

# Simon Myerson KC

Call 1986 | Silk 2003

✉	<a href="mailto:clerks@stpaulschambers.com">clerks@stpaulschambers.com</a>
☎	+44 (0)1132 455 866



Simon Myerson KC is much sought after for cases that require both **criminal** and **civil** high-level experience – including on an advisory basis for victims of fraud or those faced with allegations of breach of professional discipline.

Simon has been a barrister since 1986 and became a QC in 2003. He practises in both **civil** (largely defamation and commercial fraud) and **criminal** (murder, harassment and fraud). He is a member of the NE Circuit and practises from Leeds and Manchester.

In his spare time he travels between his four children, three of whom live abroad, drinks wine, studies Talmud, and heads the Leeds Jewish Representative Council. Teaching is something for which he has real enthusiasm: he teaches advocacy for Middle Temple, of whose Education Committee he is vice-Chair, and he was the first diversity trainer on circuit. He has taught and written undergraduate courses on Judaism for the Hebrew University of Jerusalem.

Before taking Silk, Simon supervised a total of 8 pupils. He began the website “Pupillage and How To Get It”, to help applicants and to improve diversity at the Bar.

## Expertise

### Financial & Corporate Crime

Simon has been instructed in a large fraud (trial and appeal) throughout his career. These include:

- 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)
- Routledge (MTEC)
- Gittins (Charity fraud)
- Morgan (solicitor fraud on clients)

## Homicide

Simon has 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. Simon 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:

- Cases, including baby shaking turning on medical evidence (Gallagher)
- Serious pre-planned cases where the offender has been armed (Metcalf)
- Attacks, using guns, on policemen (Roden & Others; Atkinson)
- Domestic Violence and cruelty (Khan).
- Gangland killing (Calvert & Ors)
- Murder by children (Markham).

Manslaughter includes:

- Unlawful act manslaughter (Carey & Others [2006] EWCA Crim 17);
- Gross negligence manslaughter (Hillsborough private prosecution)
- Corporate manslaughter (NCS)
- Manslaughter by reason of diminished responsibility (R v Bell [2015] EWCA Crim 1426).

Other Homicide includes:

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

Simon has both defended in private prosecutions (Hillsborough) and prosecuted privately (R (Kay) v Leeds Magistrates Court [2018] EWHC 1233).

Simon appears in the Court of Appeal regularly, in cases arising from his own work for the prosecution and the defence: R v Calvert & Ors [2016] EWCA Crim 890; R v Markham [2017] EWHC 2161, as well as in cases in which he has taken on the case after trial. The most recent such case involved a defence not put at trial with security implications. All hearings were in private and Simon worked with the Court to establish lines of enquiry which would result in information going straight to the Court due to PII concerns.

## Commercial Litigation

Simon is experienced in all aspects of commercial litigation and has developed his junior practice in silk.

### Notable Commercial Litigation cases

Catfoss Finance v Topdog

Claim for conversion of hired goods settled at trial.

Dixon v S & N [2002] 4 Comp LR 484

Construction of Beer Order in a case in which the issue was whether the tenant had breached the terms of his tenancy agreement. First time the order had been the subject of judicial consideration.

Abbey Archway v Cooper

Construction of an option agreement for the sale of land in which there were 2 such options, both of which the Claimant purported to exercise and in respect of which the Defendant alleged undue influence.

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Flowrite v Masternaut

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£1,000,000 claim for breach of contract resulting from a failure to pay for goods supplied, the Defendant claiming that the goods were unfit for purpose.

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Garforth Residential v Leeds City Council

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Claim against local authority for failure to pay block grant involving construction of the National Assistance Act 1948.

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TNT v Somerfield Stores

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Claim for loss of profits where extension of contract was conditional upon minimum sales figure being reached. Issue of whether figure was reached and whether, if not, the failure was manipulated by the Defendant.

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€30m claim for damages and conversion in connection with 4 yachts.

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Defending Commercial Court claim for breach of contract in relation to the contract's termination for nonperformance.

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Defending £6m claim for company accused of deliberately misinforming insurers about financial information.

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Representing company directors in Tax Tribunal where HMRC seek penalties in respect of a declared tax avoidance scheme, which failed.

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## Defamation

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Since taking Silk Simon has been instructed on a regular basis in defamation and harassment work, including interim relief and advice on whether to litigate. Simon acts for companies, individuals and organisations.

### Notable Defamation cases

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Levi v Bates [2015] EWCA 206

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Harassment.

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Weston v Bates [2015] EWHC 3432

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Striking out.

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Ontulmus v Collett[2013] EWHC 980

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Pleading defamation.

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Irving v Derbyshire [2013] EWHC 2301

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Conflict of Laws.

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Levi v Bates [2009] EWHC 1495

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Defamation

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Operation Hysson

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In which Simon, with Hannah Lynch, acted for North Yorkshire Police against a series of individuals who had used the complaints system to harass individual officers with whose professional judgements they disagreed, and achieved summary judgements and settlements saving substantial amounts of public money.

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## Public & Administrative Law

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Simon is experienced in administrative law, particularly as it relates to criminal work. He has experience in judicial review of private prosecutions (Hillsborough and Kay), confiscation *Grynhaus v Manchester Magistrates Court* [2017] EWHC 2161, and rates work (*PSCT v Milton Keynes Council* [2013] EWHC 1237).

## Commercial Dispute Resolution

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Simon is regularly instructed in all areas of commercial law and professional negligence. For example, he is currently involved in professional negligence actions involving failure to advise properly on an insurance policy, and a failure to properly cleanse a substantial property of asbestos. He has just settled a case involving fake invoices for commercial goods. Simon acted for Tim Schools in the Axiom Fund litigation (*JP SPC 4 v Schools* [2013] EWHC 4156 and 4248), and for Mr Schools in the SDT.

He is experienced in litigation against banks, for example acting for a director whose bank alleged he had assumed personal liability for company borrowing (*Barclays Bank v Morris* [2012] EWHC 194).

Simon was successful in defending a claim for c £1m damages brought against a large company who took over a service contract from a smaller competitor. He has recently succeeded in obtaining damages for a building contractor whose partner failed to honour a contract to pay, asserting a mistake, and successfully defeated the partner's appeal (*Leslie v Farrer Construction Ltd* [2016] EWCA Civ 1041).

## Professional Discipline

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Simon is instructed in discipline cases concerning Solicitors, Barristers, the Police (including the Cross-Border case), the Fire Service, Probation Service and Customs and Excise. He is experienced in judicial review proceedings arising from disciplinary proceedings (*Law Society v Waddingham* [2012] EWHC 1519; *R (Ashton & Fraser) v CC West Yorkshire* [2005] EWHC 975).

He is instructed in the disciplinary proceedings arising from administration of the COPD scheme for miners. He drafts professional guidance for accountants and barristers. he also acts for those wishing to make complaints. Simon acts for both doctors and patients in Hospital Trust investigations.

## Health & Safety

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All aspects including trading standards – Poundstretcher (unsafe clothing), Public Inquiries (Soham), and Inquests (Lightwater Valley). Simon has prosecuted and defended in Health and Safety criminal cases concerning 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).

## Marine

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Simon regularly advises the Marine Maritime Organisation regarding its powers and obligations and is leading counsel in the prosecution of John West Plc for the allegedly illegal importation of over £27m of illegally caught tuna (Operation Iroko), having advised on the regulatory settlement reached with lesser offenders.

Simon is an astute business man. His experience in business has involved many different sectors and over the years he has managed many private clients who have faced prosecution for compliance breach. These generally include Health and Safety and Trading Standards breaches.

## Public Law & Inquests

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Simon 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. He 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. He also advises 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

## Appointments

- Bencher (Middle Temple) (2013)
- Qualified Mediator (2009)
- Kings's Counsel (2003)
- Recorder (Crime, Class 2, Civil, Chancery) (2001)
- Standing Counsel Inland Revenue (2000)
- Attorney General's Provincial List (1992)