



**Stephen Cottrell**  
Year of Call: 1998



Stephen's practice consists predominantly of high-value Personal Injury litigation, Fatal Accidents and Clinical Negligence claims. He regularly deals with multi-million pound cases for claimants in his own right and as a junior to Stephen Killalea QC and Robert Weir QC.

He has extensive expertise in catastrophic injury work dealing with:

- Brain injury (including child brain injury)
- Spinal injury
- Amputation
- Complex multi-trauma

Stephen has a wealth of experience of cases involving 'non-organic' symptoms following injury (such as CRPS, non-epileptic attack disorder, functional gastroparesis and functional hemiplegia).

His clinical negligence work includes the reported case of *Schembri v Marshall* [2020] EWCA (Civ) 358 in the Court of Appeal.

His fatal accident case-load includes travel (at home and abroad), disease, including legionella in care homes, diving accidents and RTAs. This work has led to Stephen accumulating extensive experience of coroners' inquests, including jury inquests and Article 2 cases.

Stephen has vast experience of cases involving illness abroad.

In addition, Stephen has experience of all aspects of the law of costs (including solicitor-client assessments) and appears in the Criminal Injuries Compensation Authority. His costs work involves party-party disputes, solicitor-client assessments and Court of Protection deputy assessments. The interface between costs and personal injury in his practice makes him ideal for hearings and advice involving costs budgeting and CCMCs.

Stephen has experience of Human Rights work in the High Court, Coroner's Court and Court of Protection in cases concerning deprivation of liberty.

## Recommendations

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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 extensive experience of drafting, advisory and court work in all aspects of personal injury for Defendants.

Notable cases include:

- *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.

- *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.
- *AY v CX*  
(October 2020) – Brain injury with brachial plexus injury. Settlement of £1.75M (net) for young man injured hit by a car while riding an uninsured scrambler bike on a public road. Led by Stephen Killalea QC.
- *Griffiths v TUI*  
(July 2020) – [2020] EWHC 2268 (civ) – Judgment on the effect of expert evidence that is not controverted. The High Court found in the claimant's favour in this holiday sickness case where the claimant's expert evidence was not agreed but D neither obtained its own expert evidence nor cross-examined the Claimant's expert. Stephen was instructed for the Claimant and led by Robert Weir QC. The case is being appealed to the Court of Appeal.
- 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.
- *AP v BT PLC* (August 2019) – Brain injury. Minimally conscious state, limited life-expectancy. Settlement at JSM led by Stephen Killalea QC.
- *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).
- *AB XY v GH XY* - Settlement of £1.9M plus PPO of £130,000 for life (capital value £5.89M) approved for claimant who suffered a catastrophic brain injury when, at the age of 10, he was a pillion passenger on a motorcycle. Despite making a reasonable physical recovery, he continues to have intellectual difficulties and displays inappropriate behaviour, requiring 24-hour supervision. Led by Stephen Killalea QC at the settlement meeting but conducted the approval hearing (January 2016).

- *ABC & others v Williams*
  - Settlement of £910,000 approved for the family of a driver killed in a collision with a farm vehicle on a country road. Complex liability arguments. Initially led by Stephen Killalea QC, Stephen conducted the settlement meeting alone (May 2015).
- Settlement of £562,000 for a young woman with suspected non-epileptic attack disorder which caused her to black out frequently following a minor head injury (June 2015).
- Maximum CICA award (£500,000) for a severely brain injured applicant with a pre-existing psychiatric condition – the CICA had previously awarded only £105,000 and assessed the applicant's loss at over £900,000 with the award capped at £500,000 under the 2001 Scheme (2014).
- Settlement of £1.81M and PPO of £50,000 p.a. for tetraplegic claimant (led by Stephen Killalea QC, 2014).
- Settlement of £290,000 for an 88-year old woman with a catastrophic incomplete spinal cord injury to the cervical spine (2014).
- Settlement of £2.125M and PPO of £102,000 p.a. for a claimant with a severe traumatic brain injury (led by Stephen Killalea QC, 2014).
- Contested interim payment of £750,000 for a tetraplegic claimant (2013).
- Settlement of over £300,000 for a young woman who suffered major internal injuries including short bowel syndrome, an injury to her pancreas, major bodily scarring and fertility issues in a high speed RTA (2013).
- Settlement of £3.5M and PPOS for brain injured claimant (led by Robert Weir QC, 2013).
- *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:

- Child leg amputation case against MIB. Admission of liability secured and interim payment obtained in respect of accommodation (led by Stephen Killalea QC).
- Brain injury claim following accident on construction site.
- Brain injury claim v MIB – allegations that the claimant passenger was aware of drug use by driver.
- Fatal accident claim for widow of young father with two very young children.
- Brain injury claim for child pedestrian.
- Spinal injury claim for a cyclist hit at a pedestrian crossing as lights were changing.
- Secondary victim and FAA claim for family members who witnessed the aftermath of fatal RTA.
- Complex fatal accident claim for 'self-made man' with large earnings claim whose wife and children now live abroad.

## Clinical Negligence

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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.

## Credit Hire

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- ***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 is a proud father, a prodigious reader of modern fiction, an inept cricketer and an avid follower of Liverpool Football Club