



Simon Browne KC

Year of call: 1982 | Silk: 2011

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“Always brilliant, he’s polished and prepared and is someone who has a great manner with clients. His advice is spot on.”

Simon is consistently recognised by The Legal 500 and Chambers and Partners as a leading silk in the fields of commercial costs and litigation funding, catastrophic brain and spinal injury, and related areas of sports law, clinical negligence, insurance, and professional negligence and professional regulation.

In addition, Simon is at the forefront of the development of law and civil procedure in the Court of Appeal and High Court in cases such as:

- Part 36 regime in *F & C Alternative Investments* (2012) CA, *Walker Construction v Quayside Homes* (2014) CA, *Yentob v MGN* (2015) CA, *Seabrook v Adam* (2021) CA, and *FKJ v RVT* (2022) HC
- Relief from sanctions/abuse of process in *Mitchell v NGN* (2014) CA and *Cable v LV Insurance* (2020) CA
- Costs budgets, the drafting of e-bills of costs, and QOCS in *Henry v NGN* (2013) CA, *Bowman v Norfram and Ors.* (2018) HC, and *AKC v Barking and Havering Health Authority* (2022) CA

Simon is a qualified mediator and arbitrator. He is registered with the Bar Council to accept direct access instructions and at the higher level of conducting litigation.

Areas of expertise

Costs and Litigation Funding

Clinical Negligence

Personal Injury

Sport

Alternative Dispute Resolution

Costs and Litigation Funding

Simon is listed as a Band 1 Silk in costs and litigation funding. In addition to dealing with costs in commercial litigation and advising on litigation funding, Simon has a formidable reputation regarding costs

in group litigation, be it for the claimant group or defendants. He has advised and conducted advocacy in the civil phone hacking litigation concerning News of the World and the Mirror Group, the Construction Industry Vetting Litigation, the Truck Cartel Claims in the Competition Tribunal, the Sub-Postmaster claims against the Post Office, the Iraqi civilian claims against the MoD, the Grenfell Inquiry, the Hillsborough misfeasance claims, and the Diesel Emissions Claims.

Simon drafts and advises extensively upon the enforceability of conditional fee agreements, damages-based agreements, litigation funding, and legal expenses insurance. He was an author of the Sweet & Maxwell Practitioner text on Costs between 2008 to 2018 and was appointed to sit as a barrister costs assessor in the High Court and on the Cost Committee of the Civil Justice Council.

Other areas of his current costs practice involve litigation funding by way drafting and advising on retainer and funding documents, and commercial costs disputes involving multinational companies and high net worth individuals, both inter parties and solicitor-client.

Cases of note:

- ***Various Claimants v Stellantis, IBC, Peugeot and Ors [2023] and Various Claimants v Vauxhall Motors [2023]*** HC – Advising upon funding issues after PACCAR judgment in the Supreme Court.
- ***Santiago v MIB [2023]*** CA - Court of Appeal test case as to the recovery of interpreter fees in the fixed costs regime
- ***AKC v Barking and Havering Health Authority [2022]*** Court of Appeal - Test case in the Court of Appeal concerning the Civil Procedure Rules governing the drafting of paper bills of costs and electronic bill of costs.
- ***Khashoggi v Khashoggi [2021]*** - Multimillion-pound solicitor client dispute over level of fees and identification of work streams.
- ***Butler v Bankside Commercial [2020]*** Court of Appeal EWCA Civ 203 - Simon successfully represented a solicitor firm resisting a challenge to the termination of a conditional fee agreement by the solicitor for rejecting an opinion about making a settlement with the client's opponent.
- ***Richard Slade & Co. v Boodia [2018]*** Court of Appeal EWCA Civ 2667 - Simon successfully represented a solicitor firm in persuading the Court of Appeal that Mr Justice Slade in the High Court was wrong to hold that to qualify as an interim statute bill, a bill must include both profit costs and disbursements in respect of the period to which it covers.
- ***BNM v MGN [2017]*** Court of Appeal EWCA Civ 1767 - This was the first appeal case to review the test of proportionality in costs. The Court of Appeal unanimously held Simon's submissions that the saving and transitional provisions in Civil Procedure Rule 48, combined with the more limited definition of "costs" applicable since 1 April 2013 (that now omits any reference to "additional liabilities"), together operated to preserve the former costs rules, with their attendant practice directions, to the assessment of costs that include additional liabilities.
- ***Times Newspapers Ltd (Appellant) v Flood (Respondent); Miller (Respondent) v Associated Newspapers Ltd (Appellant); Frost and Other (Respondents) v MGN Ltd (Appellant)*** UKSC 33 [2017] - Supreme Court – three national newspapers (The Times, Daily Mail, and The Mirror) were attempting to avoid paying any additional liabilities (success fees and after the event insurance premiums) to privacy and defamation claimants funded by conditional fee agreements. The challenge, which failed, was based upon the newspapers' freedom of expression under Article 10 of the European Convention of Human Rights.
- ***Eurasian Natural Resources Corporation Plc v Dechert LLP [2016]*** Court of Appeal and High Court [2021] Appeal to Court of Appeal concerning legal professional privilege between the parties on a solicitor client assessment. Application in 2021 for £20m security for costs.

Recommendations

- *"A standout individual who has considerable expertise in costs cases associated with heavy commercial and group litigation. He's always very practical; he thinks through the consequences and is five steps ahead of everyone else."* *"He knows all the rules and regulations and knows exactly which buttons to press."* Chambers and Partners
- *"Noted for expertise in catastrophic brain and spine injuries, which he regularly handles on behalf of major insurers and leading claimant solicitors. Over the course of his celebrated career, he has also developed a strong reputation for aviation accidents, clinical negligence cases and cross-border litigation. A pleasure to instruct."* Chambers and Partners
- *"He is polished: there is absolutely no padding in his advice; it is what you need to hear without any flannel. He is also very good at handling difficult clients. He is an excellent QC."* Chambers and Partners
- *"He's got a really good aura in court and can put even the most complicated points across clearly and in a succinct fashion. An excellent QC who has a very smooth manner with clients."* Chambers and Partners
- *"Simon Browne QC is an excellent leading counsel, and is always fully prepared be it for advising in consultation or presenting in court."* The Legal 500

Memberships

- Personal Injuries Bar Association (PIBA)
- Association of Personal Injuries Lawyers (APIL)
- Law In Sport
- Registered for instruction in Sport Resolutions SCMP Legal Advice Service

Qualifications

Qualified Mediator and Arbitrator

Appointments

- Appointed by the Lord Chancellor to sit as a Barrister Assessor in the High Court on Appeals (2007 to date)
- Chairperson upon barrister disciplinary tribunals under Bar Tribunals and Adjudication Service (2013 to 2018)
- Appointed by the Master of the Rolls to sit as chairperson of the Costs Committee of the Civil Justice Council (2013 to date)
- Joint Tribunal of the Bar Council and the Law Society (2013 to 2019)

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