



Darrel Crilley



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"He is very good at putting experts through their paces and is a very careful barrister who is always aware of the legal ramifications."  
(Chambers & Partners 2020)



Darrel read Geography at Mansfield College Oxford in the mid 1980's, proceeded to complete a PhD and then switched to studying law at Queen Mary and Westfield College London while lecturing part-time. He obtained a first in law after completing the degree in 2 years. He completed Bar school in 1994/5 after winning a scholarship from the Inner Temple. In the intervening 19 years he has had no regrets about not attempting to stay in academia.

## Clinical Negligence

Clinical negligence comprises a distinct and growing part of his practice. He has acted exclusively on behalf of Claimants in this field. His experience spans a wide array of subject matter from routine diagnostic and treatment errors to the misdiagnosis of complex forms of cancer. He brings to this area of practice the cumulative insights of nearly 19 years. He has enjoyed being junior counsel in birth injury claims arising from clinical mismanagement of birth. His experience embraces acting in part 20 claims where the interrelationship between primary tortious damage and supervening clinical negligence is at the heart of matters.

## Selected Cases

- *McGrath v Wrightington, Wigan & Leigh NHS Foundation Trust* – Failure to vaccinate health worker against TB resulting in contraction of spinal TB. Breach admitted but causation disputed by 2 of only 4 experts in the field. Claim compromised at JSM without agreement on causation for £850,000 on a full and final basis.
- *Bradshaw v Wirral University Teaching Hospitals NHS Foundation Trust* – Failure to diagnose and treat infective endocarditis on a prosthetic heart valve resulting in death from secondary brain haemorrhages. Liability compromised without formal admission at 75:25 in the Claimant's favour 2 months before liability only case. Quantum unresolved at present.
- *Johnson v Salford Royal NHS foundation Trust* – Misdiagnosis of a rare form of gestational cancer as a simple case of Ovarian cancer resulting in death. FAA claim settled upon an admission of breach but not causation. Professors specializing in trophoblastic disease unable to agree on survival rates.

Claim compromised for £400,000.

- Vasmer v Professor Richardson – Negligent performance of complex lower limb reconstruction surgery resulting in persistent deep infection and subsequent amputation above the knee. Claim compromised at the second of two JSM's for £1.9 million. Led By Michael Redfern QC.
- Hogan v Broadgreen & Liverpool NHS Foundation Trust – Failure to diagnose a sarcoma in a lumps and bumps clinic combined with failure by a Radiologist to recommend appropriate investigations with appropriate urgency. Leiomyosarcoma unfortunately warranted above knee amputation. Case involves state of the art prosthetics claim.
- Buckley v Doncaster & Bassetlaw Hospitals NHS Trust – Hasty rush to fix a Pilon fracture within 36 hours before the soft tissue envelope had time to heal resulting in incurable deep infection and delayed below knee amputation. Entitlement to single level accommodation disputed. Claim compromised at JSM 3-4 months before trial for £450,000 without admission of breach or causation.

## Personal Injury

Darrel is a true specialist in personal injury, clinical negligence and disease litigation with just under two decades of experience in these fields. For the last 10 years his practice has not been diluted by other forms of work. Within this particular sphere he has a truly balanced practice acting for Claimant's and Defendants in equal measure. He is noted for his willingness to immerse himself in unusual and technically difficult cases as a result of which he is regularly instructed to advise on professional negligence and awkward insurance coverage points.

He has acted in cases involving most kinds of injury over the last 19 years ranging from complex fractures, through chronic pain to more esoteric kinds of damage such as the acceleration of dementia. He has acquired regular experience of managing the outcome on both sides in pain cases. This includes both 'straightforward' cases of complex regional pain syndrome as well as more diffuse chronic pain cases wherein moderate or minor injury becomes psychiatrically perpetuated.

## Disease

Between 4 and 14 years call the core of Darrel's practice was a specialisation in Employer's Liability and Industrial disease litigation. He regularly delivered seminars and updates in both areas of work.

During his first decade in practice, he was privileged to receive numerous and consistent instructions in Upper Limb Disorder and HAVS claims. He acquired his knowledge of industrial deafness from the first 6 months on his feet onwards by hard fought battles over Limitation and multi-day trials.

He still regularly undertakes work in this field on behalf of both Claimants and Defendants.

## Serious Injury

Over the last 5 years he has consolidated a practice which deals with injuries of the highest levels of severity expected to be handled by senior junior counsel. This experience has comprised:

- Amputation – He has particular experience of lower limb amputation cases and has advised in several above and below knee cases in the last three years. He is thoroughly conversant with the appropriate experts to procure in such cases. He has advised in loss of upper limb cases and is familiar with the difficult prosthetics arguments they inevitably entail.
- Polytrauma – Darrel has acted for and against Claimants who have sustained multiple serious injuries. He is now routinely instructed in such matters. He is able to advise on which experts to source and in which order of priority.
- Traumatic Brain Injury – Increasing seniority has entailed far greater knowledge and experience of traumatic brain injuries than early years practice could ever permit. Competence in dealing with both moderate / severe brain injury and more subtle, mild-moderate cases where the presence of organic cognitive deficits is more debatable can be assumed. Over the last 5 years weekly experience has been gained of dealing with the requisite experts in Neurology, Neuropsychology and neuropsychiatry. Darrel has a particular interest in the issue of mental capacity and its management within head injury litigation.
- Spinal Injury – Darrel also undertakes work in a range of spinal injury cases involving Cauda Equine, arachnoiditis and complete spinal cord damage. He has been junior in tetraplegic cases and is versed in the complexities of the arguments over suitable care regimes.

## Selected Cases

- Greenwood v Sellers – Serious polytrauma following RTA. A mobility threatening combination of bilateral foot, spine and pelvic fractures necessitating early retirement and single level housing. Compromised at JSM for £985,000.
- Fenton v Hamilton – Above knee amputation following motorcycle accident and failure of limb salvage procedures 1.5-2 years after accident. Claim settled at JSM for £1.2 million based upon prosthetics and equipment needs to meet a very active lifestyle.
- Davies v Keltbray Asphalt Ltd – Traumatic brain damage following accident at work. Central issues concerned need for an ongoing support worker in the context of no more than moderate cognitive deficit and applicability of Provisional Damages in respect of refractory epilepsy. Compromised at JSM in the sum of £320,000 with lifetime right to return to court approved in Part 8 proceedings.
- O'Neill v Child – Acted for the Defendant in a brachial plexus injury to the Claimant. Central issue was whether any useful upper limb function remained or whether C's damages should be assimilated to those of upper limb amputee exempting prosthetics. Settled at JSM in the sum of £800,000.
- Boyd v Clayton – Acted for the Claimant who suffered spinal cord damage in a running down accident. Led by Robert Weir QC. Claim compromised and approved by the High Court in the sum of £500,000 without admission of liability and where substantial contributory fault was inevitable.
- Grady v MIB – Foot drop and polytrauma to a late teenage Claimant. Argument over eligibility and contributory negligence in entering vehicle. Compromised at 70:30 in the Claimant's favour. Thereafter, settled at JSM for £500,000 based on claims for orthotics, single level accommodation and severely diminished prospects on the open labour market.
- Bowes v Larkin Engineering Ltd – Fatal accident claim arising out of industrial accident involving dependency of family and a child on the autistic spectrum. Central issue concerned likely level and pattern of dependence upon services of the deceased during the period after the child attained his majority. Interrelationship between Protected Party Status and the FAA 1976 cause of action. Compromised at JSM for £540,000.
- Cartwright v Andrew Jones Pies – Accident at work causing spinal injury, brain damage and profound



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psychiatric damage to 19 year old man. Claim primarily concerned with the nature and extent of the future support worker regime required for the Claimant. Settled at JSM when led by Richard Hartley QC. Settled for lump sum of £800,000 together with a PPO of £60,000 pa in respect of Care and Court of protection Costs.

## Memberships

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- Personal Injury Bar Association