Stephen Cottrell

Year of Call: 1998

Stephen Cottrell is a specialist claimant personal injury and clinical negligence barrister. He has a wealth of experience in very high value claims, with a particular emphasis on brain injury, spinal injury, amputation and polytrauma cases. Stephen also has vast experience of dealing with fatal accident claims and abuse cases. He deals with this cases in his own right as well as working with silks inside, and outside chambers.

As well as dealing with high value claims, Stephen has ample experience of appellate work, having been junior counsel (led by Robert Weir KC) in the Supreme Court in the case of Griffiths v TUI (UK) Ltd [2023] 3 WLR 1204, successfully acting for the Claimant throughout, nominated for 'Outstanding Case of the Year' at The Personal Injury Awards 2024. He was also junior counsel in Schembri v Marshall [2020] EWCA (Civ) 358 in the Court of Appeal.

Stephen has vast experience of cases involving illness abroad.

Stephen's experience also takes in:

- CICA claims
- Human Rights work in the High Court, Coroner's Court and Court of Protection
- Costs

Stephen has experience of cases concerning deprivation of liberty.

Recommendations

'Stephen is a first-class junior barrister, his advocacy is clear and compelling.' - Personal Injury, legal 500 2024

'Extremely technically able in a wide variety of serious injuries, particularly brain injury and complex polytrauma cases.' - *Personal Injury, Legal 500 2023*

Acts for claimants in complex catastrophic injury and fatal accident claims. He is also well regarded for his handling of cases involving serious orthopaedic injuries and chronic pain. He is able to draw on his significant expertise in costs law when advising on high-value personal injury claims. **"He is amazingly obliging and works well in a team. He produces excellent quality work and is technically very good." "An excellent advocate who is really sharp in pleadings and his written work is impressive."** - *Personal Injury, Chambers UK 2022.*

"He brings a calmness to the case and it is clear he is a hard working and very clever barrister." - *Personal Injury, Legal 500 2022.*

Acts for claimants in complex catastrophic injury and fatal accident claims. He is also well regarded for his

handling of cases involving serious orthopaedic injuries and chronic pain. He is able to draw on his significant expertise in costs law when advising on high-value personal injury claims. **"A good team player." "A very skilled advocate."** Acted for a claimant who suffered a serious head injury when she was mugged and assaulted - *Personal Injury, Chambers UK 2021*

'Knows how to talk to opponents and set out a client's case forcefully but without alienating opponents.' - *Personal Injury, Legal 500 2021*

'He builds a great rapport with clients and takes a very sensible approach.' - *Personal Injury, Legal 500 2020*

'Key counsel who is extremely good in the field.' - *Personal Injury, Industrial Disease and Insurance Fraud, Legal 500 2019*

"He has an exceptional manner with clients and quickly gains their confidence" - *Personal Injury, Legal 500 2017*

"A top-class barrister." - *Legal 500 2016*

"His manner with clients is superb, leaving the client in no doubt that their case is very important to him." - *Personal Injury, Legal 500 2015*

Stephen is one of only 30 junior barristers recommended by the Spinal Injuries Associations on its approved list of catastrophic injury barristers.

Personal Injury

Stephen regularly represents seriously injured Claimants in the High Court and the County Courts. He undertakes CFA work and frequently travels to meet claimants all over the country. He has a wealth of experience in drafting large schedules and is a member of APIL and PIBA.

He has experience of all aspects of personal injury for Defendants.

Notable recent resolved cases include:

- LH v SJ (October 2023) – settlement of £3M at mediation for a young Claimant with a severe degloving injury, chronic pain and psychiatric injuries after he was run down (opposite Marcus Dignum KC).
- AH v MG (October 2023) – settlement of £775,000 at JSM for a widow and adult children whose father died following a RTA. Causation was complicated by the fact that the death was several weeks after the RTA and was caused by a pulmonary embolism that had occurred following the deceased suffering trauma to the leg (he was a cyclist) following by a long period of near-immobility.
- GT v CA (September 2023) settlement at JSM of over £2.1M for a Claimant with devastating orthopaedic injuries to his leg following a motorcycle accident.
- RB v PL Ltd (June 2023) settlement at JSM of £2.45M for a claimant who suffered a traumatic amputation of the lower leg at work (contributory negligence alleged).
- JLW v PCL Transport (May 2023) - settlement approved for £775,000 for a serious leg injury for a young man with severe learning difficulties (akin to Down's Syndrome). He was injured when he was cycling alongside a lorry that was turning left. He was already disabled and unemployed and living in the family home, but there were significant claims for future care and specialist footwear. The approval was in Spring 2023 following a JSM in December 2022.

- MCY v Neate (September 2022) approval of settlement at £1.3M – fatal accident claim for a 'self-made man' who had established a number of business interests after immigrating from Kosovo as a young man and who died in a RTA.

- LRT v Jones & Aviva (July 2022, led by Stephen Killalea KC) – settlement of £10M approved for a teacher who suffered a devastating brain injury when a panel was blown off the roof of the Defendant's vehicle and struck the Claimant through his windscreen (opposite Derek O'Sullivan KC).

- AB v XY (May 2021, led by Stephen Killalea QC) - settlement of £12.5M plus provisional damages for a client who suffered a spinal injury with paraplegia and amputation of the left leg following a motorbike accident in September 2019. The claimant is the first amputee in the UK (and the second amputee in the world) to have made use of a 'Rewalk' exoskeleton that enables him to walk. The settlement incorporated a significant sum for the rebuilding of his family home where a swimming pool is being built for him. The claimant was a keen sportsman and had a successful career in the financial services sector. There were significant claims for disability sporting equipment, including skiing equipment. Settlement was achieved less than 20 months after the accident.

- NAJ v MIB (November 2021) – approved settlement (six-figure sum) of a claim for a brain injured claimant who was a passenger in a single-car accident. There were allegations that the claimant had been using drugs and/or aware of the driver's drug use prior to the accident and liability was denied throughout by MIB.

- G v SM (June 2021) - Settlement of £750,000 for a claimant who was punched in the stomach by an elderly dementia patient while working as a healthcare assistant. She developed gastroparesis which meant that her stomach was paralysed and she was unable to digest food. She was fed through a line by way of total parenteral nutrition (TPN) so that she was constantly attached to a feeding bag. The case was complicated by the opinion of the experts that the gastroparesis was functional – i.e. non-organic so that there was a strong psychiatric element. Liability, causation of the incident, medical causation and quantum were all in dispute. There were very substantial claims for care, loss of earnings and accommodation.

- Hallibone v McKenna (June 2021) - Settlement of part-heard trial with a defence of automatism. The First Claimant was a back seat passenger and a claim was also made in respect of the death of a front-seat passenger. The parties were all members of the same extended family. It was agreed that the Defendant had passed out while driving. The medical evidence as to the cause of the loss of consciousness was unclear but it was likely to have been an absence seizure. There were significant factual disputes as to whether the Defendant had referred to having had 'one of my funny do's' immediately following the accident and whether her sister (not a passenger but the second claimant) had told her about a previous incident when the defendant appeared to 'go blank'. A trial took place before Her Honour Judge Richardson in Hull but was adjourned part heard. Before the trial could resume, the Defendant made an offer and the case settled.

- ABX v JBS & Advantage Insurance (October 2020) – Brain injury. Settlement for brain injured claimant who was run down when a pedestrian. The claimant had significant issues with alcohol and drug addiction prior to the accident and the collision happened in the early hours of the morning. Led by Stephen Killalea QC.

- Settlement of a claim against a Premier League football club for historic child abuse by a coach in the 1970's/80's.

- I v P (July 2019) - Settlement for £3.25M at JSM for a young man who suffered 60% steam burns in a workplace accident and developed critical care neuropathy leading to very severe mobility issues and lifelong disability although he was still employed by the Defendant.

- Gauntlett v CICA (October 2019) – Brain injury, CICA. Stephen obtained the maximum CICA award for the claimant who had suffered a head injury when she was mugged and assaulted. She suffered with epilepsy and had frequent seizures. She was unable to work. The total award would have exceeded £1M but was capped by the tribunal at the maximum amount of £500,000.

- RC v Mager Homes Ltd (September 2018) – Spinal Injury – complete paraplegia. Settled at JSM less than 2 years post-accident for more than £2 million net of contributory negligence (workplace accident, self-employed Claimant on a construction site).

- Harris v Roy QBD 5 February 2010, LTL 8/3/10. Principles to be applied when considering an application for

an interim payment by a severely injured Claimant (Stephen subsequently secured more than £1M at JSM for the Claimant in September 2011).

Ongoing notable cases include:

- Griffiths v TUI UK Ltd – judgment is awaited in this Supreme Court case on the effect of uncontroverted expert evidence. This is expected to be a leading authority on expert evidence. Stephen was led by Robert Weir KC, having appeared for the Claimant at all levels.
- Junior counsel representing numerous claimants in respect of physical and emotional abuse suffered while in psychiatric care (led by Niazi Fetto KC).
- Child leg amputation case against MIB. Admission of liability secured and interim payment obtained in respect of accommodation (led by Stephen Killalea QC).
- Incomplete tetraplegia claim for passenger injured in single-vehicle RTA.
- Brain injury claim following accident on construction site.
- Brain injury claim for child pedestrian.
- Spinal injury (tetraplegia)claim for a passenger injured in a RTA.
- Secondary victim and FAA claim for family members who witnessed the aftermath of fatal RTA.

Clinical Negligence

Stephen's clinical negligence practice has a particular emphasis on complex and high-value fatal cases. He deals with claims against hospitals and GPs.

Examples of recent cases include:

- Acting for the family of a woman with sickle cell syndrome who died in hospital following the birth of her child. Stephen represented the family at the inquest and subsequently (February 2021) settled the claim against the hospital trust (led by Robert Weir QC).
- *Schembri v Marshall* [2020] EWCA (Civ) 358 – Stephen won the trial in the High Court before Stewart J, in relation to a fatal failure to diagnose Pulmonary Embolism by a GP. The Defendant appealed and Stephen (led by Robert Weir QC) won in the Court of Appeal.
- Representing the family of a woman who died from an undiagnosed deep vein thrombosis after she was admitted to a specialist mental health unit at a coroner's inquest (Art 2), with the jury finding multiple causative breaches of duty by the NHS Trust. Subsequent settlement for a six-figure sum.

Ongoing cases include:

- A fatal claim against an NHS Trust and Ambulance Trust.
- A claim in respect negligently performed cystoscopy.

Coroners & Inquests

Stephen also has extensive experience of coroners' inquests. These include:

- Representing the family at a jury inquest in respect of death caused by Legionnaire's disease at a care home in Wiltshire (2019) – the care home was subsequently fined £150,000.
- Representing the family at a jury inquest in respect of death caused by Legionnaire's disease in Essex (2016) – BUPA was subsequently fined £3M.
- Representing the family of a woman who died from an undiagnosed deep vein thrombosis after she was admitted to a specialist mental health unit at a coroner's inquest (Art 2), with the jury finding multiple causative breaches of duty by the NHS Trust (2017).

Professional Negligence

Stephen accepts instructions in solicitors' negligence and all aspects of clinical and dental negligence.

He is a member of the PNBA.

A recent case was settlement at mediation for a six-figure (November 2022) of a claim for professional negligence for an injured claimant whose claim was struck out by reason of his solicitors' negligence.

Credit Hire

- ***W v Veolia Environmental Services (UK) PLC*** **[2010] EWHC 2020**, HHJ Mackie QC - Leading case establishing that the Cancellation of Contracts Made in a Consumer's Home or Place of Work Regulations 2008 apply to credit hire agreements and the effect of subrogation on enforceability.

Human Rights

- ***D v Knowsley MBC*** (unreported **February 2013**
) - Stephen represented the claimant in her claim under the Human Rights Act against the Local Authority who had detained her in a care home without her consent and without proper authorisation. The Local Authority admitted before the High Court in Manchester that they had breached the Claimant's Human Rights under Articles 5, 6 and 8 of the Convention. This is thought to be the first reported occasion on which a Local Authority has admitted (or been held) to have contravened a vulnerable adult's Article 6 rights in relation to unlawful detention

Costs

Stephen has experience of advising ATE insurers in relation to funding proposals relating to high-value litigation

- ***Reynolds v Stone Rowe Brewer (A Firm)* [2008] EWHC 497 (QB)** - The effect on a solicitor of giving a series of inaccurate costs estimates to their client.
- ***Wilson v William Sturges & Co* [2006] 16 EG 146 (CS)** - The difference between interim statute bills and simple requests for payment by a client of solicitor's fees on account, and the effect of over-charging by the firm.
- **Gordon Dadds v Deborah King (Unreported) December 2014, Central London County Court, HHJ Saggerson** – Stephen successfully defended a claim against a client who was being sued by her former solicitors for over £150,000 where the solicitors' bills were not in the proper format.

Appointments

Qualified arbitrator for PIcARBS

Memberships and Associations

PIBA (Executive Committee Member)

PNBA

Education

First Class degree in Jurisprudence, Oriel College Oxford

Personal Interests

Stephen enjoys watching cricket, endures watching football and relaxes listening to podcasts and audiobooks.