

BENJAMIN BROWNE QC

Call 1976

Silk 1996

Get in touch

bbrowne@2tg.co.uk

+44 (0)20 7822 1200



*"a formidable
advocate and
negotiator"*

(Legal 500)

Practice Overview

Recognised as the inaugural Legal 500 Clinical Negligence and PI Silk of the Year in 2013, Ben enjoys a reputation for being a "class act" who can "see the bigger picture and rip an expert witness to pieces if he sees any flaws in their evidence" (Chambers UK). He is also described as an "excellent cross examiner" (Legal 500).

In personal injury, Ben is "first rate". He provides "timely, thorough and well prepared advice". Recently, he acted for the defendants in *Collier-v- Norton*, a personal injury case in which the highest individual settlement to date (£15m) was awarded. He is considered to be "very persuasive in negotiations" (Chambers UK). His practice has developed a significant international flavour in recent years, and he is ranked in Travel by Chambers UK, where he is described as "very impressive".

He is described as "incisive and thorough", "excellent with clients" and a "persuasive and strong" advocate.

A noted fierce competitor who produces exuberant displays in court, Ben's contribution to 2TG's reputation is furthered by significant cases in farming-related litigation, insurance and reinsurance, and professional regulation.

Clinical Negligence

Acting for both claimants and defendants including:

- Many catastrophic birth injury cases.
- Cases against GPs, surgeons and hospital/health authorities negligent diagnosis/treatment
- Case concerning alleged failure to recognise T.I.As leading to major stroke.
- Cases concerning failure to safeguard suicidal patients
- Disputes as to the correct approach to care multipliers

Practice areas

Clinical Negligence
Farming-Related Litigation
Personal Injury
Product Liability
Professional Regulation
Travel
Sport

Memberships

LawInSport
BASL

Qualifications

MA, Jurisprudence

Education

Christ Church, Oxford



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Farming-Related Litigation

- Disputes as to quality of products supplied (especially for use in animal feeds).
- Disputes as to quality of live products (trout etc).
- Disputes as to quality of animal feeds supplied.
- Disputes arising out of crop-spray drift.
- Personal injury cases arising in a farming context.
- Claims arising out of pollution of water courses.
- Claims against MAFF concerning negligent certification of farm stock.
- Disputes concerning milk quotas.

Personal Injury

Many personal injury cases for claimants and defendants including:

- Liability of BBC and others for exposure of employees and independent contractors to non-ionising radiation.
- Liability for work-related stress.
- Liability for personal injury following tyre failure consequent upon manufacturing defect.
- Liability for escaping horses.
- Liability for riding accidents in various circumstances.
- Liability of school for trespassers using school pool.
- Liability of local authority for failure to grit roads in adverse weather conditions.
- Liability for death of employees whilst serving abroad in an unstable country.
- Liability of skiers to others using slopes.
- Whether bicyclists contributory negligent for failing to wear helmets.
- Vicarious liability of employer for criminal acts of employees.
- Vicarious liability of employer for non-authorized journeys of employees.
- Liability of MIB to indemnify in respect of RTA judgements.
- Many running down cases, employers' liability and occupiers' liability cases.
- Many cases in relation to somatic or hysterical disorders.
- Cases involving PVS and many other major head injuries.
- Many tetraplegic, paraplegic and serious amputation cases.
- Fatal Accident Act claims.

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Product Liability

Regularly advises in high profile Product Liability cases

Professional Regulation

Regularly instructed in cases arising out of allegations of professional misconduct against solicitors, Ben has appeared in:

- Solicitors Disciplinary Tribunal.
- Administrative Court.
- Court of Appeal.

Travel

Ben acts in an increasing number of claims with an international aspect. He has particular experience of dealing with complex issues relating to discount rates in cross-border cases and claims by foreign insurers and social security bodies for recovery of their outlay. He frequently deals with foreign legal experts as well as foreign experts in other disciplines such as employment, accommodation and care.

Current and Recent Work

***Wall v Mutuelle de Poitiers Assurances* [2012]**

Claim in England for an accident in France. Substantial issues of jurisdiction under Rome II.

***Virgin Airways v British Airports Authority and Heathrow Airport* [2011-ongoing]**

Claim by a disabled US citizen injured in an accident at Heathrow Airport. Issues relating to the Montreal Convention, jurisdiction and applicable law.

***A v B (Confidential) Jersey* [2011 – ongoing]**

Catastrophic claim arising out of accident in Jersey.

***Lutsky v Kimmelman and Quinn Insurance Ltd.* [2010 – ongoing]**

Fatal accident to a Canadian citizen in the UK. Complex issues of quantification of Canadian earnings.

***Tolmer v Tullett* [2010] QBD**

Large personal injury claim by a French sailor.

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***Den Dulk v Avon Thoroughbreds* [2009-ongoing]**

High value claim arising out of a riding accident involving a Dutch Claimant requiring consideration of issues of Dutch law and practice.

***Denis and Caisse Primaire Assurance Maladie de Paris v MIB*[2007-9] QBD**

High value personal injury claim involving a French citizen. Recovery action brought by French social security body to recoup outlay successfully defeated. Complex issues of French law and EU law, including issues relating to EU Regulation 1408/71.

Sport

Ben acts for diverse sporting clients who are attracted by his own reputation as a fierce competitor and his incisive approach, coupled with a practical and in-depth understanding of their sport. He has a particular interest in horses and has developed an expertise in this area which makes him highly sought after in equine related litigation.

He is an acknowledged expert on the *Animals Act 1971* and has appeared in many of the leading cases on the statute, most notably the House of Lords decision in *Mirvahedy v Henley* [2003] 2 AC 491.

He has acted in matters concerning racing stables and trainers, jockeys, stable hands and injuries arising in polo matches.

Ben is also adept in motorsport matters. He has advised the British Motocross Association and their insurers and acted for riders injured during motorcycle racing meets.

His practice in this area is complemented by an increasing number of disputes arising in sport undertaken for pleasure as well as competition, particularly skiing, swimming, diving and recreational horse riding. Issues include employers' liability, insurance, health and safety and involvement of regulatory bodies and local authorities.

Current and Recent Work

***Mirvahedy v Henley* [2003] 2 AC 491 (House of Lords)**

The leading case on the *Animals Act*, with significant repercussions for the keepers of animals and impact on the insurance costs and exposure of commercial and professional equestrian businesses.

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***Goldsmith v Patchcott and Roach* [2012] PIQR P11 (COA)**

Equestrian case under the Animals Act. A rider injured by being thrown from a horse she was trying with a view to buying.

***Johnson v. Castle Combe Circuit Ltd* LTL 20/2/2012**

Acting successfully for the claimant, who had suffered very severe head injuries at work on the well-known motor racing circuit.

***Den Dulk v Avon Thoroughbreds* [2009-ongoing]**

Acting for the Defendant in a high value claim arising out of a riding accident involving a Dutch Claimant requiring consideration of issues of Dutch law and practice.

***Brown v. Surry & MIB* (2007)**

Horse riding accident caused when the horse was allegedly frightened by a noisy uninsured motorcyclist.

***Lyons v Maidment* (2002)**

Contested liability of one skier to another in the event of a collision.

Significant Cases

***Collier -v- Norton* (2012)** – highest personal injury award yet made in the English courts

***Phethean-Hubble v Coles* (CA 2012)** – RTA, contributory negligence of a child

***Cole v Davies-Gilbert* (CA 2007)** – Occupiers' liability.

***Williams v The Estate of Mr James McGarley Johnstone* (RCJ QBD 2008)**
– The claimant sought to revive a claim against the MIB under s.33 of the Limitations Act 1980 following the ruling in the House of Lords in *Horton v Sadler*. Court refused to exercise its discretion and dismissed the case.

***Mattis v Pollock* (CA 2003)** – Vicarious liability.

***Devon CC v Webber* (CA 2002)** – Farmer's liability for land slip

***Ward v Kraft* (2001)** – Liability of stress-related illness

***M v Leeds Health Authority* (2001)** – The correct approach to accommodation claim

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Recommendations

"A formidable advocate and negotiator."; "He combines a formidable courtroom presence with a charm that is deployed to devastating effect."
Legal 500 2017

"He brings great authority and great gravitas to his cases."; "He has a great presence and is an excellent advocate."; "...never misses a trick, he's really first-rate."; "Meticulous with his paperwork and extremely approachable." **Chambers UK 2017**

"A master of the detail and a calm authority."; "He gets to the heart of a case, and provides practical and pragmatic advice." **Legal 500 2016**

"Widespread acclaim for his expertise in catastrophic injury cases"; "Nobody would ever query his effectiveness – he's first rate"; "He has the ability to get to the nub of the issues and he's very persuasive in negotiations"; "A highly respected silk" "Incisive and authoritative"; "..Very impressive...I wouldn't hesitate to use him in future"
Chambers UK 2014

Inaugural Legal 500 Personal Injury Silk of the Year 2013

"Firm, fair and effective"; "strong and confident negotiating style"; "his ability to power through paper work like a steam train."; "a popular silk with a highly effective courtroom style who is particularly valued by solicitors for his cross-examination skills."; "highly impressed"
Chambers UK 2012

"very authoritative"; "a real presence in court."; "ability to absolutely crucify an opposition expert witness. If you see the opponent has an expert whose testimony is a bit shaky he's the guy to go to."; "thorough, reassuring and a superb advocate who is good at anything he does."
Chambers UK 2011

"a master tactician and an imposing negotiator,"; 'enormously impressive in court"; 'first rate cross-examination skills."; "tremendous intellect, extremely pleasant manner and his ability to assimilate vast amounts of material." **Chambers UK 2010**

"exceptionally well thought of; "fierce competitor, who produces exuberant displays in court,"; "prompt, thorough and realistic advice."; "Class act"; "He can see the bigger picture and rip an expert witness to pieces if he sees any flaws in their evidence." **Chambers UK 2009**

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"Punchy advocate"; "thorough and realistic"; "he has gravitas both in the courtroom and across the negotiation table."; "effective"; "excellent cross-examiner." Chambers UK 2008

"sound practical approach" Chambers UK 2007

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