

## Peter Burns KC

Called: 1993

Silk Date: 2019



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### Practice Overview

Peter specialises in complex catastrophic injury and large loss claims, with particular expertise in brain injury, spinal injury and amputation cases. He has extensive experience of claims involving complex issues of causation, including intervening clinical negligence. He is regularly instructed in high value fatal accident cases, particularly those involving care as a services dependency. Occupiers' liability is an area of special interest.

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.

Peter largely acts for defendants but also represents claimants.

Peter is a PlcArbs qualified arbitrator, providing neutral evaluation and arbitration

services for personal injury and clinical negligence claims.

### PRACTICE AREAS

Personal Injury  
Insurance Law  
Professional Liability  
Multi Party Litigation  
Inquiries and Inquests

### ASSOCIATIONS

Personal Injury Bar Association

### 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. Pledged 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. Pledged at £11m & provisional damages ; settled at £3.8m & provisional damages

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

**R v M (2020).** R fell from a platform, suffering a severe traumatic brain injury. Pledged 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. Pledged at £6m; settled at £2.59m.

**O v B (2020).** Severe head injury. Pledged 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. Pledged 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. Pledged at £1.3m; settled at £1m.

**O v T (2019).** Severe traumatic brain injury. Pledged 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. Pledged 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. Pledged 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.

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

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.

**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 thorough and impressive in conference."

**Recent work:** Instructed in a case involving an individual who suffered a spinal injury following a fall from a climbing wall.

Chambers & Partners 2020 (PI)

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. "He is extremely intelligent and able to absorb vast amounts of information quickly." "He is one of the best juniors in the North of England for complex personal injury claims; it's hard to fault him."

**Recent work:** Acted in a case involving a cyclist who was rendered tetraplegic after a collision with a vehicle that was parked obstructing a cycle lane and on double yellow lines. The case concerned difficult liability issues.

Chambers and Partners 2019 (PI)

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.

**Strengths:** "Incredibly thorough and takes a great analytical approach to cases." "Very bright, and tactically he has mastery of the brief. He is liked by clients, down to earth and able to grasp complex issues very quickly."

Chambers & Partners 2018 (PI)

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.

**Strengths:** "He adds value; he introduces new angles you might not have thought of, and always gives a little bit extra." "Without exception he provides thorough, precise and coherent advice cutting directly to the crux of the matter."

Chambers & Partners 2017 (PI)

Assists clients with a broad spectrum of high-value cases stemming from brain and spinal injuries, chronic pain and industrial disease. Sources particularly note his skill in complex neurological cases.

**Strengths:** "He has been exceptionally strong on larger-value cases. He is very good on forensic analysis and has an ability to cut through the claim and decide where to go with it." "He is incredibly bright, very incisive, practical and user-friendly."

Chambers & Partners 2016 (PI)

'He never loses his cool, even in the most difficult situations.'

Legal 500 2016

"The most reliable and forensic junior on the Northern circuit."

Legal 500 United Kingdom 2015

"Much-admired junior with extensive experience in industrial disease and catastrophic injury claims. He is frequently instructed to act on behalf of defendants.

**Expertise:** "A senior junior who is far ahead of all his peers and most of his seniors. His analytical ability in complex causation cases is phenomenal."

#### Chambers and Partners 2015 - Personal Injury

"Performs at the level of a silk."

Legal 500 2014

"Has a wealth of specialist expertise both in catastrophic injury work and in industrial disease claims, particularly larger multiparty actions. He acts primarily for defendant solicitors.

**Expertise:** "He's a really decent opponent; a very polished advocate." "He's one of the best juniors in this area, with talent far exceeding many QCs with much greater experience. He's strong all round: in negotiation, in analysis, in his presentation in court, and in dealing with the client."

**Recent work:** He was instructed in a complex social workers' negligence claim where the claimant, a paranoid schizophrenic, suffered cauda equina syndrome and serious orthopaedic injury after jumping from a balcony. "  
Chambers and Partners 2014 - Personal Injury

"Advises and represents both claimants and defendants on a broad range of personal injury work, and is very strong on catastrophic injury claims. Commentators believe that "he is as good as a QC when it comes to local authority liability matters."

Chambers and Partners 2013

"Recommended within Personal Injury and Clinical Negligence "

Legal 500 2013

"Is "excellent at cutting through the mass of documentation and getting to the key issues"

Legal 500 2102

"comfortably as good as any QC."

Legal 500, 2011

"Wonderfully helpful' public liability expert Peter Burns stands out for his 'effective and fair approach to negotiation' and for his 'brilliant management of complex issues.'"

Chambers & Partners 2012

"...the most able junior in the North of England for catastrophic injury cases..."

Legal 500, 2010

"...comfortably as good as most Silks..."

Chambers & Partners, 2010