

Darryl Allen QC

Called: 1995

Silk Date: 2014



0161 829 2100



Darryl.Allen@byromstreet.com



Practice Overview

Chambers & Partners 2019 (PI)

A highly respected silk who maintains an outstanding catastrophic injury practice. He acts for both claimants and defendants and has been instructed in relation to a wide variety of cases including those concerning brain and spinal cord injuries.

Chambers & Partners 2019 (Clin Neg)

Noted for his expertise in cases concerning brain and spinal injury, and is able to advise in catastrophic and fatal cases. He has copious experience of claims alleging delayed diagnosis, surgical negligence and other failings.

PRACTICE AREAS

Personal Injury
Clinical Negligence
Professional Discipline
Professional Liability
Industrial Disease

APPOINTMENTS

Attorney-General's Panel of Junior Counsel (1999)
Member of Criminal Injuries Compensation Appeals Panel (2007)
Counsel to T&N compensation scheme for victims of asbestos exposure (2007)
Tribunal Judge (Criminal Injuries Compensation) (2009)
Recorder (Civil) (2010)
Executive Committee Member of Personal Injuries Bar Association

ASSOCIATIONS

PIBA
Action against Medical
Accidents
Northern Administrative Law Association

Clinical Negligence

Darryl is regularly instructed to advise and represent patients and their families in clinical negligence claims. His caseload covers a wide spectrum of medical accidents, including delayed diagnosis of cancer, delayed diagnosis of infant brain tumour, surgical errors, birth trauma, hospital acquired infection, management of infant and grown up congenital heart conditions, and community management of diabetes and diabetic complications. He has successfully represented patients in a number of cases of hospital acquired MRSA infection, securing substantial payments of damages at Joint Settlement Meetings. Recommended leading barrister in clinical negligence (Chambers & Partners and legal 500).

Illustrative work

JM v. East Lancashire Hospitals NHS Trust - Represented Claimant who suffered cerebral palsy as a result of negligently managed labour and delivery (with Raymond Machell QC). Settlement of £1.425m lump sum plus PPO of £290,000. Substantial proportion of the full accommodation purchase costs recovered in response to Claimant's challenge to the application of Roberts v. Johnstone in this case where the Claimant's life expectancy was extremely short.

(1) Morris and (2) Gent v. The Royal Cornwall Hospital NHS Trust (HHJ Cotter QC) - Successfully represented Claimants at five day trial arising out of negligent failure to diagnose appendicitis during pregnancy leading to premature delivery and death of baby; "nervous shock" and psychiatric injury.

JW v. Lancashire Teaching Hospital NHS Foundation Trust - Represented Claimant who suffered spinal cord injury following negligent performed spinal anaesthetic. Liability compromised at JSM. Quantum ongoing.

PH v. Central Manchester University Hospitals NHS Foundation Trust - Represented Claimant who suffered compartment syndrome and profound lower leg neurological injury as a result of negligently performed ACL reconstruction surgery. Lump sum settlement of £775,000 with provisional damages order in respect of future risk of amputation.

VT v. Various NHS Trusts - Represented the estate and dependants of patient who took his own life following failures to provide medical care, psychiatric support and alcohol dependency support/treatment by various agencies. Settled at mediation. Approved settlement in respect of claims by infant dependants.

MS v. D NHS Trust - Represented Claimant in claim arising out of negligent failure to diagnose evolving cauda equina syndrome. Lump sum settlement of £1.6m

DG v. Royal Bolton Hospital Foundation NHS Trust - £1m (approx) lump sum plus step PPO (£17,500/£60,000) settlement arising out of negligent failure to diagnose and treat spinal abscess resulting in incomplete tetraplegia.

KT v. AS - Represented Claimant who developed grossly disabling chronic pain syndrome as a result of negligently performed lumbar disc replacement surgery (with David Allan QC). The Claimant was severely disabled and wheelchair dependent. Lump sum settlement of £3.9m (net of liability compromise).

MR v. Wrightington, Wigan & Leigh NHS Trust - Negligent management of anticoagulation resulting in stroke and hemiparesis. Significant issues as to causation and extent of injury in elderly claimant with pre-existing health problems. £250,000 lump sum settlement.

PR v. Salford and Trafford Health Authority - £625,000 settlement arising out of negligent historical failure to correct club foot deformity (1978) resulting in below knee amputation.

Holly v. O'Malley & Ors (Elias J.) - £500,000 settlement arising out of failure to diagnose and treat diabetic

retinopathy leading to complete loss of vision for construction worker.

M v. North Cheshire NHS Trust and Another - Delayed diagnosis and treatment of breast cancer - Reduced life expectancy - Successful recovery of damages for loss of parental and domestic services during 'lost years' - £400,000 recovered.

Chiles v. Bolton Hospitals NHS Trust - Negligent management of 'grown up congenital heart condition' in pregnancy - Fatal Accidents Act claim on behalf of widower and two children - £400,000 settlement.

RL v. Barnet & Chase Hospitals NHS Trust - £330,000 settlement arising out of hospital acquired MRSA infection (liability denied).

PM & Anor v. North Cheshire Hospitals NHS Trust - Maternal death following negligently performed amniocentesis - Fatal Accidents Act claims on behalf of widower and child, and maternal mother (nervous shock) - £250,000 recovered.

FO v. Blackpool Fylde & Wyre Hospitals NHS Trust - £115,000 settlement arising out of hospital acquired MRSA infection (liability denied).

Rosario v. St George's Hospital NHS Trust - Failure to warn of risks associated with Botulinum Toxin treatment of recurrent temporo-mandibular joint dislocation - anxiety and depression - Judgment for claimant following 5 day trial.

DW v. University Hospitals of Morecambe Bay NHS Trust - Delayed diagnosis of post-partum haemorrhage at midwife led maternity unit resulting in hysterectomy and psychiatric injury - £82,500 recovered.

PW v. Pennine Acute Hospitals NHS Trust - Negligent nursing care leading to Grade 5 pressure sore - £75,000 recovered.

Sample current cases

Multiple cases arising out of delayed diagnosis and treatment of evolving cauda equina syndrome.

Negligent performance of spinal anaesthetic leading to paraplegia.

Negligent failure to diagnose and treat aortic dissection leading to death of young mother in early post-natal period. Substantial and complex dependency claims on behalf of surviving spouse and children.

Failure to diagnose central venous thrombosis in patient undergoing chemotherapy for leukaemia. Representing family of deceased patient; "nervous shock" and secondary victims.

Mismanagement of labour resulting in cerebral palsy.

Failure to identify and treat maternal infection leading to cerebral palsy.

Delayed diagnosis and treatment of retinopathy or prematurity resulting in significant loss of vision

Negligent hip replacement surgery.

GP failure to refer patient presenting with obvious neurological symptoms and complaints resulting in delayed diagnosis of brain tumour.

Various claims arising out of negligent care in residential/nursing care homes resulting in severe pressure sores.

Mismanagement of labour resulting in profound brain damage to child leading to death in early life; psychiatric injury to mother and father as secondary victim.

Claim against EU plastic surgeon for negligent cosmetic surgery: loss of career as successful model.

Failure to diagnose congenital hip displacement.

Delayed diagnosis of infective arthritis in infant claimant resulting in significant hip deformity and major leg extension and reconstructive surgery. Liability eventually conceded after exchange of expert evidence. Quantum yet to be tried.

Industrial Disease

Darryl's professional negligence practice relates primarily to actions against legal advisers arising out of failed or

inappropriately compromised personal injury and clinical negligence claims.

Personal Injury

Darryl has practised in personal injury litigation since completing his pupillage at Farrar's Building, London. He advises and appears on behalf of claimants and defendants in substantial and complex claims, primarily brain, spine and fatal injury. Sitting as a Tribunal Judge on Criminal Injuries Compensation Appeals, he has substantial experience of analysing and deciding difficult issues relating to local authority care and accommodation, large care claims and substantial claims for loss of earnings. Recommended leading barrister in personal injury work (Chambers & Partners and Legal 500).

Concluded cases

DH v. MIB - Represented infant pedestrian who suffered severe brain injury leading to marked cognitive impairment and behavioural problems (with Winston Hunter QC) following "running down" accident involving untraced motorist. Settlement of £1.52m plus £45,000 PPO (£3m lump sum equivalent).

AM v. CP & RSA - Represented severely injured Claimant in concurrent CICA claim arising out of assault leading to brain injury, and QBD proceedings arising out of subsequent road traffic accident leading to stroke and profound physical and cognitive disability (with Geoffrey Tattersall QC). RTA £2,150,000 lump sum plus £135,000 PPO (£4m lump sum equivalent). CICA claim ongoing.

MNA v. MA - Represented brain injured Claimant injured in RTA. Approved settlement (Swift J.) of £1.77m lump sum plus £40,000 PPO (£3m lump sum equivalent).

CP v. WP - Represented infant Claimant who suffered incomplete paraplegia following RTA (with Chris Melton QC). Approved settlement (Swift J.) of £6.65m.

RV v. JB - Represented brain injured Claimant injured in RTA (with Chris Melton QC). Approved settlement (HHJ Platts) of £675,000 lump sum plus stepped PPO of £62,500/£92,500.

FR v. RD - Represented infant Claimant who suffered incomplete paraplegia following RTA (with Chris Melton QC). Settlement of £4.865m lump sum

TR v. RD - Represented infant Claimant who suffered severe brain injury and right sided hemiplegia following RTA (with Chris Melton QC). Approved settlement (HHJ Platts) of £2.1m lump sum plus £60,000 PPO

LD - Represented commercial fisherman in claim arising out of accident on board trawler during fishing operation resulting in serious hand injury. Confidential settlement.

FP v. JNA - Represented brain injured Claimant injured in RTA (with Winston Hunter QC). Approved settlement (King J.) of £3.75m lump sum

C v. D (King J.) - Represented Defendant in £8.5m claim (£200,000 PPO) on behalf of severely brain damaged RTA victim (with Geoffrey Tattersall QC). Lump sum compromised for £2.3m. PPO of £125,000 following 2 week trial. Claimant failed to beat PPO Part 36 Offer with substantial costs consequences.

AB v. ST - Represented tetraplegic ventilator dependent Claimant (with David Allan QC). Recovered lump sum of £2.95m plus £247,500 PPO (£9.5m lump sum equivalent).

TR v. RD - Represented brain injured Claimant (with Chris Melton QC). Recovered lump sum of £2.1m plus £60,000 PPO (£3.87m lump sum equivalent).

NB v. First Manchester Ltd - Represented Claimant (bilateral amputee) following road traffic accident (with Geoffrey Tattersall QC). Recovered £285,00 lump sum plus £56,500/£78,669 step PPO. Difficult issues of causation, extent of injury and co-morbidities.

Howarth v. The Home Office (Moses J.) - Successful claim for compensation on behalf of former Strangeways Prisoner for harassment and breach of Article 8 rights by prison officers.

G v. M - Instructed by Claimant: £600,000 recovered in claim with substantial dispute as to veracity of Claimant's claims of cognitive impairment (with Chris Melton QC).

TW v. A Ltd - Represented Claimant: significant back injury to formwork carpenter following accident at work; substantial dispute as to residual earnings capacity; £460,000 recovered.

TP v. HE Ltd - Represented Claimant in fatal accident claim arising out of death of husband/father following failure of hydraulic system on industrial wheel loader. Substantial sum recovered subject to confidentiality agreement.

S v. S - Instructed by Claimant in claim arising out of road rage incident: severe orthopaedic and psychiatric injuries, and sexual dysfunctions; limited evidence as to Claimant's pre-accident income and employment history; £470,000 recovered.

RK v. CICAP (Manchester) - £150,000 award to victim of childhood sexual and physical abuse including substantial award for loss of earning capacity notwithstanding generally traumatic childhood.

Sample current cases

Instructed by defendant in claim arising out of foetal injury sustained in road traffic accident leading to neuropsychological, cognitive and behavioural problems for infant claimant. Complex accommodation and care issues. Complex and contentious applications for interim payments to fund adapted accommodation.

Instructed by claimant with significant head injury following building site accident.

Instructed by claimant who suffered severe brain injury in complex claim involving issues of state funding/services, NHS continuing care and local authority funding/services (with Winston Hunter QC).

Instructed by defendant in claim arising out of fall through skylight on commercial premises.

Instructed by claimant who suffered serious multiple leg injuries following RTA.

Instructed by brain injured claimant with significant psychiatric injury following running down accident.

Instructed by brain injured claimant with significant behavioural problems following frontal lobe brain damage (with David Allan QC)

Instructed by defendant in high value fatal accident claim.

Instructed by defendant in complex claim involving PPO, Peters undertaking and reverse indemnity issues (with Winston Hunter QC)

Professional Discipline

Darryl is regularly instructed to represent the GMC before Fitness to Practise Panels. Examples:

GMC v. Dr C - Misconduct. Surgery beyond competence of "Consultant" practising at Independent Sector Treatment Centre. Substandard surgery and subsequent dishonesty in relation to notes and communication with other surgeons.

GMC v. Dr K - Misconduct. Improper allegations to police against Consultant Colleague.

GMC v. Dr A - Misconduct. Dishonesty. Falsification of qualifications in job applications and CVs. Dishonest misrepresentation to employer, GMC and police.

Professional Liability

Darryl's professional negligence practice relates primarily to actions against legal advisers arising out of failed or inappropriately compromised personal injury and clinical negligence claims.

Directory Comments

A highly respected silk who maintains an outstanding catastrophic injury practice. He acts for both claimants and defendants and has been instructed in relation to a wide variety of cases including those concerning brain and spinal cord injuries.

"If you are against him you know you are in for a difficult time because he so often has the right points and is well prepared and clear-thinking" "He has a great attention to detail and is a commercially astute negotiator"

Recent work: Acted for a claimant in a claim against the MIB arising out of a traffic accident. The claimant was knocked down by an untraced driver and suffered a severe brain injury.
Chambers & Partners 2019 (PI)

Noted for his expertise in cases concerning brain and spinal injury, and is able to advise in catastrophic and fatal cases. He has copious experience of claims alleging delayed diagnosis, surgical negligence and other failings. "Able to advise clients in a professional but caring and empathetic way" He is always on top form. He is excellent with clients and a brilliant tactician, and gives every case his full attention. "I was impressed by the way his skeleton argument managed to distil the evidence in a very complicated case"

Recent work: Acted for a claimant who sustained multiple injuries in an RTA and developed hypertension, which was allegedly mismanaged by the defendants hospital, leading to catastrophic brain injury. Tackled difficult questions over claims for the cost and care accommodation.
Chambers & Partners 2019 (Clin Neg)

A highly respected silk who maintains an outstanding catastrophic injury practice. He acts for both claimants and defendants and has been instructed in relation to a wide variety of cases including those concerning brain and spinal cord injuries.

Strengths: "A very astute barrister. He always works really hard on cases and picks up on things others might miss. He is thorough, good with clients and always explains things very well."
Chambers & Partners 2018 (PI)

Fine silk who is noted for his expertise in cases concerning brain, spine and fatal injury. His clinical negligence practice is informed by his expertise in personal injury litigation.

Strengths: "He is fantastically pragmatic, fearsomely intelligent and works to get a good solution for the client."
"Tactically very good, very hands-on and excellent with clients."

Recent work: Represented the claimant at trial in a complex claim in which a negligent delay in surgery resulted in raised inter-cranial pressure which then contributed to global cognitive dysfunction.
Chambers & Partners 2018 (Clin Neg)

Continues to build a reputation for his ability to lead high-value clinical negligence cases at trial. Recent key court cases have examined the reliability of conflicting expert and lay witness reports in negligence claims.

Strengths: "He is an incredible advocate; he doesn't miss a single point. He is a real fighter and is quickly able to assimilate the evidence and present it succinctly for the judge." "He is calm and clients respond very well to him. They have lots of faith and confidence in him and are happy to be guided by him."

Recent work: Represented the claimant at appeal in *Synclair v East Lancashire Hospitals NHS Trust*, in which a man was wrongfully discharged from hospital following abdominal surgery.
Chambers & Partners 2017 (Clin Neg)

A highly respected silk who maintains an outstanding catastrophic injury practice. He acts for both claimants and defendants and is known for his technical precision and meticulous case preparation.

Strengths: "Probably the most razor sharp barrister you'll ever come across; he's really top-notch, very calm and collected." "His preparation is second to none, he always has a complete handle on the case."

Recent work: Acted for the defendant in a complex claim relating to a life-changing spinal cord injury.
Chambers & Partners 2017 (PI)

Has recently taken silk and is noted by sources for his expertise in claims at trial where he acts on complex cases for claimants. He maintains broad-ranging expertise in cases including cerebral palsy, spinal injuries, failure to diagnose and fatalities.

Strengths: "One of the best barristers in conferences; he gets the best out of experts. You can relax in the knowledge that he's technically excellent at getting to the heart of the case. And he is as good on his feet in court as he is in conference."

"A very bright mind - will get the best out of the situation."

Recent work: Successfully handled a case at trial, acting on behalf of a claimant concerning liability and quantum issues regarding the death of a young mother in the early postnatal period.
Chambers & Partners 2016 (Clin Neg)

He undertakes work for both claimants and defendants in the field of catastrophic injury, with recent cases including serious RTAs and occupational stress claims. Instructing solicitors value his exceptional advocacy skills and client-handling abilities.

Strengths: "A great advocate and very organised." "He has an excellent grasp of the relevant details of the case and is quite creative in his approach. He is able to think outside the box in terms of how matters can be addressed to the benefit of the client."
Chambers & Partners 2016 (PI)

'A top-notch barrister, who is great with clients, astute and technically brilliant.'
Legal 500 2016

"Always willing to go the extra mile for the client"
Legal 500 United Kingdom 2015

"Frequently called upon by claimants to handle complex cases crossing a wide range of issues, including cases concerning catastrophic injury and failure to diagnose. Sources highlight his ability to build strong working relationships with clients.

Expertise: "He is just absolutely brilliant; he really fights his client's corner, he is very down to earth, and he's great on a complex case."

Recent work: He represented an elderly claimant in a case concerning the negligent administration of spinal

anaesthesia, which resulted in a spinal cord injury."
Chambers and Partners 2015 - Clinical Negligence

"A leading figure in high-value, catastrophic personal injury, with particular expertise in industrial disease. His skilled advocacy ensures his peers view him as a very tough opponent in court.

Expertise: "He is very sharp, prepares forensically and is feared by opponents." "
Chambers and Partners 2015 - Personal Injury

"Known for his concentration on claimant work in catastrophic injury matters, particularly brain and spinal injury. His attention to detail is widely praised by instructing solicitors, who believe this makes him ideal for complex cases.

Expertise: "His preparation is absolutely meticulous, and clients find him very approachable." "He is a strong advocate, both in writing and on his feet."
Chambers and Partners 2015 - Personal Injury

"Gets to the bottom of difficult factual and medical issues."
Legal 500 2014

"He is easy to communicate with and always tuned in to the complexities of the case."
Chambers and Partners 2014 - Clinical Negligence

"Acts primarily for claimants in a variety of serious injury work, including catastrophic brain and spinal cases and fatal claims, and is highly regarded both for his expertise and for his manner in dealing with clients.

Expertise: "He's capable of standing up to any opponent on the circuit and he's very approachable. Popular with clients - builds rapport, they gel with him."
Chambers and Partners 2014 - Personal Injury