



Peter Morton



Contents

Industrial Disease	1
Selected Cases	2
Personal Injury	3
Inquests & Public Inquiries	3
Qualifications	3
Memberships	3



Though he has acted for both Claimants and Defendant in the past, Peter Morton's practice is now entirely for Defendants and consists of industrial disease litigation, catastrophic injury cases, head injury cases (especially TBI), RTA cases, workplace accidents, construction accidents, and occupiers' liability claims. He also undertakes inquest work where there is a possibility or likelihood of a personal injury claim to follow and has specific experience in relation to deaths involving factory accidents, RTAs and Care Homes.

After completing pupillage in London and on the North Eastern Circuit, Peter practised in general common law, including crime, for several years before concentrating on personal injury litigation. He lives in Northumberland but is happy to travel and his practice takes him all over England and Wales.

Peter retains an interest in academic law and is a contributor to Charlesworth and Percy on Negligence.

Industrial Disease

Noise-induced hearing loss and tinnitus

Peter regularly undertakes trials (including limitation hearings) for a variety of solicitor and insurer clients. He is fully proficient in interpreting audiometry and in the application of both the CLB 2000 Guidelines and the LCB 2016 quantification guidelines.

Peter has extensive experience of arguments over matters such as the "low fence threshold", the averaging of audiograms, de minimis, the alleged worsening of symptoms after exposure, the use of 1, 2 and 4kHz and the significance of the 6kHz threshold. Peter has cross-examined many of the leading experts in the area, and as well as relishing the forensic aspect of the work he maintains a lively interest in civil procedure and in arguments over issues such as supplemental witness statements, disclosure "expert shopping" and Part 35 questions.

Asbestos litigation

Peter undertakes many "show cause" hearings before Queen's Bench Masters as well as full trials both on

breach of duty and quantum. He has attended numerous “evidence on commission” hearings, and is fully conversant with the interpretation of the many statutory duties relevant to asbestos disease litigation and with fast-changing landscape of the standard to be expected of employers and others at different times.

Peter has a particular interest in cases which involve only a small asbestos-related component and considerable co-morbidity and in cases where there is only a low percentage of respiratory disability yet a claim for substantial damages, including damages for care and assistance.

Hand-arm vibration syndrome

Peter has undertaken numerous HAVS trials and is familiar with issues of limitation often raised in these cases, as well as the criteria for the diagnosis of the condition and arguments against a work-related cause (including delayed onset, symptoms otherwise in the hands, the effects of smoking, obesity, peripheral neuropathy, diabetes, medication side-effects constitutional predisposition and other alternative medical diagnoses).

Asthma/dermatitis/COSHH

Peter is familiar with the issues of medical causation which (given the rigour of the framework of statutory protection for employees and ERRA 2013 notwithstanding), are often the most important features of these sort of cases. He has both called and cross-examined chest physicians, rheumatologists, dermatologists and of course engineers and occupational hygienists.

Selected Cases

- (As junior counsel) A claim that noise-damage worsens after exposure (it does not). The case had considerable potential implications for the landscape of limitation.
- (As counsel) A claim that NIHL which did not exist over 1, 2 and 3kHz could be diagnosed using 1, 2 and 4kHz because of the importance of the latter frequency for social hearing (it can).
- (As counsel) A claim that a 2% asbestos-related respiratory disability out of a total of 60% to 70% did not sound in damages (it did).
- (As counsel and later junior counsel) A claim for damages arising out of massive burns sustained after climbing into a well-protected electricity substation (no liability).
- (As counsel) a successful strike-out in a multi-party action on the grounds that the Claimant's damages against a particular Defendant had been extinguished by adverse interlocutory costs orders.
- (As counsel) an assessment of damages in a mesothelioma claim involving examination of the jurisprudential basis for damages for loss of a spouse.
- (As counsel) a successful application to compel a single joint expert to attend trial to be cross-examined.
- (As counsel) a successful argument that the Claimant was not entitled to claim the bulk of his special damages because the accident had merely brought forward otherwise inevitable symptoms.



Personal Injury

Peter has a particular interest and expertise in cases where there are issues of acceleration (i.e. the bringing forward of inevitable symptoms) and/or aggravation (i.e. the making of existing or inevitable symptoms worse), each of which requires a careful and nuanced approach to the quantification of loss.

He has also been involved in numerous JSMs and trials involving so-called subtle brain injuries where there is little or nothing to see on neurology, and the Claimant seeks to make his or her case with neuropsychological/neuropsychiatric expert evidence and lay witness evidence as to altered personality etc. Such cases are on the increase and they are challenging to defend, especially where case managers and care regimes are in place and fully-fledged before issue, and where the Claimant seeks to rely on "quasi expert" and self-serving evidence from those with a vested interest in the maintenance of such regimes. Peter enjoys the interlocutory battles over issues of expert evidence and interim payments which such cases frequently generate.

Peter enjoys multi-Defendant litigation where there are issues of apportionment of responsibility both under the Act of 1978 and pursuant to chains of contract where each Defendant assumes discrete responsibilities but the Claimant adopts a "scattergun" approach. These cases commonly arise where state entities hive off their health and safety responsibilities to private contractors who in turn sub-contract.

He also relishes cases where the consequences of apparently modest injuries are alleged to be out of all proportion. These often involve expert pain management consultants, rheumatologists and psychiatrists are require careful analysis in order to disentangle the consequence of the accident from other operative causes for the Claimant's symptoms or indeed from exaggeration, deliberate or otherwise.

Inquests & Public Inquiries

Peter has extensive experience in attending inquests on behalf of all properly interested parties including families, NHS Trusts, insurers and employers.

He has specific experience in relation to deaths involving factory accidents, RTAs and Care Homes.

Qualifications

- LLB, LLM (Cantab)

Memberships

- PIBA
-