



Bruce Silvester
Year of Call: 1983



Bruce Silvester is an accomplished personal injury, health and safety, and clinical negligence litigation practitioner who is also highly regarded for his practice in travel litigation. He regularly appears for claimants and also defendants in the High Court as well as providing advisory and mediation services. He has particular expertise in the field of catastrophic injuries including brain, spine, multiple injuries and also group litigation.

Recommendations

Focusing his practice on travel litigation, he appears frequently in large-scale group actions on both the claimant and defendant sides. He handles claims arising from a range of transport accidents, both on road and at sea. He is highly regarded by commentators for his expertise in complex gastric illness claims. **"Excellent with clients and extremely tenacious. He's very thorough in reviewing and valuing a case and is a very committed advocate."** **"He's very keen to take on difficult cases and very good at interpreting facts into a lay person's terms so clients feel relaxed around him."** Acted for a claimant who suffered serious head and spinal injuries in a quad-bike accident while on holiday in Spain. - *Travel: International Personal Injury, Chambers UK Bar 2019*

Hugely experienced senior junior with an enviable caseload of multimillion-pound catastrophic injury instructions, predominantly from claimant solicitors but also from defendant insurers. His cases concern a variety of circumstances, including fatal accidents, brain damage and spinal cord injuries. His practice includes trial advocacy, mediation and advisory work. **"He's very tenacious and is doggedly determined in securing the best possible outcome for his clients."** **"He is a very good advocate who is superb on his feet."** Represented a claimant who suffered severe food poisoning after visiting the defendant's restaurant. The case included both liability and quantum issues. - *Personal Injury, Chambers UK Bar 2019*

'He is a fierce advocate who focuses hard on evidence, tackles complicated liability issues and runs the most difficult cases.' - *Personal Injury, Industrial Disease and Insurance Fraud, Legal 500 2019*

Focusing his practice on travel litigation, he appears frequently in large-scale group actions on both the claimant and defendant side. He handles claims arising from a range of transport accidents, both on road and at sea. He is highly regarded by commentators for his expertise in complex gastric illness claims. **"A great advocate, well respected by clients and judiciary alike with a wealth of knowledge in this field and a determined and tenacious approach to litigation."** **"He is a pre-eminent lawyer for gastric illness cases and his approach is impressive."** **"He's amazing with clients and extremely committed."** Acted for 219 claimants in a multiparty action against Bourne Leisure, after 122 of the claimants suffered gastric illness while at the defendant's resort, due to alleged poor standards of food hygiene. - *Travel: International Personal Injury, Chambers UK 2018*

Hugely experienced senior junior with an enviable caseload of multimillion-pound catastrophic injury instructions, predominantly from claimant solicitors but also from defendant insurers. His cases concern a variety of circumstances, including fatal accidents, brain damage and spinal cord injuries. **"Very tough and very experienced."** **"His attention to evidence means cases are always presented in the strongest possible way."** Acted in a claim involving a man who suffered a catastrophic spinal injury in a mountain biking accident. - *Personal Injury, Chambers UK 2018*

"He has a relentless focus on evidence, in terms of both understanding it and plugging gaps in it." - Personal Injury, Legal 500 2017

Focusing his practice on travel litigation, he appears frequently in large-scale group actions on both the claimant and defendant side. He handles claims arising from a range of transport accidents, both on road and at sea. **"He is a great advocate, well respected by clients and judiciary alike, who has a wealth of knowledge and takes a tenacious approach to litigation."** **"Bruce is incredibly single-minded in his pursuit of the client's objective, and always prepared to think outside the box with liability arguments."** **"He gets a grasp of cases very quickly and is a bullish advocate."** Successfully represented the claimant in the appeal of *Gillian McIlhagga v Abdul Majid*, which arose from a quad biking accident in Spain resulting in catastrophic injury. - *Travel PI, Chambers UK 2017*

Hugely experienced senior junior with an enviable caseload of multimillion-pound catastrophic injury instructions, predominantly from claimant solicitors. Sources value his ability to be very direct in his dealings with the opposition while remaining entirely sympathetic and approachable for the client. **"Very calm, very confident in his own abilities, not afraid of difficult cases."** **"Incredibly tenacious and single-minded in his pursuit of the client's objectives. He is very creative and always prepared to think outside the box."** Represented the claimant, a trooper in the Household Cavalry, who was struck by the defendant's taxi and suffered near-fatal brain injuries. Achieved £1.5 million at a joint settlement meeting. - *Personal Injury, Chambers UK 2017*

Bruce Silvester is ranked as a Leading junior in 'Personal Injury'. **"He will often get results that others would not."** - *Legal 500 2016*

Regularly appears opposite silks taking on complex maximum severity claims. He acts for both claimants and defendants and is noted for his expertise in cases concerning catastrophic head injuries. "He is a very impressive and persuasive advocate; if there was a jury he would probably have them in the palm of his hand." "He is a practical, fast-thinking lawyer who's also good at getting results." Acted in *McIlhagga v Majid*, a case concerning a serious accident leading to head and spinal injuries. - *Personal Injury, Chambers UK 2016*

Has established an excellent reputation among peers for his work on the claimant side of group illness cases under the Athens Convention. Such cases have typically turned on questions of liability. "He is very focused in terms of picking out the main points to argue. There may be many issues but he's very good at isolating those points that are really at the heart of the matter." - *Travel, Chambers UK 2016*

"Always approachable and well prepared." - *Personal Injury, Legal 500 2015*

Devotes much of his time to individual and group litigation concerning health and safety and catastrophic injury. He boasts a flourishing High Court practice and acts for both defendants and claimants. **Expertise: "He is a phenomenally hard worker. Every point is taken, and he doesn't miss anything."** **"His advocacy is superb, and he is regularly up against silks, often coming out on top."** **Recent work:** Acted as counsel in a high-value accident claim involving a child with serious neurological damage, where the damage could not be assessed properly until adulthood. - *Personal Injury, Chambers UK 2015*

Acts for claimants and defendants in cross-border personal injury litigation. He is notably strong in cases involving multiple claimants and issues arising from the Athens Convention. **Expertise: "He's very forensic, good with experts, and demonstrates good attention to detail."** **"Pretty fearsome to come up against, he doesn't mince his words, is very thorough and is incredibly tenacious."** **Recent work:** Acted for 205 claimants who fell ill during their stay on the 'Thomson Dream' cruise ship. - *Travel: International Personal Injury, Chambers UK 2015*

Described as **"scrupulous in assessing evidence."** Bruce Silvester is also ranked as a Leading Junior in *Personal Injury, Legal 500 2014*

"A fearsome advocate who is capable of handling the most complex and high value of claims." He has many years of experience of a wide variety of personal injury claims, and is highly regarded for his expertise in cases involving brain and spinal injuries. He acted in *Mark Lynch v CEVA Logistics*, acting for the claimant, an electrician who was crushed under a fork-lift truck in the defendant's warehouse. - *Chambers UK 2013*

Bruce Silvester of the same set offers **"assertive advocacy,"** and acts on anything from large illness group actions to RTA fatalities. Solicitors speak of his **"fantastic client skills,"** noting that **"he can be quite direct with clients and sometimes you need the barrister to be like that."** He advised on *Barltrop v TUI*, which concerned a serious coach accident in Bulgaria. - *Chambers UK 2013*

Recommended as a leading junior for Personal Injury and Travel in Chambers UK.

Prominent junior Bruce Silvester **"works like a Trojan and has great forensic skills". "He handles catastrophic brain injury, spinal injury and multiple injury cases"** - *Personal Injury, Chambers UK 2011*

Specializes in international personal injury work and has been involved with a number of multiparty actions. He successfully acted for the claimants in **Barltrop and 22 others v TUI UK Ltd**, a case concerning a serious coach crash in Bulgaria involving 40 passengers travelling to a ski resort. - *Travel, Chambers UK 2011*

...the **"brilliant and sensible"** Bruce Silvester, is **"an expert on brain and spinal injury cases. Silvester's recent highlights have included acting on *Nicholson v Willis*, a catastrophic injury case that raised issues of periodical payments and the relevance of state provision in Scotland"**. - *Personal Injury, Chambers UK 2010*

... is viewed as **"highly effective, forthright and aggressive."** Examples of his work include acting for a group of claimants in a case stemming from widespread illness in a hotel following a flooding. He also handled another group action relating to an outbreak of cryptosporidium infections.

"Great charm and presence in court". He is **"like a dog with a bone when pursuing relevant arguments and issues within a case"** He advises both claimants and defendants on clinical negligence and health and safety matters, as well as handling group litigation and catastrophic injury work. - *Personal Injury, Chambers UK 2009*

"Bruce Silvester can take a difficult point and make it look easy" - *Personal Injury, Chambers UK 2008*

Bruce Silvester has also been handling some high-profile cases involving substantial damages. He will put his neck on the block and fight difficult points. - *Legal 500*

Personal Injury

Ranked in Chambers UK as a prominent junior, and in Tier 1 by Legal 500 2017, Bruce undertakes all aspects of personal injury, health and safety and clinical negligence work and regularly appears for both claimant and defendant in the High Court. He is instructed as lone and led junior in matters concerning catastrophic injuries, brain and spine, and in multi-party cases.

Cases include:

- *Colin Hudson v. Daniel Brooks* - (July 2013) Bruce Silvester was successful in a High Court claim for damages on behalf of a 73 year old man who suffered C7 tetraplegia in an accident in January 2011. At a joint settlement meeting an award was negotiated which included a lump sum of £1,350,000 and a periodical payments order of £180,000 pa for 5 years, with a stepped increase to £200,000 pa thereafter for life, index linked. Bruce Silvester was instructed by Stephen Nye, Irwin Mitchell LLP.
- *Stephen Blow v. Miss Maureen Millard* - (QBD 22 May 2013) Successful in a liability trial at the High Court on behalf of a Claimant who suffered severe spinal, pelvic and head injuries, as a result of the collision

between his motorcycle and the Defendant's vehicle.

- *McCarrick v. Park Resorts Ltd* - [2012] EWHC B27 (QB) Successful in a liability trial at the High Court on behalf of a Claimant who suffered very serious spinal injuries resulting in complete tetraplegia.
- *Dey v. Yusen Logistics (UK) Ltd & Hamlyn* - won liability trial for paraplegic and brain injured Claimant
- *Stych v. Dibble & Tradex Insurance Company Ltd*. [2012] EWHC 1606 - successfully won liability for tetraplegic Claimant. Liability originally contested by Tradex Insurance Company Ltd, pursuant to section 151(4) of the Road Traffic Act 1988
- *Mark Lynch v. CEVA Logistics Limited and another* [2011] EWCA Civ 188 – successfully opposed Defendant's appeal against finding of liability to Claimant (a non-employee) under reg.4 and 17 of the Workplace Regulations and at common law
- *Mark Barnes v. Scout Association* [2011] EWCA Civ 1476 – CA upholds judge's finding of liability in negligence following an injury sustained during the course of a dangerous game played in the dark in the Scout Hall. CA found that the judge properly took into account the 'social value of the activity'.
- *Entwistle c. Rance* [2011] - In this brain injury case, the client, a City analyst, on a very high income, who was on a meteoric career path, suffering major brain injury, resulting in a multi-million pound claim due to the catastrophic nature of his injuries, later requiring 24 hour care regime, and substantial loss of earnings. Led by Robert Glancy QC
- *Yan Xu v. Urban Circus & European Entertainment Corporation Ltd* - [2009] catastrophic injuries to circus High Wire artiste resulting in paraplegia. Led by Stephen Killalea QC
- *Robert Adams v. Kier Construction* - [2009] a construction site accident
- *Paul Sutton v. Bennett & RFU*- [2009] multi-million pound paraplegia claim arising from a rugby injury. Liability and quantum were both in dispute. Led by Robert Glancy QC
- *Maidment v. Allison Martin* - [2010] serious back injury claim arising from a road traffic accident. Case involving a prominent claimant at the Bar, following serious injuries suffered in a road traffic accident.
- *Nicholson v. Willis* [2008] QBD Butterfield J – Hypoxic brain damage – settlement of £4.7m approved.
- *Allport v. Wilbrham* [2004] EWCA Civ 1668 – catastrophic injuries to rugby player – CA uphold trial judge's decision
- *Wooldridge v. Hayes* - [2003] QBD, serious head injury resulting in 'locked in syndrome' - £601,480 awarded
- *Strickland v. Hertfordshire County Council* [2003] EWHC 287 (QBD Eady J) – summary judgment refused on the basis that the tort of malicious prosecution could not be extended to civil proceedings.
- *Kershaw v. Federal Express* - [2001] QBD, back injury - £266,079 awarded after trial
- *Dashiell v. Luttit* - [2000] CL 248: severe head injury - £5m damages
- *Rushton v. Jervis* - [2000] CL 147: serious head injury - £900,000 damages
- *Scott Cliff v. Hawes & Others* (1999; CA; Gibson, Sedley and Stoughton LJJ) – A multiple accident on dual carriageway - a tortfeasor is not entitled to assume that other road users will exercise a proper degree of care. If their conduct was within the band of foreseeability, the tortfeasor will be liable for the consequences.
- *Osborne v. Magwick* - [1994] CL 1678: general damages; cost of future operation and *Smith v. Manchester*
- *Everard v. Unigate Dairies* - [1990] CL 1670: liability, general damages and *Smith v. Manchester*

Bruce lectures extensively in the field of Personal Injury litigation at professionally organised conferences: Euroform, Butterworths and Lloyds of London and Legal Network Television, as well as providing seminars as part of the in-house training programs of a number of firms of solicitors.

Accidents Abroad & International Travel

Bruce Silvester is a well-known international personal injury specialist who has been ranked in Chambers UK for a number of years. He appears on behalf of claimants and Defendant Note in both single and multi-party matters, providing the full range of advocacy, advisory and mediation expertise in this complex area of law.

Cases include:

- *Barnes v Howard* [2017] EWHC 959 (QB)
- *Asif Ahmed v Leon Maclean* [2016] EWHC 2798 (QB)
- *Gilmovitch & Others v Bourne Leisure Ltd* [2016] EWHC 3228 (QB)
- *Madeline Nolan & Others v TUI UK LTD* [2013] EWHC 3099 (QB)
- *Stych v Dibble & Tradex Insurance Co Ltd* [2012] EWHC 1606
- *Bartrop & 22 others v. TUI UK LTD* [2009]: Coach crash in Bulgaria resulting in multiple injuries for 40 holiday makers. Succeeded at trial on liability
- *Besford & 148 Others v. Thompson (TUI)* [2009]: Substantial claim arising out of widespread illness in hotel in Bulgaria after flooding
- *My Travel v. David Bulmer & 98 Others* [2009]: A multi-party action arising out of a massive outbreak of food poisoning at a Hotel in the Dominican Republic
- *Gunstone & 119 others v. First Choice* [2009]: Large Group Action resulting from Cryptosporidium infections. Achieved a settlement of £2.5m
- *Grimshaw & 419 Others v. First Choice Holidays* [2009]: Substantial group action arising out of a large outbreak of food poisoning in a hotel in the Dominican Republic

Clinical Negligence

Bruce has over 20 years experience in all aspects of clinical negligence.

Past cases have included:

- Delayed oncological diagnosis
- Brain injury due to failure to detect fractured skull and intracerebral hemorrhage
- Obstetric / Gynaecological claims – birth injuries including cerebral palsy, stillbirths and failure to manage pregnancies
- Failure of anaesthesia in emergency caesarean section
- Torn perineum and sphincters in child birth

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- Gastroenterological claims – misdiagnosis, substandard surgery, failure to intervene
 - Claims involving the negligence of a general practitioner
 - Fatal Accident claims

Bruce is a member of the PNBA and regularly attends the two day Clinical Negligence conference/residential seminar in Oxford.

Bruce is known for his tenacity and his ability to win the most difficult of cases.

Memberships and Associations

PIBA, PNBA, APIL

Education

University of London, Queen Mary College London LLB (1982)

Inner Temple Cecil Yahuda Scholarship; Inner Temple Law Grant (1983)

Personal Interests

Antique books, contemporary design, cycling, skiing