

## Matthew Jackson

**Call year: 1986**

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Matthew specialises in clinical negligence, professional negligence, personal injury and general insurance.

In the clinical negligence field, he acts mainly for NHS Trusts. He has dealt with claims arising from a wide range of clinical practice, including obstetrics, orthopaedics, neurosurgery, oncology, cardiology, and general surgery.

In the professional negligence field he has acted for solicitors, barristers, accountants, receivers, architects and insurance brokers. He has extensive experience of claims against conveyancing solicitors, including claims by mortgage lenders.

He is a qualified mediator.



## Practice Profile

### Professional Negligence

Matthew acts for a wide range of professionals, though solicitors' negligence makes up the bulk of his professional negligence practice.

He gained extensive experience of dealing with claims by mortgage lenders during the last round of lenders' claims, and is already dealing with a significant number of new claims in this field.

His practice also includes a large number of claims arising from earlier clinical negligence and personal injury claims, reflecting his continuing specialisation in these other areas.

He is regularly instructed by most of the leading professional indemnity insurers.

### Medical Law

Matthew deals with claims arising out of a great variety of clinical situations and specialities, ranging from the relatively modest to the very substantial.

He is frequently instructed to defend claims un-led where the claimant is represented by leading counsel. A recent example was the case of *Braithwaite v. Homerton University Hospital Foundation Trust*, where Matthew persuaded Stanley Burnton J. that the limit to the Court's power to order an interim payment contained in CPR 25.7(4) should be construed as referring only to the likely amount of the capital element of the final award of damages, excluding any award of periodical payments – in spite of strenuous opposition from Elizabeth-Anne Gumbel QC.

### Personal Injury

Personal injury work for EL, PL and RTA insurers remains a significant part of Matthew's practice, with an emphasis on high value claims involving head and/or spinal injuries.

## Further Information

**Year of call:** 1986

**Specialist areas:** clinical negligence, professional negligence, personal injury and general insurance

**Education:** Winchester College (scholar); Trinity Hall, Cambridge (scholar); First class degree in law; Awarded Harmsworth scholarship by Middle Temple

**ADR:** Qualified mediator

**Professional memberships:** Professional negligence Bar Association

## Recent cases

*Braithwaite v. Homerton University Hospitals Foundation Trust* [2008] EWHC 353 (Stanley Burnton J.) Clinical negligence – application for interim payment – the effect of the new periodical payments regime on the limit imposed by CPR 25.7(4)

*Sweetman v. Shepherd and Others* [2007] EWHC 137 (Irwin J.) Solicitors' negligence – whether a claim commenced in 1997 should be struck out for want of prosecution

*Sweetman v. Ronald Nathan and Others* [2004] P.N.L.R. 7 (C.A.) Solicitors' negligence – whether the claimant was estopped from challenging a finding of fraud made against him in a previous action – whether the present action should be struck out

*Linstead v. East Sussex, Brighton and Hove Health Authority* [2001] P.I.Q.R. P 356 (Forbes J.) Clinical negligence - Human Rights Act - whether a witness statement obtained by the Health Authority following notification of a claim was privileged - whether the claim to privilege was overridden by the Human Rights Act 1998

*Cottingham v. Attey Bower & Jones* [2000] Lloyd's Rep. P.N. 591; [2000] P.N.L.R. 557; [2000] E.G.C.S. 48; (2000) 97(19) L.S.G. 43; [2000] N.P.C. 37 (Rimer J.) Solicitors' negligence - conveyancing - extent of duty to investigate matters not relating to title - scope of recoverable loss

*Charles v. Hugh James Jones & Jenkins* [2000] 1 W.L.R. 1278; [2000] 1 All E.R. 289; [2001] P.I.Q.R. P1; [2000] Lloyd's Rep. P.N. 207 (C.A.) Solicitors' negligence – personal injury litigation - quantum - assessment of damages where an earlier claim had been struck out as a result of the solicitors' negligence

*Archer v. Hickmotts* [1999] Lloyd's Rep. (Banking) 32; (1999) 78 P. & C.R. 65; [1998] N.P.C. 132 (C.A.) Solicitors' negligence – conveyancing - duty of care owed to a potential victim of undue influence

*Abbey National plc v. Frost* [1999] 1 W.L.R. 1080; [1999] 2 All E.R. 206; [1999] Lloyd's Rep. P.N. 301; [1999] N.P.C. 13; [1999] E.G.C.S. 16 (C.A.) Practice - substituted service - whether the Court has power to permit substituted service on the SIF

## What others say

"Matthew Jackson is 'a friendly, ebullient individual, who is extremely dogged when the case requires it.' One source explained that 'he is capable of holding his ground without resorting to aggressiveness or foolish tactics'." *Chambers UK 2010*

"Matthew Jackson is 'unassuming, measured: very good indeed', for high-value birth injury cases." *Legal 500 2009*

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