

## Michael Smith

1989 Lincoln's Inn, mjsmith@deanscourt.co.uk



Education	Professional Associations	Appointments
St. Mary's High School, Astley Christ Church, Oxford - MA (Jurisprudence) BCL	Personal Injury Bar Association Professional Negligence Bar Association Northern Circuit Commercial Bar Association Northern Circuit TCC Users Group	Recorder

Areas of Specialism
Personal Injury
Clinical Negligence
Contract and Commercial Disputes
Chancery and Commercial
Business and Property Law

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.

## Notable Cases

### **Barclays Bank v Fairclough Building**

**Practice Area:** Common Law

Scope of contributory negligence in contract

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

**Practice Area:** Common Law

Proper construction of terms of employer's pension scheme

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**Brown v Lewisham & North Southwark HA**

**Practice Area: Clinical Negligence**

Breach of duty and causation

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**Barratt v South Manchester University NHS Trust**

**Practice Area: Clinical Negligence**

No breach of duty on the facts

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

**Practice Area: Personal Injury**

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

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

**Practice Area: Clinical Negligence**

No breach of duty on the facts

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**R v CM NHS Trust**

**Practice Area: Clinical Negligence**

Substantial cerebral palsy claim settled on lump sum plus PPO basis

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**Re D P**

**Practice Area: Personal Injury**

Award of over £4m

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**Re J R P**

**Practice Area: Personal Injury**

Award of £3.5m

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**SHP v UU**

**Practice Area: Common Law**

Substantial commercial arbitration settled after mediation

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**McManus v Salford CC & Punch Taverns**

**Practice Area: Landlord & Tenancy**

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

“Mike is a very experienced clinical negligence barrister and I respect his opinion very highly.”

*Chambers & Partners, 2024*

“Michael is an exceptionally good practitioner.”

*Chambers & Partners, 2024*

Michael has a very pleasant manner with clients, medical experts, and his opposite number. He is very persuasive at round table meetings

and in court and he is able to summarise complex legal and medical issues for both clients and with experts.

*Legal 500, 2024*

Michael produces pleadings and documents of high quality. Mike is very approachable, is able to handle difficult issues sensitively in conferences with experts, clients and with the opposing side.

*Legal 500, 2023*

Michael has a tremendous eye for detail. He is exceptionally good on complicated issues of law.

*Chambers & Partners, 2023*

Concise in his defence and quickly gets to grips with complex medical issues. He is excellent in conference with upset and anxious doctors and is a go-to counsel for a sensitive approach.

He will drill down into every detail in the case and nothing gets past him. He is very persuasive as an advocate, and his knowledge of case law and putting together an argument is exemplary.

*Chambers and Partners, 2022*

An exceptional advocate. You know you are in safe hands when Mike is involved and the outcome for the client will be the correct one.

*Legal 500, 2021*

Strengths include getting to grips with very technical medical procedures/rapport with experts and excellent testing of them in conference, simplifying the most complex of matters and being concise in defences.

*Legal 500, 2021*

Has a good handle on cases from the beginning.

Great with individual medical practitioners and quickly gets to the heart of the issue

*Legal 500, 2020*

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*

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

*Chambers UK*

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*

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

*Chambers UK*

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

*Chambers UK*

He takes responsibility and ownership of the case, but also has a great respect for the thoughts and ideas of those he is representing. My clients and in turn, their clinicians, take to him quickly and are confident after a first meeting.

*Chambers and Partners*

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*

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

*Chambers UK*

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