

Matthew White

Head of Chambers



YEAR OF CALL: 1997

INN: GRAY'S INN

“Matthew is intelligent, with an eye for detail.”

LEGAL 500, 2022

PERSONAL INJURY

Practice Overview

Matthew deals with all aspects of personal injury litigation for both claimants and defendants. He aims for a roughly equal split between claimant and defendant work, taking the view that it makes for a more rounded and better lawyer to have insight into the thinking of the opponent.

With over 20 years' experience, he has considerable expertise in serious injury claims, particularly brain and spinal injuries, highway law, industrial diseases (particularly asbestos), pain litigation, inquests and costs, as well as the more routine employers' liability, public liability and road traffic claims.

He has a particular interest in and knowledge of claims for significant pension loss, whether in money purchase, final salary, or career average pension scheme situations, or, as is usual, a mixture of schemes. He is co-author of the Personal Injury Bar Association *Guide to Pension Loss Calculation* (Rowley QC & White, 2020), and lectures on pension loss.

He is an able mathematician, with A-levels in maths and further maths. He routinely advises on and drafts complicated schedules of loss. Immediately after the release of the 8th edition of the Ogden tables he presented live online talks on how to use the new *additional tables*. They were recorded and are now online.

He has been described by clients as “forensically thorough” with “fantastic attention to detail.” He has been recommended in Chambers and Partners and in Legal 500 for many years. He has been on the Attorney General's panel of counsel to the Crown since 2002, including being on the A-panel of most senior counsel since that system was introduced outside of London, therefore trusted to deal with the most complex government cases and expected to be against QCs.

In addition to personal injury work, Matthew deals with issues relating to highway law in other contexts, and with nuisance claims, particularly those involving invasive species. He thinks of himself as a “common lawyer” and enjoys occasional cases dealing with more obscure areas of law.

Areas of Expertise

Personal Injury

Matthew routinely deals with all aspects of personal injury litigation for both claimants and defendants. He aims for a roughly equal split between claimant and defendant work, taking the view that it makes for a more rounded and better lawyer to have insight into the thinking of the opponent.

With over 20 years' experience, he has considerable expertise in highway law, industrial diseases (particularly asbestos), inquests and costs, as well as the more routine employers' liability, public liability and road traffic claims. He has been described by clients as "forensically thorough" with "fantastic attention to detail."

He has practiced in employment law for many years and is used to dealing with cases in which there is crossover between an employment dispute and an injury claim.

He regularly advises and represents clients in catastrophic injury claims, including in particular traumatic brain and spinal cord injuries, and serious orthopaedic or amputation cases.

Matthew handles the full range of industrial disease cases from mesothelioma and asbestos related claims to other respiratory diseases, cancers, noise induced hearing loss, work-related upper limb disorders, dermatitis and occupational stress.

He has a particular interest and expertise in matters of highway law and is "go to" counsel for a number of local authorities in relation to the questions of when a way is a highway, when a highway is a highway maintainable at public expense, and the effect that these issues have on duty and standard of care.

Matthew also advises on all aspects of costs issues arising out of personal injury claims including qualified one-way costs shifting, the application of Part 36 settlement offers (and the effect of non-Part 36 offers), recovery of inquest costs in a civil claim and suchlike.

He thinks of himself as a "common lawyer" and enjoys occasional cases dealing with more obscure areas of law.

He is an able mathematician, with A-levels in maths and further maths. He routinely advises on and drafts complicated schedules of loss. He has a particular interest in and knowledge of claims for significant pension loss and is comfortable calculating such loss in money purchase, final salary and career average pension scheme situations.

Pain litigation

Matthew has a particular interest in "pain cases": those involving conditions of uncertain aetiology and/or subjective pain without commensurate physiological basis. Recent cases have included substantial (£1m+) claims arising from fibromyalgia, chronic fatigue syndrome (ME), functional cognitive disorder, and complex regional pain syndrome. He has recent experience in sub-£1m claims where chronic pain syndrome and somatoform pain disorder have been relevant diagnoses.

Catastrophic Injury

Matthew advises and represents clients in catastrophic injury claims, including in particular traumatic brain and spinal cord injuries, and serious orthopaedic or amputation cases.

He is used to working with teams of medical and rehabilitation experts to ensure the best outcome in such claims.

Most cases of this type settle at JSM, but Matthew is more regularly in court dealing with expert and interim payment issues (including the *Eeles* trap).

Employer's Liability

Matthew routinely works for both claimants and defendants in relation to accidents at work and the liability of employers for their employees and others. He was familiar with claims under 6-pack regulations and, following

the coming into force of s.69 the Enterprise & Regulatory Reform Act 2013, is now used to dealing with the status of the regulations and their impact on liability issues.

The types of work undertaken cover all of the ways in which employees sustain injury at work, including trips and slips, crushing injuries, repetitive strain and other work-related upper limb disorders, exposure to substances hazardous to health, assaults at work, defective work equipment, inadequate protective equipment, and falls from height.

His expertise in relation to stress claims is complemented by his employment law practice. He advises employees and employers/ HR managers on such issues.

He has particular experience of claims involving vicarious liability, and successfully defended *Shelbourne v Cancer Research UK* [2019] EWHC842; [2019] PIQR P16 at first instance and on appeal (no liability for assault on dancefloor at office Christmas party).

Industrial Disease

Matthew advises and litigates for both claimants and defendants, handling the full range of industrial disease cases including mesothelioma and asbestos related claims, other respiratory diseases, cancers, noise induced hearing loss, work-related upper limb disorders, dermatitis and occupational stress.

Matthew deals with litigation involving exposure to asbestos and represented the successful employer in the well-known asbestos case *McDonald v National Grid and DCLG* (in which Matthew was successful at first instance and in the Court of Appeal (against silks for both other parties), the Claimant's onward appeal to the Supreme Court against the occupier of power station premises, the other defendant, being successful under the Asbestos Industry Regulations 1931).

He appreciates that often time is of the essence in cases where terminally ill or elderly claimants seek a speedy solution to their claims.

Personal Injury Costs

Matthew has always taken an interest in issues of costs arising from personal injury litigation, and regularly advises on issues including qualified one-way costs shifting, the application of Part 36 settlement offers (and the effect of non-Part 36 offers), recovery of inquest costs in a civil claim and suchlike.

Matthew's view is that getting a good result on the costs of litigation is as important as getting a good result in the litigation itself.

He deals with assessments of costs. Whilst he prefers disputes of law and principle in relation to costs, his A-levels in maths and further maths have never left him and he finds the number-crunching exercises straightforward. He regularly undertakes costs budgeting hearings and usually provides the outcome in a revised excel spreadsheet (precedent-H) format to minimise the work required from an instructing solicitor after such hearing.

Public Liability

Matthew boasts particular experience and expertise in matters of Highway Law, and regularly advises (particularly highway authorities) on such claims including ordinary trippers/ slippers, winter maintenance cases, and cases in which the status of the location (and whether it is highway or highway maintainable at public expense) is vital.

Matthew also regularly deals with accidents involving an occupier's liability to the public (such as claims in supermarkets, shopping centres, public parks and the like).

He enjoys what he terms "ordinary common law disputes" including incremental extension of the *Caparo v Dickman* test for the imposition of a duty of care, claims in negligence arising out of flooding (whether injury is sustained or not), and claims which can be put on a contractual footing.

Highways & Rights of Way

Matthew successfully defended **Young v Merthyr Tydfil CBC** [2009] PIQR P23: a more modern restatement of the principle in **Gautret v Egerton** (1866-67) LR 2 CP 371 and **McGeown v Northern Ireland Housing Executive** [1995] 1 AC 233 that, in relation to nonfeasance (i.e. doing nothing, as against misfeasance: positively creating a danger), no duty of care is owed to a person on a highway that is not a highway maintainable at public expense because presence on the highway is as of right rather than as a visitor. He has run the **McGeown** defence successfully a number of times subsequently.

More recently he was successful for the claimant in **Barlow v Wigan MBC** [2021] QB 229 in which the Court of Appeal suggested that the **McGeown** defence is only available if a person is only lawfully on a defendant's land because of the existence of a public right of way. He thinks it likely that **McGeown** will be developed further in coming years.

Matthew has a particular interest in cases involving questions of whether a way is a highway, whether a highway is a highway maintainable at public expense, and the legal implications of those decisions, and is 'go to' counsel for a number of highway/ local authorities on that issue.

The issue of whether a way is a highway, and for what kind of traffic, has implications not only in relation to duty of care, but also in relation to whether the public are entitled to use and/or seek to clear or improve a way, and is therefore of particular interest to landowners and interest groups seeking to increase available highways, and Matthew deals with these issues in contexts other than personal injury litigation.

Matthew regularly lectures on highway law issues, over the years having been invited to lecture amongst others the Chartered Institute of Highways and Transport and the Institute of Public Rights of Way. His various pieces on "Ways, Highways and Highways Maintainable at Public Expense" on the Chambers website continue to drive traffic despite being nearly a decade old.

Japanese Knotweed and other invasive species

Matthew has a particular interest in defending civil claims relating to the spread of invasive species, particularly Japanese knotweed. The withdrawal of the 2012 RICS guidance on Japanese knotweed and its replacement with the (currently draft) 2022 guidance will impact on the defending of such claims, and Matthew advises and litigates, generally on behalf of local authority defendants.

Inquests & Public Enquiries

Matthew has undertaken many substantial inquests (generally 1 to 4 weeks in length), invariably Article 2 inquests concerning public authorities. He has dealt with many death in custody inquests.

Routine shorter inquests include those that tend to precede a civil claim, including workplace accidents, road traffic accidents and death in (or having left) a clinical setting.

Matthew also deals with claims for damages for breaches of the Human Rights Act following death, including victim status, breach of article 2 (and sometimes 3) and the value of claims. He has an interest in costs generally, within which he deals with issues concerning the recovery of costs of inquest proceedings in civil claims.

Matthew spent a year working almost exclusively on the BSE Inquiry early on in his practice. He has an appreciation for the practicalities and politics of public inquiries, and is used to dealing with hearings which attract media attention.

Mediation

Matthew qualified as a mediator in 2014, primarily for a better insight when representing parties in mediation.

If acting as a mediator himself, Matthew will draw on his wealth of legal experience to assist the parties to reach an acceptable outcome without the need to go to trial / tribunal, avoiding the stress, uncertainty and escalating costs that can be involved in litigation. Matthew takes the view that whilst most personal injury cases can be resolved with a joint settlement meeting attended by the parties' representatives without the need for a mediator, there are some cases in which a mediator can provide valuable assistance. Examples of such cases include multi-party claims, and in particular claims in which there is a particular emotional issue between the parties such as where the defendant continues to employ the claimant.

Matthew brings a calm, assured and pragmatic approach to a mediation allowing parties to remain in control of the dispute and reach a settlement which is acceptable and cost effective to all.

Professional Negligence

Matthew deals with professional negligence claims arising out of the areas of law covered in his usual practice, particularly solicitor's negligence in personal injury claims. Historically, Matthew undertook construction/building dispute work and he continues to deal with architect/surveyor's negligence as an off-shoot of that.

Recent Cases

- ▶ [Brown v South West Lakes Trust and others](#) [2022] EWCA Civ 18
- ▶ [Barlow v Wigan Metropolitan Borough Council](#) [2020] EWCA Civ 696; [2021] QB 229
- ▶ [Barlow v Wigan Metropolitan Borough Council](#) [2020] EWCA Civ 696
- ▶ [Shelbourne v Cancer Research UK](#) [2019] EWHC 842 (QB)
- ▶ [Price v Egbert H Taylor & Company Limited \(costs\) Appeal](#) REF.BM5/007/A
- ▶ [Price v Egbert H Taylor & Company Limited](#)
- ▶ [Sullivan v \(1\) Cardiff Council; and \(2\) Dwr Cymru/ Welsh Water](#)
- ▶ [Walsall MBC v Millard](#)
- ▶ [Percy Leonard McDonald v \(1\) Department for Communities and Local Government; and \(2\) National Grid Electricity Transmission PLC](#) [2013] EWCA Civ 1346
- ▶ [Devon County Council v TR](#) [2013] EWCA Civ 418
- ▶ [McKie v Swindon College](#) [2011] EWHC 469 (QB)
- ▶ [MacIntyre v Ministry of Defence](#) [2011] EWHC 1690 (QB)
- ▶ [Young v Merthyr Tydfil CBC](#) [2009] PIQR P23

Recommendations

Detailed and forensic in his analysis."

CHAMBERS UK , 2022
PERSONAL INJURY

Matthew is incredibly thorough and knows his papers upside down and back to front. His attention to detail is superb. He is extremely sharp and is an excellent advocate."

CHAMBERS UK , 2021
PERSONAL INJURY

"Matthew is exceptionally user friendly with me and my clients, always has time to answer my queries and can turn his mind to the most complicated of cases/issues with speed and enthusiasm. His knowledge of the law and his forensic approach always serves him well."

LEGAL 500, 2021

PERSONAL INJURY

"Matthew is a standout counsel."

LEGAL 500, 2021

INQUESTS AND INQUIRIES

"Matthew is exceptionally user friendly with me and my clients, always has time to answer my queries and can turn his mind to the most complicated of cases/issues with speed and enthusiasm. His knowledge of the law and his forensic approach always serves him well."

LEGAL 500, 2021

PERSONAL INJURY

"Matthew has an excellent all-round understanding of chronic pain. 'He is entirely unruffled and instils confidence.' 'The doyen of highways claims, he is extremely bright and able to get right to the heart of the issues.' "

CHAMBERS UK, 2020

PERSONAL INJURY

"Predominantly instructed by state actors in inquests, he has a forensic mind."

LEGAL 500, 2020

INQUESTS AND INQUIRIES

"Particularly knowledgeable on highways claims."

LEGAL 500, 2020

PERSONAL INJURY

Recent Articles

- ▶ The PIBA Guide to Pension Loss Calculation
- ▶ Vicarious liability issues following injury at an office party
- ▶ Planning an office party? Read this first
- ▶ Relief from sanction after Denton: a summary of cases
- ▶ Important update: The Lord Chancellor has changed the discount to MINUS 0.75%
- ▶ Qader incorporated into the CPR
- ▶ Court of Appeal decision in *Crawley v Barnsley MBC* [2017]
- ▶ "Guess what... the Lord Chancellor's review of the discount rate is not going to be completed by 31/1/17"
- ▶ *Qader v Esure* Court of Appeal decision:- fixed costs do not apply to ex-protocol cases that are allocated to the multi-track

Professional memberships:

- ▶ Personal Injury Bar Association

Qualifications & awards

- ▶ MA (Oxon)

Contact Matthew:

matthew.white@stjohnschambers.co.uk

Contact the clerks:

T: 0117 923 4730

E: piclerks@stjohnschambers.co.uk