

Darrel Crilley

Called: 1996



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Practice Overview

Chambers and Partners 2019 (PI)

A specialist in catastrophic injury claims, especially those relating to the brain or spine.

Chambers and Partners 2019 (Clin Neg)

Well-regarded by counsel and solicitors for his work in a range of clinical negligence matters

PRACTICE AREAS

Personal Injury

Industrial Diseases

Serious Injury

Clinical Negligence

ASSOCIATIONS

Personal Injuries Bar Association

Industrial 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.

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.

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. Recent representative cases concluded and ongoing:

McGrath v Wroughtington, Wigan and Leigh NHS Foundation Trust 2011-2013:

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 2012-2015 :

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 2011:

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 2012-2014

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 and Liverpool NHS Foundation Trust 2013-2015:

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 2012-2014:

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.

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:

(i) 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.

(ii) Polytrauma.

Darrel has acted for and against Claimant's 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.

(iii) 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.

(iv) 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.

Recent representative cases:

Greenwood v Sellers 2013:

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 2013-14:

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 2011-12:

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 2013-14:

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 2012 :

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 2013-2015:

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 2011-2015:

accident at work causing spinal injury, brain damage and profound 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.

Directory Comments

Chambers and Partners 2019 (PI)

A specialist in catastrophic injury claims, especially those relating to the brain or spine. He regularly acts in industrial disease claims and cases involving accidents at work, including upper limb disorder and hand-arm vibration claims. He acts for both claimants and defendants. *"He is very thorough and understanding with clients." "He is well prepared, calm and assured."*

Chambers and Partners 2019 (Clinical Negligence)

Well-regarded by counsel and solicitors for his work in a range of clinical negligence matters, including delayed diagnosis. He has acted in complex birth injury claims, among other issues. *"Detailed examination of expert evidence." "Very thorough." "He is realistic and a good judge of cases."*

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Strengths: "He has a very forensic mind and is a very savvy negotiator." "Intellectual, but compassionate with clients. He has an encyclopaedic and wide-ranging knowledge of personal injury."

Chambers and Partners 2018 (PI)