

# BRADLEY MARTIN QC

Call 1990

Silk 2018

## Get in touch

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*"a superb  
advocate"*  
(Chambers UK)

## Practice Overview

Bradley is a specialist clinical negligence barrister. His practice covers all aspects of clinical negligence for claimants and defendants, in particular brain damage, spinal injury, amputation and other high value claims.

For many years, he has been recommended as a leading clinical negligence barrister by Legal 500 and Chambers UK where he was recently described as *"a superb advocate"* and *"very natural and persuasive ... a winner"*.

Bradley has significant experience of product liability claims, including group litigation and has undertaken personal injury work throughout his career. He is also active in professional regulation, having appeared before the professional conduct committees of the GMC, GDC, CIPFA and ICAEW.

He has background academic and research experience, having been a researcher of medical law at the University of Toronto and a tutor of tort law at Leicester University. He lives in Hove and plays guitar, banjo, and ukulele with great enthusiasm (if not skill).

## Clinical Negligence

Specialist advocate acting for and against doctors, surgeons, nurses, midwives, optometrists and dentists. Regularly instructed on behalf of NHSR and maintains a significant number of claimant instructions. Particularly experienced in dealing with the breach of duty, causation and quantum issues that recur in cerebral palsy, other obstetric, cauda equina, other spinal injury and amputation claims. Often instructed to deal with difficult issues of quantum. Background academic and research experience in the field of medical law.

## Practice areas

Clinical Negligence  
Personal Injury  
Product Liability  
Professional Regulation

## Memberships

LCLCBA  
PNBA  
PIBA

## Qualifications

LLB  
Barrister at Law

## Education

Leicester University  
Toronto University



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Trial successes include:

**Bailey v Northfield** (Manchester CC, 2009): succeeded for the claimant in leg amputation case concerning failure by GPs timeously to refer.

**Nicholas v Imperial College Healthcare NHS Trust** [2012] EWHC 591 (QB): successfully defended professor of vascular surgery in stroke claim concerning alleged poor performance of carotid endarterectomy.

**Gregori-O'Neill v East and North Hertfordshire NHS Trust (QBD, 2014)**: successfully defended obstetric team in claim that it was negligent to deliver by caesarean section a baby about to be delivered vaginally.

**Bostridge v Oxleas NHS Foundation Trust** (CLCC, 2014): false imprisonment of patient unlawfully detained on mental health grounds – successful at first instance in limiting the claim to nominal damages of £1 (upheld on appeal [2015] EWCA Civ 79).

**Helps v Nottingham University Hospitals NHS Trust** (Nottingham CC, 2014): successfully defended consultant colorectal surgeon in claim alleging negligent performance of stoma revision surgery.

**Anelay v Nottingham University Hospitals NHS Trust** (Nottingham CC, 2014): successfully defended junior obstetrician in claim alleging negligent performance of forceps delivery causing 4<sup>th</sup> degree tear.

**Moore v Worcestershire Acute Hospitals NHS Trust** [2015] EWHC 1209 (QB): permission obtained on behalf of an acute trust to withdraw admissions of breach of duty and causation made by mistake. The claim against the trust was subsequently withdrawn.

**Roberts v Portsmouth Hospitals NHS Trust** (QB Winchester, 2016): succeeded for the claimant in neonatal compartment syndrome case – claimant lost a better outcome due to negligent delay on the part of the neonatal intensive care team in diagnosing and treating an upper limb compartment syndrome in a day old, premature neonate.

**Winter v NHS Commissioning Board** (CLCC, 2016): for the defendant in a wrongful birth case – the claimant became pregnant despite having had a hormone implant (Implanon) – held that a negligent failure to insert the device could not be inferred, the cause of the failure was probably the spontaneous expulsion of the implant.

**Darnley v Croydon Health Services NHS Trust** [2015] EWHC 2301 (QB); [2017] EWCA Civ 151 (CA); [2018] UKSC 50 (SC): for the defendant in landmark case about the duties of non-clinical A&E staff and the

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responsibility of the NHS for harm caused by failing to wait to be seen in A&E.

**Kirk v Derby Hospitals NHS Foundation Trust** (Derby CC, 2017): successfully defended obstetric and midwifery teams in claim for failure of advice about vaginal birth after caesarean section and alleged negligent management of subsequent uterine rupture.

**Harding v Buckinghamshire Healthcare NHS Trust** [2017] EWHC 2393: for the defendant in claim for delay in diagnosis of, and transfer for, surgery in a catastrophic brain injury case. Breach of duty was admitted but judgment was obtained for the defendant on the basis that surgery in accordance with the 'hypothetical timeline' would not have altered the outcome.

## Interesting and Notable Cases

**Macaulay v Karim and Croydon Health Services NHS Trust** [2017] EWHC 1795 (QB) (<https://www.telegraph.co.uk/news/2017/07/19/man-suffered-multiple-amputations-due-flesh-eating-bug-left/>);

Cerebral palsy cases, cauda equina cases, Erb's palsy/shoulder dystocia cases, cases of acute limb ischaemia leading to limb amputation;

Failure to diagnose spinal epidural abscess leading to paraplegia; failure to diagnose TB arachnoiditis; failure to diagnose necrotising fasciitis;

Clinical and radiological failure to diagnose a retroperitoneal mass (sarcoma);

Failure to treat uveitis resulting in blindness;

Failure to diagnose neonatal osteomyelitis;

Failure to diagnose neonatal compartment syndrome;

Failure to diagnose various eye conditions, including acanthamoeba keratitis and acute angle-closure glaucoma;

Junior counsel for the defendant in **R v The Royal National Orthopaedic Hospital NHS Trust** [2012] EWHC 492 (QB) concerning the standard of care in juvenile scoliosis surgery;

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Junior counsel for the defendant in *The Royal Victoria Infirmary & Associated Hospitals NHS Trust v B (A Child)* [2002] Lloyds Med LR 282 (CA) concerning the use of statistical evidence in life expectancy cases.

## Personal Injury

Expert at acting for and against claimants over the whole range of personal injury and fatal accidents litigation, including cases of injury of maximum severity, psychiatric damage, industrial diseases (including asbestos claims and WRULD claims) and injury to children.

Often instructed where there is a particular medical issue.

Particular expertise in drafting complicated schedules and counter schedules of damages in brain damage/reduced life expectancy claims. Wide experience of complex road accident claims and proceedings at inquests.

## Product Liability

Retained on behalf of NHS defendants in respect of vaginal polypropylene mesh claims.

Was junior counsel for Glaxo in the Myodil litigation. Acted on behalf of prescribing doctors in several cases concerning the anti-malarial drug Lariam. Counsel for defendant in the Hydrogel breast implant claims.

Experience of other product liability cases including failure of cranes, a child safety bottle, a child's toy plane, a water slide and parts of vehicles generally.

## Professional Regulation

Instructed to appear before the PCC/FTPP of the General Medical Council in a variety of disciplinary cases against medical practitioners, for example propriety of laser spinal surgery, agreement to facilitate illegal kidney transplant surgery, failures of GPs to attend, examine, refer and properly prescribe, and breach of the duty of confidentiality.

Instructed to appear before the Professional Conduct Committee of the Chartered Institute of Public Finance Accountants in cases of misconduct against public sector accountants, including mismanagement of multi-million pound local authority capital development project in Wales, mismanagement of pensions in the London Borough of Redbridge,

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improper use of local authority funds for political purposes, disciplinary proceedings arising out of the multi-million pound deficits in London Borough of Lambeth, North East Lincolnshire Council and Royal Wolverhampton NHS Trust, and the scandal over executive severance pay and expenses in East Lothian.

## Significant Cases

Vaginal mesh claims for NHS defendants.

*Harding v Buckinghamshire Healthcare NHS Trust* [2017] EWHC 2393 (QB).

*Macaulay v Karim and Croydon Health Services NHS Trust* [2017] EWHC 1795 (QB).

*Darnley v Croydon Health Services NHS Trust* [2015] EWHC 2301 (QB); [2017] EWCA Civ 151 (CA).

*Wastell v Woodward* (Master Davison, 28/02/17).

*Webb v Liverpool Women's NHS Foundation Trust* [2015] EWHC 133 (QB).

*Moore v Worcestershire Acute Hospitals NHS Trust* [2015] EWHC 1209 (QB).

*Bostridge v Oxleas NHS Foundation Trust* (at first instance – upheld see [2015] EWCA Civ 79).

*Ecclestone v Medway NHS Foundation Trust* [2013] EWHC 790 (QB).

*R v The Royal National Orthopaedic Hospital NHS Trust* [2012] EWHC 492 (QB).

*Nicholas v Imperial College Healthcare NHS Trust* [2012] EWHC 591 (QB).

*Bailey v Northfield* (2009).

Hydrogel breast implant claims for PIP (2007).

*Lambeth BC v Thames Water Utilities* (2006).

*P v T* [2004] EWHC 1392 (QB).

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*Reynolds v North Tyneside Health Authority* [2002] Lloyds Med LR 459.

*The Royal Victoria Infirmary & Associated Hospitals NHS Trust v B (A Child)* [2002]  
Lloyds Med LR 282 (CA).

*Barry v NHSLA* (2002).

*Jackson v Goodwood* (1999).

*O'Mahony v Joliffe* (1999).

Lariam cases for GPs.

*Dunthorne v Bentley* [1996] RTR 428 (CA).

Myodil litigation for Glaxo.

*Wentworth v Wiltshire County Council* (1993).

## Recommendations

*"Good on his feet and really thorough." "A very effective advocate who wins the confidence of the trial judge." (Chambers UK 2018)*

*"An experienced and capable advocate." (Legal 500 2017)*

*"He's a superb advocate." "He's got a very natural and persuasive delivery and he makes his arguments well and effectively. He's what you would call a winner." (Chambers UK 2017)*

*"Able to quickly boil the case down to the key issues." (Legal 500 2016)*

*"He is very helpful, does excellent work, and is very good in court." (Chambers UK 2016)*

*"He is a real detail man; no matter how complex the case, he seems to 'get it' straight away." (Legal 500 2015)*

*"He's a fantastic advocate – I would always prefer to have him on my side than on the other side." "His approach is careful and considered and he is particularly user-friendly. He puts clients and clinicians at ease." (Chambers UK 2015)*

*"Excellent in conference and in court." (Legal 500 2014)*

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*"A good, helpful junior who does excellent work, and is very good in court."* (Chambers UK 2014)

*"An experienced clinical negligence counsel" who is "excellent in conference with experts and in court."* (Chambers UK 2013)

*"Bradley Martin has had a busy year advising the NHSLA on complex brain damage and spinal injury cases. He is often instructed to deal with difficult issues of quantum."* (Chambers UK 2012)

*"Has a good mix of claimant and defendant work covering the full spectrum of injuries."* (Chambers UK 2011)

*"A good team player who works well in conjunction with his instructing solicitors and clients."* (Chambers UK 2010)

*"Very able, thorough, efficient and approachable."* (Legal 500 2010)

*"An effective opponent who punches above his weight."*  
(Chambers UK 2009)

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