

Michael Smith

1989 Lincoln's Inn

mjsmith@deanscourt.co.uk



Education

St. Mary's High School, Astley

Christ Church, Oxford - MA (Jurisprudence) BCL

Professional Associations

Personal Injury Bar Association

Professional Negligence Bar Association

Northern Circuit Commercial Bar Association

Northern Circuit TCC Users Group

Appointments

Recorder

Areas of Specialism

Personal Injury

Clinical Negligence

Contract and Commercial Disputes

General Medical Council

Chancery and Commercial

Profile

Michael has a broad based civil practice, acting for both Claimants and Defendants. He covers the whole range of personal injury disputes, specialising in higher value claims and clinical negligence disputes, including catastrophic birth injuries and injuries of maximum severity. He also has a broad commercial practice, with an emphasis on construction disputes, insurance policy issues and professional negligence.

He appears regularly in the High Court and County Court as well as in the TCC.

He has considerable experience of alternative dispute resolution, including commercial mediations, adjudications and arbitrations.

Michael is computer literate and email friendly.

Notable Cases

Common Law

Barclays Bank v Fairclough Building

Scope of contributory negligence in contract

Common Law

Bainbridge v Circuit Foil Ltd.

Proper construction of terms of employer's pension scheme)

Clinical Negligence

Brown v Lewisham & North Southwark HA

Breach of duty and causation

Clinical Negligence

Barratt v South Manchester University NHS Trust

No breach of duty on the facts

Personal Injury

Re SS [2002] 1 FLR 445 (Wall J)

Person under disability – abortion – consent - role of medical practitioners

Clinical Negligence

Burgess v Stockport NHS Trust (2011)

No breach of duty on the facts

Clinical Negligence

R v CM NHS Trust

Substantial cerebral palsy claim settled on lump sum plus PPO basis

Personal Injury

Re D P

Award of over £4m

Personal Injury

Re J R P

Award of £3.5m

Common Law

SHP v UU

Substantial commercial arbitration settled after mediation

Landlord & Tenancy

McManus v Salford CC & Punch Taverns

Dispute about liability for subsidence to adjacent property between landlord and tenant – issue as to meaning and scope of contractual indemnity clause

What the Directories say

"He is very instinctive and sensitive. He cleverly navigates the differing interests and challenges posed by the mix of clients, expert witnesses, judges and opposing counsel." "He fights hard when he has to but shows great intelligence in the way he does it."

Chambers and Partners, 2019

"He's really attentive to what we need, his advice is always fierce and to the point and in trial he's quite clever and smart. He's a safe pair of hands, clients like him and he's robust." "He has impressed clients, who ask me to give repeat instructions if he has capacity to accept them." "He is accessible directly at all times, and gives you an honest appraisal of likely timescales for his input."

Chambers and Partners, 2018

Frequently instructed on complex and high-value clinical negligence cases, predominantly on the defendant side. He is also experienced in handling substantial personal injury cases. "He is good on technical applications such as interim payments." "He is particularly good analytically - if you've got a case with a tricky legal point, go to him."

Chambers UK, 2015

'one of the barristers of choice for clinical negligence defendant work in the North West.'

Chambers UK, 2013

'draws praise for his skill, meticulous approach and excellent bedside manner.'

Chambers UK, 2012

He is recommended as "highly regarded in severe cases" and for his "skill, meticulous approach

Chambers UK, 2010

'Highly intellectual, precise approach and keen perception of a case's strengths and weaknesses.'

Chambers UK, 2009

Deans Court Chambers: 24 St. John Street, Manchester, Greater Manchester M3 4DF
Telephone: 0161 214 6000 Email: clerks@deanscourt.co.uk