commercial arbitration regarding a building contract. I also apply for and contest interim injunctions, particularly freezing orders and search orders.

Clinical negligence.

I act for Claimants and Defendants in numerous cases. Reported examples include *M v Calderdale and Kirklees Health Authority* (formerly West Yorkshire Health Authority) [1998] Lloyd's Rep Med 157 (Health Authority's delegation of care of

patient under S1 NHS Act 1977) and *Bancroft v Harrogate Health Authority* [1997] 8 Med LR 398 (Causation in cervical cancer) and *Burke v Leeds HA* [2001] EWCA Civ 51 (what constitutes negligent advice in clinical care).

Defamation.

Since taking Silk I have been instructed on a regular basis in defamation, including interim relief and advice on whether to litigate. I act mainly for companies, but also for individuals. Defamatory material is more and more frequently published on the internet. I have experience in interim injunctions to compel the removal of such material from web sites. For obvious reasons, clients are unnamed.

Employment.

I am instructed in litigation arising from breaches of restrictive covenants and conspiracy. I advise commercial enterprises as to the effects of recent legislation upon their contractual arrangements with staff and as to the effects of groups of employees setting up competing businesses.

Mediation.

Many commercial disputes go to mediation. I can draft all relevant documentation and attend mediations both supported by my Instructing Solicitor and alone. I am a qualified Mediator.

Partnership.

I have wide experience in the break up of partnerships on a local and national level. I deal with partial buy-outs; simple falling out and amicable splits. I advise individuals, firms of accountants and solicitors and groups within such firms. By definition, settlement is a favourable result and consequently I have preserved clients' anonymity.

Professional Negligence.

I am mainly instructed in matters concerning solicitors and accountants, although I have some experience or architects and surveyors negligence. I am currently instructed in a solicitors' negligence action regarding a failure to advise on a commercial development and a solicitors/accountants/trustees negligence action regarding a failure to obtain appropriate tax advice.

Regulatory

Discipline.

I am instructed in discipline cases concerning the Police (including the Cross-Border case), the Fire Service, Probation Service and Customs and Excise, as well as individual corporate and charity matters. I represent individuals and advise employers.

Health and Safety.

All aspects including trading standards – Poundstretcher (unsafe clothing), and many industries including Medley (asbestos); Mather and Jackson (fireworks and explosives); Butters (Lightwater Valley amusement park); Seiles (electricity); Henry Boot (roofing); Next (warehousing and fork lift trucks); Scurr (transportation of animals spreading foot and mouth); Totty (scaffolding); Wakefield (Hydraulic lifts), management of training at work (Next). I both prosecute and defend.

Judicial review. Arising from other regulatory work I have judicially reviewed public bodies, including witness statement only reviews and live evidence reviews. Cases include *R* (on application of *Ashton & Fraser*) v *CC West Yorkshire* [2005] EWHC 975 (Admin) (Chief Constable's refusal to stop discipline proceedings after case stopped as abuse in the Crown Court); *R v DPP ex p Duckenfield* 1999] EWHC Admin 286 (DPP's refusal to take over and discontinue private prosecution).

Professional Standards.

I advise firms of solicitors and accountants regarding the defaults of particular employees and have acted for entire firms alleged to have committed both

disciplinary and regulatory breaches. I am instructed in the disciplinary proceedings arising from administration of the COPD scheme for miners. I draft professional guidance for accountants and barristers. I also act for those wishing to make complaints. I act for both doctors and patients in Hospital Trust investigations.

Public and Departmental Inquiries.

I acted for the Humberside Police Federation in the Bichard Inquiry (Soham murders) and advised the officers in the IPCC Inquiry into the death of Christopher Alder. I also act for groups and individuals who do not necessarily require representation during the Inquiry itself (or are not allowed it) but need to make representations prior to the Report being published. I also advise local government departments and agencies into the scope of and terms of local inquiries into, for example, offences committed whilst being the subject of a Community Order.

Selected Cases

Lightwater Valley Inquest and subsequent prosecution on behalf of the one individual identified as being responsible for the accident which led to the death of Gemma Savage.

HSE v Jarvis : Railway electrocution. Prosecuted the HSE leading Sam Green.

Wakefield MDC v Next Plc : Prosecution for local authority in respect of employee killed when abseiling from a fork lift truck as part of training.

Re National Cargo Services : Advice on prosecution of defendant in respect of third party workman being crushed to death at Hull docks in the absence of a banksman.

R v Mather & Jackson : Defence of accused charged under the dangerous substances regulations and HSWA in respect of death of a third party contractor who had disposed of industrial fireworks.

R v Totty Services : Another death by falling from a roof case. Also prosecuted that case when one Defendant went to the Court of Appeal.