

## Stephen Miller KC

Call: 1971 KC: 1990



Stephen Miller KC took silk in 1990 and since that time has developed his interest in cases involving medical issues. Although a large part of his work is concerned with clinical negligence actions, in which he has appeared in a number of the leading cases at first instance and on appeal, he has also been involved in a number of multi-party actions, Inquiries, disciplinary hearings and medically-related criminal hearings. He has also retained an interest in other aspects of professional negligence, personal injury and in actions against the police.

He is an accredited mediator; a member of the Court of Appeal panel of mediators since 1997 and a member of the Chartered Institute of Arbitrators.

Stephen was named as “Personal Injury / Clinical Negligence Silk of the Year” at Chambers & Partners Bar Awards 2014.

*“He is a seasoned courtroom performer who sees the wood from the trees.”*

**Chambers & Partners 2023**

*“A very charming barrister.”*

**Chambers & Partners 2020**

*“Stephen is excellent on his feet and with witnesses.”*

**Chambers & Partners 2023**

# Clinical Negligence

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*"A very charming barrister."*(Chambers & Partners 2020)

*"Excellent. Charming and right on top of his cases."*(Chambers & Partners 2019)

*"Very bright." "His advocacy and his ability to manage clients is superb." "Very polished and hugely experienced."*  
(Chambers & Partners 2018)

*"He is an extremely smooth advocate and someone with vast experience who has profound knowledge." "If you need a power hitter then Stephen is the guy to go to as he has gravitas and experience." "Excellent drafting and superb preparation, he is certainly well equipped to handle complex regulatory cases."*  
(Chambers & Partners 2017)

*"Recommended for complex cases."* (Legal 500 2016)

*"He understands the issues and he's a good negotiator." "Stephen is an excellent advocate and very good with witnesses and clients in a conference."* (Chambers & Partners 2016)

*"Incredibly easy to work with, he is thorough, understands the medicine and is excellent on his feet."* (Chambers & Partners 2014)

*"Always give a good performance." "If you have a tricky trial, he's a great advocate and he's always ready for a fight."* (Chambers & Partners 2013)

*"Steeped in clinical negligence experience" and is a "fair minded and sensible opponent."* (Chambers & Partners 2012)

*"A real scrapper who is excellent on his feet."* (Chambers & Partners 2011)

*"He can bring all the loose strands together and make a fantastic case out of what you give him"* (Chambers & Partners 2010)

## Selected Cases

- **Wilsher v Essex Area Health Authority (HL)**: The leading House of Lords authority on causation in Clinical negligence cases.
- **Robertson v Nottingham Health Authority (CA)** Direct, rather than vicarious, duty of care for system fault.
- **Walters v North Glamorgan NHS Trust (CA)**: Extension of liability to secondary victims to include a mother being present over a period of hours while her son died.
- **Galli-Atkinson v Seghal (CA)**: Psychiatric injury arising out of death of a child. Need for propinquity explained.
- **London Borough of Islington v University of London Hospital NHS Trust (CA)**: Whether a duty owed by an NHS Trust to a local authority not to cause injury likely to result in the need for residential care.

- **West Bromwich Albion FC Ltd v El-Safty (CA)**: Extent of duty in tort and contract owed by private specialist engaged to treat professional footballer.
- **Al Kandari v JR Brown (CA)**: Extent of the duty owed by a solicitor in litigation to the client on the other side.
- **Al Fayed & Others v Metropolitan Police Commissioner (CA)**: Unsuccessful challenge to the legality of the arrest of suspects for the purpose of questioning under cautioning.

## Arbitration & Mediation

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Stephen Miller KC is an accredited mediator. He has been a member of the Court of Appeal panel of mediators since 1997 and is a member of the Chartered Institute of Arbitrators.

He acted in eight mediations between 2016 and 2019, involving the following:

- alleged solicitor's and barrister's negligence in the handling of personal injury and clinical negligence actions
- high-value clinical negligence actions
- construction site personal injury action
- road traffic accident
- road traffic accident with third and fourth parties and repudiation of liability to indemnify by insurers
- medical doctor's inability to become accredited by his specialist organization

## Appointments

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- Recorder of the Crown Court (1997-present)
- Mediator, Court of Appeal Mediation Panel, (1992-present)
- Bar/Law Society Joint Tribunal Arbitrator
- Master of the Bench of the Middle Temple

## Awards

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- Personal Injury and Clinical Negligence Silk of the Year (Chambers & Partners 2014)

## Memberships

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- Chartered Institute of Arbitrator

## Publications

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- Clinical Negligence Powers & Harris (Butterworths 4th Edition 2007)
- Professional Negligence & Liability (LLP) and Personal Injury Handbook (Sweet & Maxwell 3rd Edition 2007)

