

Dr Michael Powers QC

Cases

Clark v MacLennan & Another [1983] 1 All ER 416 Pain J: Onus of proof on defendant to show plaintiff's injuries not caused by breach of duty

Pepall & Others v Thorn EMI [1985] (unreported) Woolf J 20 Dec 1985 – leading decision on damages in RSI cases

Naylor v Preston Area Health Authority [1987] 1 WLR 958; [1987] 2 All ER 353 (CA): pre-trial disclosure of expert medical evidence

Harris v Newcastle Health Authority [1989] 2 All ER 273 (CA): Discovery of documents before action in the light of S.33 Limitation Act 1980

Sa'd v Robinson, Dunlop and Sa'd, Ransley and Mid-Surrey Health Authority [1990] 1 Med LR 41 Leggatt J : brain injury from scolding tea – GP defence included allegation against mother of antecedent negligence

Sellers v Cooke, East Dorset Health Authority, Wessex Regional Authority (preliminary issue) (CA) [1990] 2 Med LR 13: Reasonable diligence did not require statement from registrar when consultant had ordered and houseman signed for treatment

Sellers v Cooke, East Dorset Health Authority, Wessex Regional Authority (CA) [1990] 2 Med LR 16: New evidence from Registrar would probably not have important influence on result of case

Doughty v North Staffordshire Health Authority [1992] 3 Med LR 81 Henry J: S.33 Limitation Act 1980 discretion exercised 25 years after disastrous plastic surgery to face

AB & Others v John Wyeth & Brother Ltd and Roche Products Ltd [1992] 1 WLR 168 (CA) Benzodiazepine litigation – Claimant not obliged not obliged to disclose material put to his doctors which doctor disregarded as irrelevant

AB & Others v John Wyeth & Brother Ltd, Roche Products Ltd, Upjohn Ltd [1994] 4 Med LR 1 (CA) Benzodiazepine litigation – Refusal to extend cut-off dates in respect of late group of claimants

AB & Others v John Wyeth and Brother Ltd & Roche Products Ltd [1994] 5 Med LR 149 (CA) Benzodiazepine group litigation – alternative claims against prescribers struck out on grounds of unjustness and abuse of process

Howard v Wessex Regional Health Authority [1994] 5 Med LR 57 Morland J:
Application of res ipsa loquitur inappropriate in a case of tetraplegia following
sagittal split osteotomy

R v Merseyside Coroner, Ex Parte Carr [1994] 1 WLR 578 (Div Court)
Coroner's jury irregularly summoned – Inquest a nullity

Nur v John Wyeth & Brother Ltd [1996] 7 Med LR 301 Kennedy J:
Benzodiazepine group litigation – actions struck out for failure to serve
medical reports which *substantiated* alleged injuries as being caused by drug

AB & Others v John Wyeth & Brother Ltd [1996] 7 Med LR 267: Kennedy J:
Benzodiazepine group litigation – after withdrawal of legal aid, non-legally
aided litigants struck out – abuse of process and inordinate and inexcusable
delay

Robertson v Nottingham Health Authority [1996] 7 Med LR 421 Otton J: 2
hour delay in Caesarean section culpable but not causative.

Robertson v Nottingham Health Authority [1997] 8 Med LR 1 (CA) - Health
Authority had non-delegable duty of care to establish a proper system of care

AB & Others v Roche Products [1997] 8 Med LR 57 (CA) – Judge not wrong to
strike out non-legally litigants in group litigation after withdraw of legally
aided litigants

Powell & Another v Boladz & Others [1998] Lloyds Med R 116 (CA) Doctors
owe no duty of care to the parents of a dead child patient

Adelaide Gardiner v Basildon & Thurrock Health Authority (1998) QBD Astill J
29/6/98. £1.5 million birth injury associated with use of oxytocics LTLPI
3/7/98 Document No: PI Quantum Reports AM 0100140

Firmin v MOD QBD (1998) Tucker J Cerebral palsy £2.35 million LTLPI
6/7/98 Document No.: PI Quantum Reports - AM0100146

West v Bromley Hospitals NHS Trust (1999) QBD Blofeld J LTLPI 18/6/99
Cauda equina syndrome – incontinent, sexual dysfunction, Viagra - £595,000
- Document No: PI Quantum Reports – AM 0900147

Clayton v Milton Keynes General NHS Trust 11/11/99 Kennedy J: £150,000
- Missed uterine infection – fatal £150,000 for partner LTLPI 11/11/99
Document No.: PI Quantum Reports - AM0900168

Casey-Tancock v Exeter Health Authority 11/3/99 Buckley J: £750,000
Cerebral Palsy LTLPI 15/3/99 Document No.: PI Quantum Reports -
AM0900120

Cope v Kingston & Richmond Health Authority 10/3/99 Butterfield J £1.25
Cerebral Palsy LTLPI 10/3/99 Document No.: PI Quantum Reports -
AM0900118

Miloshas v South Staffordshire Health Authority 11/11/99 Gray J. unreported
£4.5 Million Cerebral Palsy

Johnstone v North West Lancashire Health Authority - Approval Morland J
(17/1/00) unreported - £1.7m cerebral palsy - short life expectancy - 3%
discount rate affirmed obiter

Hatswell v Goldbergs & Wolferstans Toulson J (16/3/00) unreported solicitors
negligence - Standard to be expected of a solicitor conducting a medical
negligence action in 1988/89

Hardaker v Newcastle Health Authority & The Chief Constable of Northumbria
Lloyds rep Med [2001] 512

Hopkins v Royal Shrewsbury NHS Trust 26/2/01 Buckley J. Claimant's
willingness to accept a 75% offer on liability for a cerebral palsy not
recommended to or approved by Court. Offer increased to 85% and
approved.

Tibber v Bush 16/06/01 Evans J. (unreported) Spinal and Intracranial
Abscess. Failure to examine proved. Causation not established.

Humberstone v Worthing & Southlands Hospitals NHS Trust Crane J:
17/7/01: £1.9 million for missed brain haemorrhage LTLPI 6/8/2001
Document No.: PI Quantum Reports - AM0900386

Rogers v Exeter & District Community Health Services 21/11/01 Owen J.
(unreported) Schizophrenic - HA liable for RTA brain injury. Damages and an
undertaking to maintain specified level of care in the NHS for remainder of
claimant's life

Steven Parkhouse v North Devon Healthcare NHS Trust QBD (Gage J)
8/11/2001 LTLPI 22/1/2002; Document No.: PI Quantum Reports -
AM0200359 £2.2 Million Cerebral Palsy Claim

*XYZ & Others v Schering Health Care Ltd and Others Re: The Oral
Contraceptive Group Litigation* [2002] All ER (D) 437 (Jul) Claimants failed to
prove any increased risk of venous thrombosis with third generation oral
contraceptives over the older second generation products

Jeffrey v Royal Devon & Exeter NHS Trust Astill J, 14/3/03 (unreported)
appendicitis in pregnancy

Re: Robert Powell Deceased Carmarthen Coroner Jan-Apr 2004. Long running (14 years) Welsh case: medical negligence and cover-up – (The Guardian: *Fatal Flaws* 04/1/06)

David Thomas Smith v West Yorkshire Health Authority Silber J March 2004 (unreported): Obstetric negligence: Cerebral Palsy

Timothy Sully v John Morewood Davis J. May 2004 (unreported) Brain damage: GP negligence

Re: Ian Shoobridge Deceased: Helicopter (mechanical factors) Inquest Basingstoke March 2005

Stephen Bonar v Cumbria and Lancashire Strategic Health Authority McCoombe J (unreported 24 May 2004) £1M settlement brain damage approval

R(On the Application of Goodson) v Bedfordshire & Luton Coroner (Luton & Dunstable NHS Trust Interested Party Admin Court: Richards J [2005] 2 All ER 791: Applicability of Art 2. HRA to NHS Negligence cases

R(On the Application of Goodson) v Bedfordshire & Luton Coroner (Luton & Dunstable NHS Trust Interested Party Court of Appeal [2005] All ER (D) 122 Oct: Whether Protective Costs Order should be made

Feeney v Blackpool Victoria NHS Trust Hodge J: Ruptured uterus, brain damaged baby: infant approval 17 Jan 2005 (unreported)

Tracy Hayes v Barnsley Metropolitan Borough Council HHJ Moore (Sheffield) 22/4/05: Electrical fire

Re: Linhart Deceased Helicopter (operational factors) - 2nd inquest June 2005

Publications include

Co-Author "Hydroxylations of aromatic amino acids mediated by a tetrahydropterin" *Biochimica et biophysica acta* {Biochim-Biophys-Acta} 1970 Dec 29, VOL: 222 (3), P: 606-10, ISSN: 0006-3002.

Co-Author of "Thurston's Coronership: The Law and Practice on Coroners" (1985) Longman Law, Tax and Finance

Specialist Editor: *Coroner's Law in the Justice of the Peace Reports* (1985-1990)

Chapter in "Consciousness Awareness and Pain in General Anaesthesia" Butterworths (1987)

Co-Author of "Casebook on Coroners" (1989): Barry Rose Publications

Chapter in "General Anaesthesia" Butterworths 5th edn (1989)

General Editor of "Powers & Harris: Medical Negligence" Butterworths (1990)

Record Keeping in Anaesthesia: what the law requires Br. J. Anaesth.
1994;73:22-24

The Coroner's Inquest: Br. J. Anaesth. 1994; 73; 78-82

Introduction to Medical Negligence Law Clinical Risk (1995) 1, 37-39

Foreseeability and Remoteness Clinical Risk (1996) 2, 85-87

Chapter in "Rehabilitation of the Physically Disabled Adult" Stanley Thornes
(1997)

Chapter in "General Anaesthesia" Butterworths 6th edn (1997)

Chapter in "Emergency Anaesthesia" Arnold (1997)

Chapter in "Drug Induced Automatism in Medicine, Medical Devices and The
Law" Greenwich Medical Media Limited (1999)

Co-Author of "Sources of Coroners Law" (1999) Barry Rose Law Publishers Ltd

General Editor of "Powers & Harris: Clinical Negligence" Butterworths (2000)

Chapter in "Risk Management and Litigation in Obstetrics and Gynaecology"
Royal Society of Medicine (2001)

Chapter in "Acquired Damage to the Developing Brain" Arnold (2002)

Many other papers and articles

Present Consulting Editor: Clinical Risk published by Churchill Livingstone