

Nick Brown



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Profile

Before coming to the Bar, Nick worked for a firm of solicitors, including spending six months working on the 1987 Birmingham Six Appeal. Since then Nick has represented a number of victims of miscarriages of justice both in the United Kingdom and abroad. He has advised in relation to applications to the Criminal Cases Review Commission. For three years between 2001 and 2004, Nick was one of the attorneys of record for Mumia Abu-Jamal, the prominent African American political activist, journalist and writer, who is on death row in Pennsylvania. Nick was admitted pro hac vice to the state and federal courts in Pennsylvania and the Third Circuit Court of Appeals.

Nick acts on a CFA basis in many of his cases and will provide pro bono advice and representation in an appropriate case.

What the directories say

"Nick is always well prepared and excellent in court. His experience in inquest work shines out." - Legal 500 2024

"Nick has a great ability to condense complex, unwieldy aspects of a case into manageable, credible, articulate and hard-hitting written and oral arguments." - Chambers and Partners

2023

"Nick is a leading junior in his field. He has excellent knowledge, his written work is excellent. He works collaboratively with solicitors to get the best results for highly vulnerable clients." - Legal 500 2023

"Nick is extremely passionate about his cases and is one of the hardest-working barristers at the Bar. Nothing is ever too much for him and he is always available when needed. His intelligence is on a different level." - Chambers and Partners 2022

Related practice areas

Clinical Negligence, Personal Injury & Product Liability

Actions Against the Police and Public Authorities

Inquests and Public Inquiries

Immigration Detention Group

Anti-Trafficking

Clinical Negligence and Personal Injury

Nick undertakes the full range of clinical negligence work ranging from obstetric and neonatal mismanagement to drug induced psychosis and diving medicine. Recent and current cases include:

- Undiagnosed and late diagnosed spinal cord injuries resulting in tetraplegia.
- Delay in diagnosis of a neurofibroma resulting in progressive and severe neurological deterioration, delayed surgery and the development of a severe hypoxic ischaemic brain injury in the post-operative period.
- The failure to transfer a prisoner who was acutely psychotic from prison to a secure hospital pursuant to Section 47 of the Mental Health Act, 1983.
- Compulsory treatment with anti-psychotic medication under Section 58 of the Mental Health act, 1983.
- Inappropriate anti-coagulation treatment followed by a delay in diagnosis of compartment syndrome leading to amputation.
- Undiagnosed bilateral slipped upper femoral epiphyses in childhood resulting in severe physical disabilities in later life.
- Sciatic nerve injuries during surgery.
- Inappropriate prescribing of medication to a woman of child bearing age resulting in the death of a child from fetal and neonatal injuries and both parents suffering severe

psychiatric disorders.

- Delayed treatment leading to loss of sight.
- Sexual assault by a general practitioner.
- Inappropriate prescribing resulting in death from an unintended overdose.

Nick regularly represents bereaved families in clinical negligence inquests. Following a recent two month inquest in Manchester, the jury returned a verdict of unlawful killing on the basis of gross negligence manslaughter on the part of the deceased patient's general practitioner.

He also regularly acts for claimants in complex personal injury cases arising out of not only both road traffic and industrial and workplace accidents, but many other contexts. He has a particular interest in brain injury and severe psychiatric injury.

Recent and current cases include:

- Maximum severity brain injury claims.
- Severe multiple injury claims.
- Child sexual abuse claims.
- The death of a miner down a stone mine.
- An amputation case following a tripping incident when the claimant may have had to undergo an amputation in any event.
- The death of a child in local authority care who was shot dead whilst visiting her natural father.
- A claim against the prison service on behalf of a convicted member of Al Qaeda after he was twice assaulted by other prisoners and suffered severe burns.
- A claim for personal injury against a local authority following the local authority's failure to take the claimant's son into care.
- A claim for personal injury against the probation service for the failure to progress a lifer's application for parole.

Nick also specialises in the family's common law and Human Rights Act claims arising out of deaths in custody and deaths involving the police and other public authorities, such as the ambulance service.

Solicitors' Negligence and Professional Liability

Nick has specialised in legal negligence cases for many years in a wide variety of claims against both solicitors and barristers, including Queen's Counsel, across the whole legal

spectrum.

Nick was junior counsel in *McLoughlin v. Groves* [2005] EWHC 1741; [2006] EWCA Civ 1167 (a multi-million pound case arising out of the allegedly mishandled preparation of the appellant's defence to serious criminal charges) and in *Masterman-Lister v. Brutton & Co.*; *Masterman-Lister v. Jewell and Anor* [2002] EWHC 417 (QB); [2002] EWCA Civ 1889 (the first appellate authority for the test of mental capacity under the Mental Health Act 1983).

Nick has recently been retained to act on behalf of a multi-national development bank in a legal negligence case in Tanzania arising out of the loss of the opportunity to apply to set aside a multi-million pound arbitration award.

Other recently settled and current cases include:

- Lost, mishandled and under-settled personal injury actions involving injuries of the utmost severity, including one case arising out of the under-settlement of a personal injury claim which had concluded with findings of contempt of court against the litigation friend of the brain injured claimant and another family member.
- Lost, mishandled and under-settled clinical negligence actions.
- Lost and mishandled criminal defence cases, including murder trials (the defendant was Queen's Counsel and is now a judge) and convictions for arson with intent to endanger life and for sexual offences.
- Lost and mishandled civil actions against the police.
- The loss of opportunity to bring claims for judicial review, including claims relating to the Police Pensions Regulations and the Criminal Injuries Compensation Scheme.
- Lost and mishandled claims for damages against public authorities, including a high value claim against Queen's Counsel arising out of a claim against a local authority relating to adoption proceedings.
- A lost and mishandled claim in deceit and fraudulent misrepresentation against a public figure.

Over the years Nick has acted for both claimants and defendants in legal negligence cases arising out of the whole variety of contentious and non-contentious work, including domestic and business property transactions, mortgage frauds and the drafting of commercial agreements.

Nick has also advised and acted for solicitors in connection with professional misconduct issues, including proceedings raising dishonesty issues commenced by the Solicitors Regulatory Authority, and proceedings to enforce solicitors' undertakings.

Product Liability and Group Actions

Nick was part of the legal team who advised the Porton Down Veterans in relation to their group action arising out of the experiments which were carried out at Porton Down between the 1940's and 1980's. His product liability work includes the Hepatitis Litigation and the Fetal Anti-Convulsant Litigation.

Actions Against the Police and Public Authorities

Nick has acted for claimants in civil actions against the police for many years. His clients have included claimants wrongfully charged with murder, kidnapping and rape as well as claimants who have suffered severe psychiatric injuries.

Recent and current cases include:

- The de Menezes' family's civil claims arising out of the killing of Jean Charles de Menezes and the subsequent investigation into his death.
- Claims arising out of the policing of the demonstrations outside the Israeli Embassy in January 2009.
- Osman type claims against the police and the probation service.
- A claim in misfeasance arising out of an incident when an on duty, attending police officer had sexual intercourse with a victim of domestic violence.
- Claims for disability discrimination and under the Human Rights Act following the failure by police on two separate occasions to initiate criminal investigations into reports by a woman with bipolar disorder that she had been raped in her home by an intruder.
- Claims arising out of the sexual relationships conducted by undercover police officers over the last twenty-five years.

Related work includes a claim for malicious prosecution against the Official Receiver, claims relating to the disclosure of confidential information gathered during police investigations, including claims arising out of additional information disclosed by the police in Enhanced Criminal Record Certificate, claims for malicious procurement of arrest, claims in false imprisonment arising out of unlawful immigration detention and applications for under Section 133 of the Criminal Justice Act, 1988.

Inquiries and Inquests

Nick has extensive experience of coronial law. He has represented many bereaved families at inquests arising out of deaths in custody and deaths involving police action as well as clinical negligence deaths and deaths following industrial accidents.

Nick was part of the legal team representing the family of Ronald Maddison, the serviceman who died during an experiment involving the use of sarin nerve gas in 1953, at the Porton Down inquest in 2004 and the subsequent unsuccessful attempt by the Ministry of Defence to judicially review the jury's verdict of unlawful killing (*R (on the application of the Ministry of Defence) v HM Coroner for Wiltshire & Swindon* [2006] EWHC 309).

Nick's other inquest and related work on behalf of bereaved families includes:

- Inquest into the death of Fusilier Gordon Gentle in Iraq in 2004.
- Inquest into the death of Anne Marie Bates, in HMP Brockhill in 2001 (following victimisation after Anne Marie found out about a prison officer's inappropriate relationship with another prisoner).
- Inquest into the death of James Dunn in 2006 (following a police pursuit).
- Inquest into the death of Anthony "Junior" Daniel at Colnbrook Immigration Detention and Removal Centre in 2006 (the Coroner made Rule 43 recommendations in relation to the care of detainees who have swallowed drugs).
- Inquest into the death of Patrick Cawley at HMP Wormwood Scrubs in 2007 (the coroner made Rule 43 recommendations in relation to the number of available beds in the prison healthcare centre).
- Inquest into the death of Simon Allen at HMP Brixton in 2006 (a self-inflicted death aggravated by neglect following eth failure to transfer Simon to a medium secure unit pursuant to Section 47 of the Mental Health Act, 1983).
- Inquest into the death of William Duke in HMP Elmley in 2005 (the Coroner referred this case to the Director of Public Prosecutions to consider a prosecution of the prison nurse for gross negligence manslaughter following Billy's death from an acute asthma attack).
- *Jones v HM Coroner for the Southern District of Greater London* [2010] EWHC 931 (Admin) (an application under Section 13 of the Coroners Act, 1988, to reopen an inquest on the basis of insufficiency of inquiry and fresh evidence following a death from fentanyl toxicity)
- Reopened inquest into the death of David Jones from fentanyl toxicity in 2005 (the Coroner returned a narrative verdict which was highly critical of the prescribing doctors).
- Inquest into the Death of David Donohue in 2002 (the jury returned a verdict of unlawful on the basis of gross negligence manslaughter on the part of the deceased patient's general practitioner).

- R (on the application of Sreedharan) v HM Coroner for the County of Greater Manchester [2012] EWHC 1386 (Admin) (the general practitioner's unsuccessful application for permission for judicial review of the conduct of the inquest into David Donohue's death).