



Stephen Cottrell

Year of Call: 1998



Stephen's practice consists predominantly of high-value Personal Injury litigation, Fatal Accidents and Clinical Negligence. He also practices in the areas of Costs and Human Rights.

He has extensive expertise in catastrophic injury work and dealing with complex multi-trauma claims, spinal injuries, head injuries and chronic pain cases. He has particular experience of cases involving 'non-organic' symptoms following injury (such as CRPS, non-epileptic attack disorder and functional hemiplegia). He is regularly instructed in complex brain injury cases, as a junior or in his own right.

His fatal accident case-load includes travel (at home and abroad), diving accidents and RTAs.

He can fall back on his vast trial experience in all these areas.

In addition, Stephen has accumulated extensive experience in coroners' inquests, 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 and Court of Protection in cases concerning unlawful detention and deprivation of liberty, and deaths in secure facilities.

Recommendations

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.

Recent notable cases include:

- **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 **£150,000** for the widower of a 62-year old man who died in a diving accident. Liability had been denied and issues of contributory negligence were raised.
- 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).
- Settlement of over **£400,000** for a widow in a fatal accident claim following a Road Traffic Accident (June 2015).
- Settlement of **£350,000** against the MIB for a young woman with multiple injuries including a minor brain injury following a multi-party accident with several insurers involved and limitation issues (June 2015).
- Settlement of **£319,200** for multiple lower-limb fractures following an accident at work (liability was initially disputed) – February 2015.
- Settlement of **£250,000** for a below-knee amputation (liability in dispute) (December 2014)
- 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 **£295,000** for a high-earning claimant with severe and disabling back and shoulder injuries (2014)
- Settlement of **£290,000** for an 88-year old woman with a catastrophic incomplete spinal cord injury to the cervical spine (2014)

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- 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)
 - Settlement of over **£800,000** for a claimant with a severe arm injury (2014)
 - Contested interim payment of **£750,000** for a tetraplegic claimant (2013)
 - Settlement of **£375,000** for a claimant with a chronic pain condition (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:

- Fatal accident claim following double drowning in a hotel swimming pool
- Young claimant with full-thickness steam burns to over 60% of his body
- Fatal accident claim following holiday in Tunisia – legionnaire’s disease
- Fatal accident following motorcycle accident –widow has complex health problems
- Incomplete spinal cord injury – accident at work;
- Wheelchair bound Claimant with functional hemiplegia following minor head injury at work
- Complex brain injury case with a young child claimant (led by Stephen Killalea QC)
- Complex traumatic brain injury to adolescent claimant (led by Stephen Killalea QC)
- Several complex brain injuries to young male claimants (led by Stephen Killalea QC)
- Fatal Accident RTA claim for claimant with pre-existing diabetes

Insurance & Reinsurance

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

On the Defendant side, Stephen is heavily involved in fighting fraudulent claims, particularly organised motor fraud cases. Stephen has lectured extensively on the tactics that insurance companies should employ in flushing out fraudulent claims. He also works for the MIB and his work for insurers in fraud and MIB cases has given him awareness of technical and contractual insurance issues.

Stephen has a wealth of experience of all aspects of credit hire and was junior counsel for the Defendant in the leading case of *W v Veolia*.

Professional Negligence

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

He is a member of the PNBA.

Coroners & Inquests

Stephen also has extensive experience of coroners' inquests including a week-long inquest into a death at work in which he represented an individual wrongly accused by his employers of causing the accident. He has also acted for a coroner who was dealing with 11 suspicious deaths of elderly mentally infirm patients in a hospital.

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
- Stephen has ongoing Article 2 cases involving suicides in custody.

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.

Ongoing cases:

- Stephen is acting in the SCCO for a firm of solicitors who are attempting to recover costs from their commercial client; the client claims that the costs were capped.

Clinical Negligence

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

Examples of recent cases include:

- 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, with the jury finding multiple causative breaches of duty by the NHS Trust.
- 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 remains instructed.

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