

Barrister: Cyrus Katrak

Overview:

Cyrus Katrak is a specialist personal injury and clinical negligence practitioner.

He has acted for both Claimants and Defendants in high profile cases including the British Coal Respiratory Disease Litigation and the Paddington Rail Disaster.

His particular expertise is in high value brain injuries, clinical negligence claims and fatal accident cases.

He also represents medical professionals in regulatory health care proceedings, has prosecuted in the General Medical Council. He currently sits as a legal assessor at the Nursing and Midwifery Council.

Cyrus also acts on behalf of injured clients before the Criminal Injuries Compensation Authority.

First and foremost Cyrus aims to put litigants at ease in what are often the most stressful of circumstances and is careful to ensure that conferences are tailored to fit the client's particular needs. He considers that client care is fundamental but nonetheless will always give clear, direct and robust advice.

He currently advises on numerous cases in Jersey and is familiar with the differences in procedure between the Channel Islands and England.

Cyrus lives in Twickenham and can accept instructions at short notice either by DX or email. He is married to a Consultant Head and Neck Surgeon who practices at The Royal Surrey County Hospital. One day he intends to retire to New Orleans to play the blues piano in a bar.

Publications

Cyrus has written numerous articles for the Motor Accident Solicitor's Society and has contributed to the Personal Injury Law Journal and APIL's PI Focus magazine.

He also lectures to solicitors and other professional bodies including the Jersey Medico-Legal Society, the Otolaryngological Society and the Motor Accident Solicitors' Society. He has a particular interest in cases involving brain injuries and allegations of exaggeration/malingering.

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Personal Injury

Personal Injury

Cyrus acts in all areas of personal injury litigation, but primarily focuses brain injuries, fatal accident claims and accidents causing injuries of maximum severity. He has also acted in numerous amputation cases, those involving chronic pain and give rise to unusual liability and causative issues.

All Claimant instructions are, if required, considered on a Conditional Fee Agreement and Cyrus has a pragmatic approach to accepting the CFA risk in litigation.

Cyrus has acted in historic sexual abuse claims including those involving issues of grooming and alleged consent. In Autumn 2015 has lectured at the Personal Injury Bar Association Winter conference on the subject of sexual abuse claims including limitation issues and tactics in historic actions.

Quantum

In addition to loss of earnings and care claims, Cyrus regularly drafts complex schedules of loss and advises on quantum issues relating to:

- Periodical payments claims;
- Provisional damages claims;
- Prosthetic requirements;
- Future loss of chance claims (primarily in relation to curtailed careers);
- Complex loss of pensions claims including those for soldiers, medical professionals and police officers;
- Handicap on the labour market awards based on the Ogden Tables;
- The use of the Ogden Table multipliers and the use of multiplier discount rate, including its application in Jersey an Guernsey;
- Fatal accidents claim in respect of undeclared income, maintenance of children from previous relationships and re-marriage of widow / partner;
- The apportionment of fatal accident damages between children and Claimants.



Call: 1991

Fraud

Cyrus routinely advises in allegedly fraudulent claim, including:

- Exaggerated claims;
- Claims involving video surveillance evidence;
- Claims where earnings have been undeclared by the Claimant and there is a risk that the Judge and / or the Defendant insurer will report the Claimant to the Inland Revenue / police;
- The costs consequences should fraud or exaggeration be proved;
- Cases involving disputed conditions such as chronic fatigue syndrome and fibromyalgia.

He is often instructed to investigate these matters in conference with clients and experts and identify any inconsistencies and discrepancies in the evidence. Over the years he has also lectured extensively on these topics and upon recent updates in the law of this area.

Asbestos Claims

Cyrus has had many years experience in acting for Claimants in mesothelioma cases. He also is well used to dealing with terminally ill Claimants and with procedural steps such as the show cause procedure in the High Court, limitation issues and restoration of companies to the Register.

In 2006 he acted as part of a litigation team for 14 Claimants in the Rio Tinto PLC litigation, all of whom died from mesothelioma. These claims involved factually difficult fatal accident claims and assessments of damages.

Clinical Negligence

Clinical Negligence

Cyrus has over 25 years experience in acting in clinical negligence cases including:

- Spinal Injuries - including failure to diagnose cauda equine lesion following the insertion of Harrington rods;
- Misdiagnosis by doctors, often of cancers;
- Dental negligence - particularly unnecessary treatment;
- Neglect of the elderly and / vulnerable persons within the hospital environment.

He is used to handling expert witnesses, identifying weaknesses in their evidence, advising upon their reports and drafting Part 35 questions.

Inquests

Cyrus has extensive experience of the Coroner's Court on behalf of families, usually in deaths arising from clinical negligence and road traffic accidents. Recent examples include:

- Inquests following deaths of patients who die in hospital following neglect;
- Inquests following misdiagnosis by doctor;
- Multiple day inquest involving the death of newborn on a heart unit

He is happy to consider instruction in the Coroner's Court on a CFA basis.

Procedural Matters

Cyrus regularly advises on limitation, Section 39 applications, application under CPR 3.9 in relation to late evidence and non-compliance with Court Orders, and has an in-depth knowledge of costs arguments and issues, especially in the context of costs and case management hearings.

He also routinely appears to secure substantial interim payments and has many years experience of appearing for parties in Joint Settlement Meetings.

Sexual Abuse Claims

Sexual Abuse Claims

Cyrus has acted in a significant number of sexual abuse claims including those involving issues of historic abuse, grooming, rape and alleged consent. Very recent cases include those involving rapes by multiple assailants and historic abuse claims by caused by family friends and teachers.

He has also acted in the BBC abuse claims.

He has lectured at the Personal Injury Bar Association Winter conference on the subject of sexual abuse claims including limitation issues and tactics in historic actions and in 2016 he authored an article for Apil's PI Focus magazine on the subject of sexual abuse claims.

Notable Cases

Notable Cases

Please note that for confidentiality purposes most names have been anonymised.

- **Mc v A [2017]**: Appeared in 3 day High Court trial involving death of a woman who clambered onto bonnet of car.

- **AX v B [2017]**: Resisting High Court application by a Defendant for disclosure of abuse victim's records for use in criminal proceedings.
- **D v X [2017]**: Acting for family of man murdered in sheltered accommodation;
- **X v M [2017]**: Jersey case involving severe brain injured Plaintiff. Application of multipliers;
- **CvG [2016]**: Acting for Claimant who suffered catastrophic brain injuries during BMX Race;
- **V v V [2016]**: Jersey case involving severe sexual assault;
- **J v T [2016]**: Negotiating settlement for brain damaged teenager;
- **X v CICA [2016]**: Appeared for Local Authority in respect of appointment of a CICA maximum award granted to brain damaged infant;
- **A v B [2015]**: Lump sum and periodic payment order settlement in excess of £1 million for severely brain injured child. Case included highly technical points about security of periodical payment order against MIB in old claims.
- **V v N [2015]**: Acting for Claimant and 2 child dependents in fatal accident case in Jersey
- **Q x A [2015]**: Acting for Claimant severely injured in Isle of Man TT races, leading to amputation.
- **A v V [2015]**: Acting for Claimant in Clinical negligence case where a form of skin cancer led to death.
- **W v W [2015]**: Acting for brain injured internet designer seriously injured in road traffic accident.
- **Q v W [2015]**: Acting in product liability case for Claimant poisoned by use of dental adhesive.
- **E v E [2015]**: Acting for fiancé of Deceased + child in action including competing claims from children of previous marriage.
- **F v C [2015]**: Acted for Claimant in Fatal Accident case where husband killed when he exited ambulance onto main road.
- **R v R [2014]**: Acted for Claimant whose leg was traumatically amputated in pumpkin harvester.
- **C v D [2014]**: Fatal accident claim for partner of high earning accountant killed in road traffic accident. Claim involved highly complex loss of chance calculations;
- **Q v Q [2014]**: Acted for Claimant in clinical negligence claim who was partially paralyzed following surgery.
- **Miller v MOD**: Acting against Ministry of Defence for airman crippled in parachuting accident.
- **R v Scottish & Southern Energy Plc**: Mesothelioma claim.
- **A v X**: Acted for convicted sex offender sued by victim.
- **B v Thames Trains Limited**: Fatal Accident Claim for family of high ranking civil servant, arising out of the Paddington Rail Crash.
- **W v M**: Catastrophic brain injury claim of a teenager against MIB.
- **Callery v Grey (No.2) 4 All ER 1**: Instructed by the Motor Accident Solicitor's Society in The CFA litigation.
- **Newbury v Bath DHA HCJ (1999) 47 B.M.L.R. 138**: Medical negligence leading to paralysis - 5 day High Court Trial.
- **Violet Brett v Lewisham Borough Council CA LTL 20/12/99**: Tripping accidents under the Highways and Occupiers Liability Act.

For more information please call our clerks on **020 7832 0500**

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