

## Michael Smith

1989 Lincoln's Inn

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### Professional Associations

Personal Injury Bar Association

Professional Negligence Bar Association

Northern Circuit Commercial Bar Association

Northern Circuit TCC Users Group

### Education

St. Mary's High School, Astley

Christ Church, Oxford - MA  
(Jurisprudence) BCL

### 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

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## Common Law

### **Bainbridge v Circuit Foil Ltd.**

Proper construction of terms of employer's pension scheme)

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## Clinical Negligence

### **Brown v Lewisham & North Southwark HA**

Breach of duty and causation

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## Clinical Negligence

### **Barratt v South Manchester University NHS Trust**

No breach of duty on the facts

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## Personal Injury

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

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

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## Clinical Negligence

### **Burgess v Stockport NHS Trust (2011)**

No breach of duty on the facts

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## Clinical Negligence

### **R v CM NHS Trust**

Substantial cerebral palsy claim settled on lump sum plus PPO basis

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## Personal Injury

### **Re D P**

Award of over £4m

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## Personal Injury

### **Re J R P**

Award of £3.5m

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## Common Law

### **SHP v UU**

Substantial commercial arbitration settled after mediation

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## 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

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## What the Directories say

"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*

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