

## Scott Matthewson

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### Introduction

Scott is a specialist in all aspects of private and public law with a medical flavour.

He is recognised as a leading junior by Chambers & Partners/The Legal 500 in all three of his core areas of practice :

- Clinical negligence
- Personal injury
- Inquests

He also practices in the fields of **Judicial Review** (mainly relating to prisoners), **Professional Negligence** (failed clinical negligence of personal injury claims), **Professional Discipline** (medical) and **Court of Protection** (serious medical treatment cases).

Scott was elected Bencher of the Inner Temple in 2015.

He was appointed Assistant Coroner for the for Central and South East Kent, Mid Kent & Medway and North East Kent in 2016.

Scott is an 'A grade' advocacy teacher trainer for Inner Temple (the highest grade awarded by the Inns). He has taught advocacy to lawyers in South Africa, Hungary, Poland and at the ICC in the Hague. Scott also sits on the Education Committee of the Inns of Court College of Advocacy.

Scott was educated at the Perse School, Cambridge, the University of London, the College of Law and the Inns of Court School of Law. He lives in Kent with his wife and their four children.



## Clinical Negligence & Personal Injury

- Scott is head of the Clinical Negligence and Personal Injury Team at 42 Bedford Row.
- He is a well-known presence in the field of clinical negligence and personal injury and is recognised as a leading junior in both areas by Chambers & Partners and The Legal 500.
- Scott acts for both claimants and defendants and regularly handles high value and complex cases.

Please click on the individual Clinical Negligence CV or Personal Injury CV for further information.

## Clinical Negligence

Scott is head of the Clinical Negligence Team at 42 Bedford Row.

He is a well-known presence in the field of clinical negligence and has many years' experience of dealing with all types of cases, often of high value and involving complex issues.

Scott acts for both claimants and defendants.



## Accreditations

- *"Brilliant. He's got that human edge. He's really personable with clients."* Chambers and Partners 2019
- *"Head of the firm's clinical negligence and personal injury department, and no stranger to handling clinical negligence cases of the greatest value and complexity."* Chambers and Partners 2019
- *"He takes a practical view of cases and is very personable."* Legal 500 2019
- *"He really knows what he's talking about."* Chambers and Partners 2019
- *"Very experienced and extremely good with clients."* Chambers & Partners 2018
- *"A very knowledgeable and charming advocate who has a lovely manner and is good in negotiation."* Chambers & Partners 2017
- *"He has considerable experience in the clinical negligence arena."* Legal 500 2017
- *"Heads the clinical negligence team at the set and has a great deal of experience of fighting medically complex cases."* Chambers & Partners, 2016
- *"He is excellent with clients and has a very good understanding of the medical aspects of a case."* Chambers & Partners, 2016
- *"Good at identifying the key issues in complex cases."* The Legal 500, 2016
- *"He handled the various parties in conference skilfully, managing to explain the issues and the*

*process clearly and simply.*" Chambers & Partners, 2015

- *"He is particularly good with clients. He's excellent at explaining the difficult issues, and dealing with sensitive matters in a way that clients understand."* Chambers & Partners, 2014
- *"Charming and bright; a very safe and confidence-inspiring counsel."* The Legal 500, 2014

## Selected High Court cases

- **Thompson v Guy's & St Thomas' NHS Foundation Trust** (current): Negligent failure to diagnose and repair diaphragmatic hernia in a 3 month old boy allegedly leading to necrosis and significant loss of the gut, long-term vomiting, diarrhoea and feeding by gastrostomy.
- **Johnson v Frimley Park Hospital NHS Foundation Trust & anor** (2018): Alleged negligent failure to diagnose chronic hydrocephalus secondary to cerebral aqueductal stenosis in a teenage girl leading to loss of sight due to severe and irreversible damage to the optic nerve caused by pressure in the brain and the development of epilepsy.
- **Emson v West Hertfordshire Hospitals NHS Trust** (2018): Alleged negligent performance of an elective sigmoid colectomy, failure to recognise the symptoms of an anastomatic leak, infection and necrosis which led to the patient having a permanent ileostomy and a permanent incisional hernia.
- **Harris v Barking, Havering & Redbridge Hospitals NHS Trust** (2018): Erb's palsy case (excessive traction on delivery with anterior shoulder dystocia).
- **Dunks v Basildon and Thurrock University Hospitals NHS Foundation Trust** (QBD, 2017): Alleged failure to diagnose cord prolapse in pregnant woman at 27+ gestation leading to the death of her twins. Key issues in the case were the interpretation of serial US scans and the likely outcome had antenatal steroids been administered.
- **Wilson v King's College Hospital NHS Trust** (2016): Failure to diagnose and treat an acute sickle cell crisis precipitated by routine surgery leading to hypoxia and death of a 53 year old mother.
- **Castle v Brighton & Sussex University Hospital NHS Trust** (2015): Negligent treatment of a critically ischaemic lower limb leading to amputation.
- **Kenneford v South East Coast Ambulance Service NHS Foundation Trust** (2014): Negligent failure to convey a 37 year old (mother of four) to hospital who was suffering from hydropneumothorax. She suffered necrotizing fasciitis and empyema and died of multi-organ failure 10 days later. Dependency claim settled and approved at £250,000.
- **AB v Barking Havering and Redbridge NHS Trust** (QBD) (2011) – Haddon-Cave J: brain injury and Erb's palsy following shoulder dystocia at birth, difficult case on liability, settled for £850,000, led by Lizanne Gumbel QC.

## Court of Protection

Scott has appeared in a large number of Court of Protection cases before High Court Judges sitting as Court of Protection Judges in the Royal Courts of Justice.

Scott is frequently instructed by the Official Solicitor, NHS Trusts and local authorities in cases involving 'serious medical treatment' of those who are mentally ill, in a permanent vegetative state or otherwise lack capacity to

make decisions about their medical treatment.



## Selected High Court cases

- **A Hospital Trust v HB (2018)** – Newton J: Whether a 61 year old with significant cortical dysfunction and probable PVS following cardiac arrest should be actively treated.
- **EJW v University Hospitals of North Midlands NHS Trust (2016)** – Roderic Wood J: Whether an elderly woman suffering from Alzheimer’s disease should be provided with artificial nutrition and hydration.
- **CD v A Mental Health Trust [2015] EWCOP 74** – Mostyn J: whether it is in the best interests of a 43 year old paranoid schizophrenic to have a total abdominal hysterectomy to remove possibly cancerous (and very large) ovarian growths which gave her the appearance of a heavily pregnant woman.
- **FC v (1) Kent County Council (2) Kent Community Health NHS Foundation Trust (2015)**: whether the court should force a mentally ill and violent lady living in the community to have treatment for diabetes against her will.
- **AH v (1) Kent County Council (2) Kent Community Health NHS Foundation Trust (2015)** – Peter Jackson J: Elderly man looked after by his wife at home who developed extremely serious and infected bed sores. Whether it was in his best interests to be removed from his home and cared for in a hospital against his own wishes and against those of his wife.
- **Campbell v An NHS Trust (2014)** – Cobb J: whether a young father in a persistent vegetative state should have life-sustaining treatment. [Click here for press coverage](#)
- **Re: JH (2014)** – Holman J: whether an incapable elderly lady with schizophrenia should be forced to have treatment for cancer against her will.
- **An NHS Trust v P [2013] EWHC 50 (COP)** – Hedley J: whether a young woman with sickle cell disease and severe learning difficulties had capacity to decide whether her pregnancy should continue. [Click here for press coverage](#); [Click here for further press coverage](#)
- **An NHS Trust v E (2012)** – Hogg J: whether a 38 year old lady with learning difficulties, ADHD and autism should be forced to have a Caesarian section.
- **A PCT v B (2012)** – Roderic Wood J: whether it was the best interests of a woman to have artificial nutrition and hydration withdrawn in circumstances where her level of unconsciousness was unclear (emergency application).
- **An NHS Trust v L (2012)** – Ryder J: whether a young woman suffering from anorexia had capacity to decide whether to accept artificial nutrition (emergency application).
- **Re KA (2011)** – Baker J: restraint and treatment of mentally ill patient for Hodgkin’s lymphoma.
- **Re SB (2010)** – Hogg J: restraint and treatment of mentally ill patient for aplastic anaemia.

## Inquests

Scott has a vast amount of experience relating to inquests and coronial law. He is regularly instructed in Article 2

inquests where death has occurred whilst in prison, police custody, in hospital, whilst under secure escort and whilst in the care of local authorities.

Scott is often instructed in inquests where there is a complex medical issue or in advance of potential clinical negligence cases.

Scott has particular expertise in deaths occurring during the use of physical restraint. He represented the officers in the inquest into the death of Gareth Myatt in 2007 and acted for G4S in the inquest into the death of Jimmy Mubenga in 2013.

In 2016 Scott was appointed Assistant Coroner for Central & South East Kent, Mid Kent & Medway and North East Kent Areas.



## Accreditations

- *"Focuses predominantly on representing private contractors in inquests arising from deaths in prisons. He is also adept at inquest proceedings which involve clinical negligence."* Chambers & Partners 2019
- *"He's a good advocate who takes a very collaborative approach."* Chambers & Partners 2019
- *"Superb. He has a brain the size of a planet."* Chambers & Partners 2017
- *"A highly effective cross-examiner."* Chambers & Partners 2017
- *"Really good judgement."* Chambers & Partners 2017

## Selected inquests

- Re: Michael Netyks (December 2018): prison death.
- Re: John Mayhew (November 2018): prison death.
- Re: David Broome (September 2018): industrial accident.
- Re: Gareth McCarroll (April 2018): prison death.
- Re: Darren Humphreys (February 2018): prison death.
- Re: Craig Hughes (February 2018): prison death.
- Re: Gary Lines (January 2018): prison death.
- Re: Stephen Shayler (December 2017): death in custody.
- Re: Paul Bryan (October 2017): death in custody.
- Re: Jonathan Palmer (May 2017): death in hospital.
- Re: Scott Tinsley (April 2017): death in prison.
- Re: Michael Mazzetti (January 2017): death in custody.
- Re: Dale Wills (November 2016): prison death.
- Re: Michelle Barnes (October 2016): prison death.
- Re: Roy Hoey (October 2016): prison death.
- Re: John Betteridge (June 2016): prison suicide.
- Re: Adetokunbo Ajakaiye (May 2016): prison death from malaria contributed to by neglect.

- Re: Connor Smith: death at HMP Altcourse (2014).
- Re: Vittorio Miszyzynan (2014): death of 50 year old man at St George's hospital for unknown reasons – later established to be heart failure caused by uncontrolled hypertension as a result of undiagnosed pheochromocytoma .
- Re: Brian Handley (2014): death in HMP Birmingham.
- Re: Brian Dalrymple (2014): death of an American asylum seeker from aortic dissection whilst detained at an Immigration and Removal Centre.
- Re: Jimmy Mubenga (2013): death of Angolan national at Heathrow airport whilst being physically restrained during deportation. [Download Coroner's Report](#), [Click here for press coverage](#).
- Re: Daniel Liptrot (2012): jury inquest – death of a recovering heroin addict in HMP Rye Hill.
- Re: Anthony Norton (2012): jury inquest – suicide in HMP Altcourse.
- Re: Jason Jones (2012): jury inquest – death in HMP Leeds from traumatic cerebral hemorrhage.
- Re: Muhammad Shukat (2012): jury inquest – death in custody.
- Re: Michael Sweeney (2012): death in hospital.
- Re: Peter Murphy (2011): jury inquest – death in HMP Swansea.
- Re: Emma Draper (2011): death in hospital.
- Re: Mariusz Lipinski (2010): jury inquest – death in custody.
- Re: Stephen Halfhide (2010): jury inquest – death in custody.
- Re: Jonny Riley (2010): jury inquest – death in custody.
- Re: Abdullah Al-Jaf (2010): jury inquest – suicide shortly after release from custody.
- Re: Jason Hammerton (2010): jury inquest – death in custody.
- Re: Raymond Titley (2009) – jury inquest – prison death.
- Re: Gareth Myatt (2007) – jury inquest into the death of a 15 year old boy who suffered positional asphyxia whilst being physically restrained in a Youth Training Centre.

## Judicial Review

Scott has a busy judicial review practice focusing on decisions made by coroners, those operating prisons, local authorities and NHS Trusts.

### Selected cases

### Court of Appeal

- R (James) v Birmingham Prison & ors [2015] EWCA Civ 58 – Arden LJ, Beatson LJ & Gloster LJ: Lawtel – whether civil contemnors who were committed to prison were entitled to have time spent on remand deducted from their sentence.
- R (Smith) v Secretary of State for Justice and others [2014] EWCA Civ 380 – whether forcing a non-smoking prisoner to share with a smoking prisoner could amount to a breach of Article 8 and/or 14 ECHR (application for permission to the Supreme Court).
- R (TH) v East Sussex County Council [2013] EWCA Civ 1027 – LJJ Lloyd, Jackson & Ryder.

## Admin Court

- R (Kashyap) v SSHD & ors (2014) – Leggatt J: whether requiring a prisoner to wear handcuffs at a Hindu funeral constituted a breach of ECHR Arts 3, 8 & 9.
- Smith v SSHD and ors (2013) – Mostyn J: whether forcing a non-smoking prisoner to share with a smoking prisoner could amount to a breach of Article 8 and/or 14 ECHR.
- Re J (2009) – Sir Christopher Holland: age assessment.

## Personal Injury

Scott is head of the Personal Injury Team at 42 Bedford Row, and a well-known specialist in the field of personal injury. He has many years' experience of dealing with all types of multi-track personal injury cases.

Many of the cases Scott deals with are complex and/or involve brain injury, spinal injuries, amputation or fatalities.

## Accreditations

- *"He is able to chair conferences with clients and experts in such a way that the experts are in no doubt as to his technical expertise, and the clients feel included and able to understand the issues being discussed."* Chambers and Partners, 2019
- *"He demonstrates great in-depth knowledge and understanding of cases."* Chambers and Partners, 2019
- *"Receives instructions in high-value fatal accident and catastrophic injury cases for an even split of defendant and claimant solicitors. He has experience in high-profile public liability litigation, often involving the armed forces or the police, and in complex RTAs, with specific expertise in motorcycle accidents."* Chambers and Partners, 2018
- *"He is well regarded for his ability to establish liability and assess quantum."* Chambers and Partners, 2018
- *"He's incredible in terms of knowledge and experience."* Chambers & Partners 2017
- *"He's very good, very personable and has a lovely manner with clients. He's an excellent advocate."* Chambers & Partners 2017
- *"Extremely diligent with a profoundly strong knowledge of statute and common law."* Chambers & Partners 2017
- *"He has a good manner with clients and quickly gets on top of the issues."* Legal 500 2017
- *"Has a deep knowledge of catastrophic and fatal personal injury claims. He is an expert in medical law and is frequently instructed on cases concerning psychiatric injuries."* – Chambers & Partners, 2016
- *"He is a superb and very effective advocate with a thorough understanding of the legal issues relating to catastrophic injuries."* – Chambers & Partners, 2016
- *"He is brilliant with fatal cases. He is very good at focusing in on what you need to be focusing in on."* – Chambers & Partners, 2016
- *'The first port of call in unusual or difficult cases.'* – The Legal 500, 2016
- *"Noted for the depth of his knowledge of medical law, he has a thriving personal injury practice. He is particularly well known for his performances in psychiatric and neurological injury cases...He's just so*

*technically amazing and a real fighter – if he says he will do a case for you, he'll see it through to the end. He's won some really, really difficult cases for me.” Chambers & Partners, 2015*

- *“Charming and bright; a very safe and confidence-inspiring counsel.” – The Legal 500, 2014*
- *“Widely recognised as being expert in a variety of highly complex areas of personal injury litigation, including brain injury claims and fatalities.... He knows his cases very well when it comes to conference and adopts a practical approach. He's also charming.” Chambers & Partners, 2014*



## Selected cases

### Court of appeal

- *Smith v Youth Justice Board for England and Wales & anor [2010] EWCA Civ 99* – LJJ Laws, Sedley & Patten. [Download Judgement](#)

### High court

- **Dainty v Geo Amey Pecs Ltd (current)** - attempted suicide by hanging whilst in custody. Claimant was rescued before he died but has been left with permanent and severe brain damage.
- **SS v Choudhury (current)**: High value brain injury case involving a 9½ year old boy who ran into the road whilst playing outside his house.
- **Renton v G4S (current)**: complex brain injury case. Inmate attacked an officer who was supervising a football match within the prison grounds.
- **Jefferies v Gates (2017)**: brain injury claimant who was knocked off her cycle and suffered several fractures to her skull and significant bleeding in the brain. She was left with cognitive deficits in comprehending, processing and recalling language, memory and concentration.
- **JKL v MOJ (2017)** – multiple assaults on a prison officer by prisoners during restraint leading to accumulative brain injury and inability to work again. Settled for the equivalent of £3.8M.
- **Russo v Bandtock (2016)**: Relatively minor RTA causing soft tissue injuries in a 13 year old leading to treatment-resistant fibromyalgia and long-term inability to work. Pleaded claim in excess of £2.1M.
- **Taylor v Allianz Insurance (2016)**: High value brain injury case arising out of a scooter accident in Spain. Complicated jurisdiction issues (under Brussels I and Rome IV) and complex quantum issues (failing business partnership as a result of cognitive deficits caused by the accident).
- **Murphy v MOJ [2016] EWHC 3 (QB) Lawtel** – Claim by a former soldier who developed a chronic widespread pain condition as a result of an accident which occurred while he was serving as a paratrooper in Afghanistan.
- **Kambana v G4S (2015)**: Fatal accident claim arising from the death of Jimmy Mubenga whilst being restrained during deportation.
- **Langguth v Grimes (2015)**: High value fatal accident claim arising out of a motorcycle accident resulting in the death of a City financial worker. Pleaded claim of £740,000.
- **Keating v G4S (2014)** – alleged battery of a prisoner by prison custody officers.
- **Campbell v MOJ (2014)** – multiple assaults on a prison officer by prisoners during restraint leading to

accumulative brain injury and inability to work again.

- **C v W (QBD, 2011)**: brain injury following road traffic accident, settled for lump sum and PPO equivalent to £3.7M, led by Frank Burton QC.
- *Mpemba v Barking, Havering & Redbridge NHS Trust* (2010) – Cox J.
- **Young v Kent County Council (quantum) (2009)** – Penry-Davy J.
- **Young v Kent County Council [2005] EWHC 1342 (QB)** – Morison J: brain injury to a trespassing schoolboy, claim brought under the Occupiers' Liability Act 1984 (considered in *Keown v Coventry Healthcare NHS Trust* [2006] EWCA Civ 39). [Download Judgement](#)
- **24seven Utility Services Ltd v Rosekey Ltd & ors [2003] EWHC 3415 (QB)**, [2004] All ER 288 – whether an action in tort can be assigned. [Download Judgement](#)

## Professional Negligence

Scott's professional negligence practice centres on the liability of solicitors, often in relation to failed clinical negligence and personal injury cases, but he also acts in cases where professional negligence has led to physical or psychiatric harm.

### Selected cases

#### Court of Appeal:

- *McLaughlin v Hodge Jones & Allen* (2013) LTL 11/12/13 – LJJ Hallett & Sullivan and Arnold J.

#### High Court:

- *W & ors v Bradford Metropolitan District Council* (2016): negligent failure of local authority social services department to take children into care thereby exposing the children to unnecessary sexual, physical and emotional abuse.
- *Z & ors v Rotherham Metropolitan Borough Council* (2013): negligent failure of local authority social services department to take children into care thereby exposing the children to unnecessary sexual, physical and emotional abuse. Settled and approved.
- *Hodge Jones & Allen v McLaughlin* [2011] EWHC 2402 (QB): solicitors' negligence case relating to the enforceability of English orders under Brussels II revised. [Download Judgement](#)
- *McCracken v Tsubara* (QBD, 2009) – alleged solicitors' fraud.