

Personal Injury

Darrel is a true specialist in personal injury with two and a half decades of uninterrupted experience in this field. For the last 15 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 quarter century 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. He has particular experience in complex lower limb trauma and amputation.

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 still retains interest in this area of practice.

Serious Injury

Over the last 15 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 15 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 from 2020-2022:

McNeill v Chicken Villas Public liability claim arising from a wall collapsing onto Claimant's lower leg when aged 17. Below Knee amputation. Liability eventually apportioned 77.5/22.5 in C's favour. Claim compromised at JSM in late 2020 in the gross sum of £3.6 million. Crux issue concerned recovery of an Empower microprocessor foot with 6 year replacement costs of £90,000.

Aspinall v Posh Burnley . Severe traumatic brain injury to young male arising from public liability accident. C made a surprising recovery through determination and good rehabilitation. Claim focused primarily upon thwarted career progression in aeronautical engineering. Expected to live independently for the most part. Compromised at JSM in the gross sum of £1.1 million.

Nelson v Ullman. Moderate-severe TBI to a male pedestrian in his 50s following RTA when acting as a delivery driver. Liability in issue. Significant contributory fault inescapable. C was adjudged to have capacity but to be likely to need some significant ongoing support. Unlikely to work again. Compromised at JSM in late 2021 in the sum of £600,000 net of liability dispute and prior to the liability trial in early 2022.

Broughton v Esure. Damages case involving complex causation issues arising from the impact of liability admitted RTA upon fixation of C's spine earlier in her life. C was in her 50s. C's case was that she would have worked and lived independently despite her fusion/instrumentation had the RTA not forced revision surgery with more extensive fixation of the spine. She was forced to retire early from her university appointment, would now need adapted housing and had substantial additional care requirements. Matter did not settle at a JSM. D subsequently increased its offer. Compromised at £1.1 million.

Harris v Harris Claim by teenage female, 22 at settlement. Claim alleged likelihood of long-term inability to work on account of developing chronic pain variously diagnosed as fibromyalgia, somatoform disorder and simple central sensitisation. D's experts opined that C had an inherent likelihood of somatoform illness by reason of medically unexplained symptoms in formative years. D also asserted that a further programme of rehabilitation, notwithstanding passage of several years, still had a good prospect of reversing the abnormal illness beliefs/behaviour which underlay C's disability. At point of JSM C was unfit for work and it was uncertain whether or when she would return. Equally, she was heavily dependent upon both physical and emotional support which needed to be phased out under the initiative to correct her abnormal illness beliefs. The size of any ultimate award would be dependent upon outcome from the prolonged treatment. C elected to engage in a JSM before such treatment had run its course. Settled for £450,000 at JSM.

Sibley v Gill Moderate-severe TBI. Compromised at £2.6 million net of CRU and interim payments. Crux issues concerned whether case suitable for PPO's and the extent to which C needed extensive support package in larger, modified accommodation despite having comparatively little physical disability arising from the injury.

Clinical Negligence

Clinical negligence comprises a distinct part of his practice. 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 over 25 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.

Insurance Litigation

Peter is regularly instructed in disputes concerning construction of insurance contracts, coverage and repudiation of policies for non-disclosure or misrepresentation. He has particular expertise in claims relating to motor insurance.

Personal Injury

Peter has extensive experience of the whole spectrum of catastrophic injury and large loss claims, including spinal injury, brain injury and amputation. His caseload consists predominantly of claims valued at several million pounds, if capitalized. He has extensive experience of Joint Settlement Meetings and mediations

Concluded cases

Brain injury:

B v H & E (2020). B suffered a severe traumatic brain injury when he fell from a lorry. Pleaded at £8.7m; settled for £2m.

J v B (2020). J suffered a severe traumatic brain injury in an accident as a child. He made good progress but was left with significant care needs. An application to adduce social media material and surveillance material made shortly before trial was successful, to illustrate his day to day function. Pleaded at £11m & provisional damages ; settled at £3.8m & provisional damages

M v RJS (2020). M fell from height, suffering a severe traumatic brain injury. Pleaded at £2.7m; settled at £1.85m.

R v M (2020). R fell from a platform, suffering a severe traumatic brain injury. Pleaded at £1.5m; settled at £650,000.

J v GL (2020). J suffered a head injury and developed epilepsy. He complained of a constellation of typical head-injury symptoms, but there was an issue as to whether his symptoms were of organic origin or psychologically mediated, impacting on prognosis. Pleaded at £6m; settled at £2.59m.

O v B (2020). Severe head injury. Pleaded at £1.9m; settled at £675,000.

C v B (2019). C suffered a severe head injury, against a background of pre existing Autistic Spectrum Disorder and parental neglect. Pleaded at £11.2m; settled for £5m.

W v CM (2019). W fell from a ladder. There were significant issues as to the circumstances of the fall, impacting on liability, for which engineering evidence was obtained. Settled at £890,000, against a full liability value of £2m.

H v P (2019). Severe head injury. Pleaded at £1.3m; settled at £1m.

O v T (2019). Severe traumatic brain injury. Pleaded at £6.2m; settled at £2.7m.

G v CB (2019). Explosion in a hotel in Spain gave rise to a severe traumatic brain injury. Quantified under Spanish law. Pleaded at £3.5m; settled at £1m.

Spinal injury:

M v L (2020). M suffered complete paraplegia when he fell over a low wall when attending a house party. Substantial liability issues. Pleaded at £3.5m; settled at £1m.

C v M (2020). C developed tetraplegia following attending a barbers. M denied negligence and denied C's tetraplegia arose from his treatment at the barbers, alleging it arose from an unrelated constitutional transverse

myelitis. Settled for nominal payment (£50,000).

B v B (2020). B fell into a garden balustrade, which collapsed, leading to her falling from height and suffering complete paraplegia. Serious liability issues. Settled for £500,000, representing approximately 10% of the full liability value of the claim.

O v S & W (2020). O suffered spinal injury in an accident suffered during a space hopper race. Settled for £525,000.

E v S (2019). E suffered complete paraplegia in a road traffic accident. A consensual approach led to early resolution at a JSM within 2 years of the accident. Pleaded at £11m; settled for £5.7m.

K v S (2019). K cycled into a vehicle which had been parked blocking a cycle lane on double yellow lines, rendering him tetraplegic. Substantial liability issues. Pleaded at £12m; settled at £2m.

A v A (2019). A fell over a low balustrade at a hotel when drunk, giving rise to complete paraplegia. Substantial liability issues. Settled prior to a trial of preliminary issue of liability for a lump sum of £1m.

H v ES (2019). H developed a severe conversion disorder presenting itself as a complete paraplegia. Pleaded at £5m; settled at £1.4m.

Amputation.

M v D & C (2020). Lower limb amputation. Pleaded at £9.2m; settled for £3.6m

M v F (2020). Lower limb amputation and severe traumatic brain injury to an elderly claimant. Pleaded at £1.6m; settled for £900,000

L v C (2020). Scalping injury. Recovery against health & safety advisors. L's claim settled on confidential terms.

R v M (2020). Upper limb amputation. Settled on confidential terms.

K v S (2020). Upper limb amputation. Liability settled on 62% basis in K's favour; quantum settled on confidential terms.

G v A (2019). Lower limb amputation treated by osseointegration. Pleaded at £10m; settled at £3.3m.

A v MP (2019). Lower limb amputation. Pleaded at £5m; settled at £2.45m.

H v J&R (2019). Lower limb amputation. Pleaded at £6m; settled for £2.1m.

F v H (2019). Lower limb amputation suffered following a fall while gilding the ceiling of a bedroom in an Emir's Palace in the Middle East. Pleaded at £4m; settled at £2.5m.

M v I (2019). Elective upper limb amputation as treatment for severe CRPS. Pleaded at £1.5m; settled at £1m.

Other notable injuries:

S v J (2020). S developed myotonic dystrophy type 1 (DM1) following a road traffic accident. Issues concerning the causation/acceleration/ exacerbation of his condition. Pleaded at £9.6m; settled at £2m.

J v LA (2020). J suffered a devastating stroke, which she alleged was caused by an incident on a ladder, which was said to have been due to LA's negligence. Serious issues on liability and causation. Pleaded at £3.2m; settled for £525,000.

Recent representative cases from 2020-2022:

Strafford v Haq Case concerned a fatal DVT resulting from inadequate examination of a lower limb lump. Breach of duty conceded over 6 years after events after inquest, criminal proceedings arising out of alteration of GP records and eventual GMC action against the relevant GP. Complex quantum case since the deceased was the sole, specialised carer for her young adult daughter who has serious neurological condition. Issues concerned recoverability of a full commercial care package and case manager to replace the services of the deceased. Quantum and multiplier for Deputyship costs in a FAA claim also be a live issue. Compromised in the sum of £1,050,000 following failed JSM.

Smith v various GP's. Claim arose from fatality resulting from delayed diagnosis of meningitis by either of two GPs who managed the Deceased before the infection caused profound neurological disability. Difficult breach and causation issues. Liability not conceded. Crux issue whether serious systemic illness distinct from a specific diagnosis of meningitis should have resulted in earlier emergency referral. Case compromised at JSM mid 2020.

Webb v Warrington and Halton NHS Foundation Trust Fatal Accidents Act claim arising out of deficient management of abdominal complaints. Liability eventually admitted. Case thereafter concerned two principal quantum issues. First, proof of the career pathway and promotions which the Deceased would have followed but for his death in his early 20s. Second, the ambit of the claim to depend upon his services for remainder of life. Claim compromised for £760,000 at JSM in February 2020.

Hardy v Doyle (1) Owen (2) Fatal Accident arising from alleged poor management of the deceased's chest infection complaints by two nurse practitioners at a GP practice over a 4-5 day period. Breach of duty contested. Key issue concerned the extent to which signs of underlying lower respiratory tract infection should have been identified and acted upon. Presentation of the Deceased was atypical of pneumonia on some of the days. Breach and causation required expert chest physician evidence along with nursing expertise. Claim compromised in mid 2020 at JSM without admission of liability in the sum of £520,000.

Directory Comments

Chambers and Partners 2025 (PI) - Band 1

Darrel Crilley is a specialist in catastrophic injury claims, especially those relating to the brain or spine. He regularly acts in industrial disease claims, amputations and cases involving accidents at work, including upper limb disorder and hand-arm vibration claims. He acts for both claimants and defendants.

"Darrel offers a calm and measured approach to complex areas of catastrophic injury. He is reliable and excellent in conferences and JSM. Darrel is well respected by those instructing and his peers."

"Darrel is very strong in dealing with cases where causation is in dispute and has a forensic eye for evidential detail. He is also very good at articulating this analysis."

"Darrel is always on top of his brief, extremely thorough and across the detail of any case. He brings excellent judgement and experience and is a reassuring presence on any case."

Chambers and Partners 2025 (Clin Neg) - Band 1

Darrel Crilley is well regarded by counsel and solicitors for his work on a range of clinical negligence matters, acting exclusively on behalf of claimants. He has acted in complex spinal cord injury claims and is well versed in cases involving the misdiagnosis of cancer.

"Darrel is fantastic with clients. He is approachable, reliable and always provides excellent advice."

Chambers and Partners 2024 (PI) - Band 1

Darrel Crilley is a specialist in catastrophic injury claims, especially those relating to the brain or spine. He regularly acts in industrial disease claims, amputations and cases involving accidents at work, including upper limb disorder and hand-arm vibration claims. He acts for both claimants and defendants.

"Darrel is very skilled and capable of handling complex medical issues."

"Darrel's preparation is meticulous. He is hugely popular with clients for his commercial awareness and the strategic input he brings to his cases."

"He is extremely well-prepared and very strategically strong. He sees the bigger picture and has very good court presence."

Chambers and Partners 2024 (Clin Neg) - Band 2

Darrel Crilley is well regarded by counsel and solicitors for his work in a range of clinical negligence matters, acting exclusively on behalf of claimants. He has acted in complex birth injury claims and is well versed in cases involving the misdiagnosis of cancer.

"Darrel is an excellent all-round advocate. He is extremely knowledgeable, with an excellent tactical brain."

"His client care and ability to manage client expectations is great. He works well on difficult cases."

"He is always very well prepared and his technical knowledge is excellent."

Darrel Crilley is well regarded by counsel and solicitors for his work in a range of clinical negligence matters, acting exclusively on behalf of claimants. He has acted in complex birth injury claims and is well versed in cases involving the misdiagnosis of cancer.

"Darrel has a great manner with clients. He leaves no stone unturned in his analysis of cases."

"Darrel is very knowledgeable. He is always well prepared for conferences and turns work around quickly."

Chambers & Partners 2023 (Clin Neg) - Band 2

Strengths: "Incredibly bright and has a superb analytical brain. He thinks of things that solicitors may not have thought of." "Very authoritative, incisive in his questioning and not afraid to explore or consider unusual points when required to construct a case. He thinks outside of the box."

Recent work: Instructed in a fatal claim arising from the delayed diagnosis of meningitis by either of two GPs who managed the deceased before the infection.

Chambers & Partners 2022 (Clin Neg) - Band 2

Darrel Crilley is a specialist in catastrophic injury claims, especially those relating to the brain or spine. He regularly acts in industrial disease claims, amputations and cases involving accidents at work, including upper limb disorder and hand-arm vibration claims. He acts for both claimants and defendants.

"Darrel is commercially astute."

"His attention to detail is second to none."

"Darrel is a superb advocate."

Chambers & Partners 2023 (PI) - Band 1

Strengths: "He has a thorough, forensic approach." "Highly experienced, detailed, analytical and brilliant with clients." "Darrel is meticulous in his preparation and advice, often seeing a different angle to a case."

Recent work: Instructed in a public liability claim arising from a wall collapsing onto the claimant's lower leg

H v W (2020). H, who was a paraplegic, suffered a serious wrist injury which impacted on his ability to self-care. Pleaded at £2.6m; settled at £950,000.

P v W (2020). Fatal Accident Acts claim, the principal aspect of which was a services dependency claim for care provided to a disabled child. Pleaded at £1.8m; settled for £790,000.

M v W (2019). Serious orthopaedic injuries. Pleaded at £1.8m; settled at £800,000.

B v C (2019). Serious orthopaedic injuries. Pleaded at £1.5m; settled at £545,000

Reported cases

Cockerill v CKX [2018] EWHC 1155. High Court trial. Instructed by the Defendant. Occupier's liability; section 69 of the Enterprise and Regulatory Reform Act 2013. C fell down a step, which it was alleged was not adequately marked. Claim dismissed.

Maylin v Dacorum Sports Trust [2017] EWHC 378. High Court trial. Instructed by the Defendant. Occupier's liability. M fell from a climbing wall suffering a spinal injury. Claim dismissed, applying the observations made in Poppleton.

Fox v Foundation Piling [2011] EWCA Civ 790. Court of Appeal. Instructed by the Defendant. Case concerning costs consequences of Part 36 offers.

Goundry v Hepworth [2005] EWCA Civ 1738. Court of Appeal. A child Claimant, who was crossing a road in a group, stopped in the centre of the road to let a vehicle pass before running out in front of the Defendant's vehicle, suffering catastrophic brain injury. Successfully represented the Defendant on appeal, the Claimant's claim being dismissed.

Drinkall v Whitwood [2004] 1 WLR 462. Court of Appeal. Instructed by the Defendant. An agreement made by insurers with a Claimant who was a protected party but which had not been approved was not binding and could be resiled from at will.

Tomlinson v Congleton [2004] AC 14. Instructed by the Defendant in the House of Lords in a landmark case concerning occupiers' liability arising from natural dangers. Guidance given as to the importance of free will and the social utility of activities when addressing breach of duty. (With Raymond Machell QC).

Jones v JLA [2002] EWCA Civ 1120. Court of Appeal. A dry cleaning machine exploded due to inappropriate oil being used. Scope of duty for the supplier of the oil. Claim dismissed on appeal. (With Mark Turner QC).

Oldham MBC v Secretary of State for Work and Pensions [2002] R(CR) 1-02. Tribunal of Commissioners. Right of compensator to appeal certificate of recoupable benefits on the ground that the recipient of the benefits was not entitled to receive them. (With Mark Turner QC).

Professional Liability

Peter'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

Chambers & Partners 2025 (PI) - Band 1

Peter Burns KC specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants, and is regularly instructed in cases involving complex

medical causation issues.

"Peter provides a high level of client service and is popular with clients as a result."

"For high value brain and spinal cord cases Peter is one of the go-to silks. He's very easy to get on with, easy to talk to and calms the situation."

"Peter is one of the leading KCs in the region, if not the country. Exceptional talent. You can be absolutely reassured by his advice."

"He is highly innovative on his strategy, incredibly user-friendly and super easy to work with: this is a real bonus. The way that he marshals expert opinion is also supremely impressive."

Chambers & Partners 2024 (PI)

Peter Burns KC specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants, and is regularly instructed in cases involving complex medical causation issues.

"He has an incredible ability of being able to quickly sift through the detail to pick out the issues that really matter, He is a great strategic thinker who can always be relied upon to help navigate the most difficult of cases."

"Peter is very focused and his commercial awareness in this area makes him a solid leader on high value cases."

"Peter is an excellent all round silk: very knowledgeable, always well-prepared and great with clients."

Peter Burns QC specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants, and is regularly instructed in cases involving complex medical causation issues.

"Peter offers considered and well thought-out advice."

"He is at the top of his game. His ability to navigate some of the most complex cases is unrivalled."

"Nothing fazes him."

"His approachable manner makes working with him a pleasure."

Chambers & Partners 2023 (PI) - Band 2

Strengths: "He is pragmatic but also robust and has an excellent negotiating style. He understands how clients work well and the issues and strategic and tactical steps that need taking." "A really effective barrister who comes up with very sensible strategies. He is very user-friendly and cuts through the issues very effectively."

Recent work: Instructed in a case in which a teenage pedestrian suffered a lower limb amputation after being struck by a vehicle.

Chambers & Partners 2022 (PI) - Band 2

Specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants, and is regularly instructed in cases involving complex medical causation issues.

Strengths: "His legal knowledge is second to none, but what really sets him apart from his peers is his ability to see the wood for the trees on a case and take a commercial view." "He is technically excellent, extremely