



Martyn McLeish

Year of Call: 1997

Call Clerk on 020 7827 4000

PRACTICE AREAS

Clinical Negligence | Personal Injury

HIGHLIGHTS

Martyn McLeish is joint head of chambers.

"A really strong academic lawyer. He's very good at analysing complex points and the forensic detail of cases." "He always goes the extra mile and is really good on his feet." "He's extremely approachable, really accessible and he's definitely got the human touch - he cares about his clients." **Chambers & Partners 2022**

"He is very analytical and forensic in his approach to a case, and very thorough on his feet." **Legal 500 2022**

OVERVIEW

Martyn McLeish is an established clinical negligence and personal injury barrister, widely known for handling high-value and high-profile cases.

Martyn was called in 1997 and has practised in personal injury ever since. His personal injury case load covers the full variety of employers' liability, public liability, and road traffic, cases of maximum severity, including spinal and psychiatric injury.

Martyn joined Cloisters in 2006 and has since then developed a Claimant based clinical negligence practice. His work covers the full range of high value clinical negligence work including maximum severity cerebral palsy cases.

Martyn is a contributor to the new edition of Charles Lewis' book, Clinical Negligence, edited by Andrew Buchan, and wrote the chapters covering duty of care, breach of duty, and costs.

Martyn is a member of the Bar Council CFA Committee and the PIBA Executive Committee.

REFERENCES

Chambers & Partners 2022: "A really strong academic lawyer. He's very good at analysing complex points and the forensic detail of cases." "He always goes the extra mile and is really good on his feet." "He's extremely approachable, really accessible and he's definitely got the human touch - he cares about his clients."

Legal 500 2022: "He is very analytical and forensic in his approach to a case, and very thorough on his feet."

Chambers & Partners 2021: "A very strong advocate. He is really thorough, knows the papers well and is incredibly knowledgeable." "He is excellent with

clients in conference and at settlement meetings."

Legal 500 2021: "An approachable and collaborative barrister who builds a rapport with clients which facilitates their acceptance of difficult advice."

Chambers & Partners 2020: "Martyn is very personable, has excellent client care skills and his preparation is always thorough. He has a very good eye for detail. He is excellent at identifying issues and explaining things in a straightforward manner to clients."

Legal 500 2020: "Excellent at identifying issues and explaining these in a straightforward manner to clients."

Legal 500 2019: "Excellent senior junior who is very down to earth and has an eye for detail." "He is very approachable and down to earth."

Chambers & Partners 2019: "Established clinical negligence barrister, widely known for handling high-value cases involving a wide range of medical issues. He tackles a diverse caseload, and is frequently instructed on claims concerning cerebral palsy and psychiatric injuries." "Very detailed and good with clients and experts."

Chambers & Partners 2018: "Established clinical negligence barrister, widely known for handling high-value cases involving a wide range of medical issues. He tackles a diverse caseload, and is frequently instructed on claims concerning cerebral palsy and psychiatric injuries." "Intelligent and likeable. Very bright."

Legal 500 2017: "He has a thorough, dependable and analytic approach." "Great on his feet and a very impressive advocate."

Chambers & Partners 2017: "He is clear, concise and always approachable. He handles clients and experts well."

Legal 500 2016: "Responsive and pragmatic."

Chambers & Partners 2015: "Noted for his strength across the board in high-value clinical negligence cases, he regularly receives instructions concerning severe brain damage and spinal injury claims." "He's very thorough, very helpful"

and will always give you time on the phone.”

Legal 500 2014: “An exceptionally bright barrister who is always one step ahead.” “Very thorough and helpful.”

QUALIFICATIONS

1996-7 Bar Vocational Course, Inns of Court School of Law

1995-6 CPE, College of Law, London

1990-95 Doctor of Philosophy, University of Oxford

1987-90 BA Modern History, Magdalen College, Oxford

Scholarships and Prizes

Inner Temple Bursary 1995-6 and 1996-7

Gibbs Scholar in Modern History, University of Oxford, 1989

Tutorial Prize in Modern History, Magdalen College, Oxford, 1989

Demy (Scholar), Magdalen College, Oxford, 1988-89 and 1989-90

PUBLICATIONS AND TRAINING

'Conditional Fees: A survivor's guide', Bar Council Conference, November 2004 (with Satindar Hunjan QC)

Auditing for Rights: Developing Scrutiny Systems for Human Rights Compliance, Justice, 2001 (Contributor)

'Religious Freedom under the Human Rights Act 1998', Muslim Lawyer, June 1999 (with Jonathan Cooper)

APPOINTMENTS AND MEMBERSHIPS

PIBA

AVMA Bar Council CFA Panel (2004 -)

HIGHLIGHT CASES

Recent and Ongoing Cases: Clinical Negligence

Recently concluded cases include:

- A claim for wrongful life arising out of the Defendant's failure to diagnose spinal abnormality on ultrasound scans. The case was vigorously denied by the defendant trust and was listed for trial in January 2012. Settlement was achieved at a JSM in December 2011.
- A cerebral palsy claim, involving a Claimant who was now 23. Martyn was instructed as junior counsel to Simon Taylor QC and the matter settled at a JSM for £2.3 million with PPs of £114, 000 per annum.

Ongoing cases include:

- Failure to diagnose homocystinuria leading to significant right hemiplegia and left convergent squint;
- Negligently performed cervical cord surgery;
- A claim for pulmonary vascular obstructive disease which has reduced the Claimant's life expectancy significantly.

Recent and Ongoing PI Cases

Recently decided cases:

- *Costa v Imperial London Hotels*. This is a Manual Handling case where the Claimant won at first instance but the Defendant's appeal is due to be heard by the Court of Appeal in May. The appeal raises issues in relation to causation and

the requirement of retraining when considering the Manual Handling Regulations.

- B v B
- A high value fatal accidents claim arising arising from a road traffic accident in March 2008.

On going cases include:

- A claim on behalf of a victim of a terrorist bombing in 2008. The Claimant was sent overseas by his employer and the case involves consideration of the extent of the employer's duty of care to ensure a safe working environment for employees sent overseas.