



## Matthias Kelly KC

Year of call: 1979 | Silk: 1999

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*“one of the most hardworking and approachable barristers”*

## The Legal 500

Matt is a legal science graduate of Trinity College Dublin (1977). He then studied in London and qualified as a Barrister, being called to the Bar of England and Wales in 1979. He was subsequently admitted as Barrister in Northern Ireland (1983) and the Republic of Ireland (1983). He qualified as an Attorney in New York in 1983 and was admitted to the US Federal Bar in 1984. He is a King's Counsel (KC) in London and a Senior Counsel (SC) in Dublin.

He is a past Chairman of the Bar of England and Wales and a past Chairman of the UK Personal Injuries Bar Association. He is a part-time Judge in England and Wales, sitting as a Recorder in the Crown Court, the County Court and the Family Court. He is an Examiner of the High Court of England and Wales. He has appeared before, and argued cases, in every Court in both England and Wales and the Republic of Ireland up to and including the Supreme Courts in both countries. He is a Bencher of The Hon. Society of Gray's Inn, London.

## Areas of expertise

Inquiries and Inquests

Clinical Negligence and Personal Injury

Abuse

Industrial Disease

Court of Protection

## Clinical Negligence and Personal Injury

Matt has many years' experience conducting Personal Injury and clinical negligence cases. He is a past Chair of the Personal Injuries Bar Association. He has represented many Claimants in cases of catastrophic injury (brain, spinal, internal and psychiatric injury).

### Cases of note:

- *Howard v Brighton and Sussex University Hospitals NHS Trust (2006)* High Court, London, cerebral palsy.

- ***Firth v Geo. Ackroyd Ltd and another* (2000) Lloyds LR (medical) 312** - Recoverability of cost of care provided by local Authority under statutory duty).
- ***Page v Sheerness Steel, Wells v Wells and Thomas v Brighton Health Authority* (1998) 3 WLR 329. House of Lords** - The leading case on multipliers for future loss and the discount rate.
- ***Rastin v British Steel Plc; Todd v Evans; Adams v Geest Plc; Byrne v Webber; Donaldson v Canavan; Ayres v British Steel Plc*; (1994) 1 WLR 732** - The Automatic striking out of personal injury actions due to delay.
- ***H v Ministry of Defence* (1991) 2 WLR 1192** - The Right to Jury trial in personal injury cases.
- ***Kennedy v Ryan* (January 2015), High Court Dublin** - Symphysiotomy, limitation, liability for post caesarean operation.
- ***Ellie Challis v Barking, Havering & Redbridge Hospitals Trust*, 2008-2011.** High Court London, medical negligence, meningococcal septicaemia. Quadruple amputee.
- ***Adam Jones V BBC and others*, (2007).** High Court - Employer's liability, and occupier's liability.
- ***Zeb v Frimley Health NHS Foundation Trust* (2016) EWHC 134 (QB)** - Clinical negligence: TB Meningitis.
- ***Mulgrew v Health Service Executive*, High Court Dublin**, - Leg amputation, severe damage to hip by Medical Negligence, July 2012

## Memberships

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- Personal Injuries Bar Association (PIBA)
- Association of Regulatory and Disciplinary Lawyers, (ADRL)
- Court of protection Bar Association( COPBA)
- Western Circuit

## Qualifications

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### Education

- St. Patrick's Academy, Dungannon,, Co. Tyrone (1969-1973)
- Trinity College Dublin (1973-1977) BA (Mod) LLB
- Inns of Court School Law, London (1978)
- 1979: Barrister; Gray's Inn (member of the Western circuit.)
- 1983: Barrister; King's Inn, Dublin and Inn of Court, Belfast. 1986: Attorney; New York State Bar.
- 1987: Attorney; U.S. Federal Bar.
- 1999: Queen's Counsel.

## Additional Information

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### Appointments

- Chairman of the Bar of England and Wales, 2003.
- Vice Chairman of the Bar Council of England and Wales 2002.
- Chairman, Bar Conference (England and Wales) 2001.
- Vice-Chairman Bar Conference (England and Wales) 2000.

- Chairman, Personal Injuries Bar Association, 2001-2002, Vice Chairman, 2000-2001.
- Chairman of the Policy Committee of the Bar Council of England and Wales, 2000.
- Vice Chairman, Disciplinary Appeals Panel, Institute of Actuaries (England and Wales) 2000 to 2019
- Member Inter-Professional Working party on the actuarial assessment of damages in personal injury and fatal accident litigation ("The Ogden tables" 3rd and 4th editions). 1997-2002.
- Member of the Committee of Inquiry ("Blackwell Committee") established by the Lord Chancellor to inquire into the activities of non-legally qualified loss adjusters, 1999-2000.
- Consultant to European Commission on UK Health and Safety Law, 1994-96.
- Member Gray's Inn Management Committee 1993-1995.
- 2002: Bencher of The Hon. Society of Gray's Inn, London.
- 2002: Recorder of the Crown Court.
- 2005: Senior Counsel, Republic of Ireland.
- 2008: Accredited mediator.
- 2018: Examiner of the High Court.

## Publications

- Author of a chapter on UK Damages in *"Contemporary Studies in Economic and Financial Analysis"*, Volume 91, Personal Injury and Wrongful Death Damages Calculations, a Transatlantic Dialogue, Emerald Press, 2009.
- *"A comparison of Securities litigation in the US and the EU"*, International Atlantic Economic Conference, Warsaw, Poland, 12th April 2008, joint paper with Arthur A. Eubank, Jr, Ph.D.
- Author Chapter on Multipliers in Manual of Personal Injuries; Sweet & Maxwell 1997 (1st edition) 2000 (2nd edition), 2007 (3rd edition).
- Member editorial panel Sweet & Maxwell specialist research papers 1996-2000.
- Joint Editor, Manual of Personal of Personal Injuries (Sweet and Maxwell), 1997 (1st Ed) 2000 (2nd Ed.)
- Joint editor and contributor to *"Munkman on Employers Liability"*, 13th edition, Butterworths, 2002.
- *"Multipliers"*, article for newsletter of Institute of Chartered Accountants, 1999.
- *"Legal Aid"*, The Lawyer, June 1999
- *"Child Abuse, uncovering the facts"*, New Law Journal, 1994.
- *"Achieving full compensation"*, New Law Journal, 1994.
- Journal of Personal Injury Law, 2000 JPIL pages 137-141. (Sweet & Maxwell): Review of Law on dependency claims in Fatal Accidents Claims).
- Review of the leading PI cases in 1999/2000 *"The Lawyer"*, 16/10/2000.
- *"Independence day for the Bar"*. Human Rights. The Times, 25/9/01.
- *"Are brokers' fees recoverable?"* Kemp 5-282/1. 27/3/02.
- *"Funding awards: all change?"* Solicitors Journal 6th September 2002, p 774.
- Participant in Experts meeting on *"Standards for settling Personal Injury Claims in Europe"*, University of Tilburg, Netherlands 11th January 2002.
- *Damages for successive torts*, 24th September 2002, Butterworths Tolley, London.
- *"Consequences of the Hitler-Stalin Pact"* Riga Graduate School of Law, Riga, Latvia, 30th April 2005.
- Lecture University of Tours, 12th & 13th November 2015 *"Magna Carta Today"*.

- *"Where is Magna Carta Today?"*, in *The Rights and Aspirations of the Magna Carta*, Palgrave Macmillan; 1st ed. 2016 edition
- Università degli Studi di Brescia, *"International law and counter terrorism"*. 18th May 2016.
- Scuola Superiore Sant'Anna, Pisa, *"Law, National Security and Terrorism in a Democratic Society"*. 19th May 2016.
- University of Bordeaux 16th March 2018 *"National perceptions of Judges and Lawyers in Common Law and Civil law Jurisdictions"*.
- Università degli Studi di Brescia, *"International law and counter terrorism"*. 18th May 2016.
- Pantheon-Assas (Paris 2), Sorbonne. Possible relationships and co-operation between the UK and the EU post-Brexit, 25-26 May 2019.

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