David Thomson

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David Thomson's main speciality is Injury work – he has the advantage of law degrees and having practiced medicine as a junior surgeon and a GP for a number of years before being called to the Bar.

Acting for both claimants and defendants he is known for specialist high quantum and causation advice, particularly covering neurological damage.

In addition to significant personal injury work, healthcare and clinical negligence, David practices in sports regulation and governance, especially safeguarding. He is an appointed member of the National Safeguarding Panel in sport. Regularly appointed independent Chair of sports disciplinary commissions and appeal boards. Arbitrator and Mediator (on Sports Resolutions specialist legal panel).

David is also instructed in injury claims by past and serving soldiers using his experience gained serving as a Unit Medical Officer.

Areas of Expertise

Clinical Negligence & Healthcare

Clinical Negligence and Personal Injury

David Thomson specialises in all aspects of Clinical Negligence and Personal work.

David's practice reflect his experience, hard work and very effective advocacy. It encompasses injuries of the utmost severity and complex causation in Multi Track cases. He has an appetite for detail and ability in complex matters. He communicates and responds to his clients in the most challenging cases.

He regularly acts without a leader in high value cases. His cases involve orders for periodical payments, accommodation claims and lifelong provision for care and assistance.

He has secured compensation for seriously injured Claimants and their Dependants. He has acted for Claimants against the Motor

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Insurers Bureau. He acts regularly in military claims for injuries sustained in service against the MOD or for injuries caused by third parties resulting in restriction in service or medical discharge.

He also defends cases of similarly high value at Joint Settlement Meetings and at Trial for Insurers, Defendant Health Care Trusts and Groups, Medical Defence Organisations and other healthcare organisations or businesses.

He frequently advises on liability, causation and claims for contribution between insurers and medical defence organisations.

David is instructed by many listed specialist clinical negligence firms nationally and many mixed local and high street firms seeking specialist advice and pleadings.

He is also instructed by NHSR panel firms and the MDU.

David also acts in professional negligence claims and negotiations for Claimants and Defendants in the context of negligently mishandled personal injury and clinical negligence actions.

Personal Injury

Personal Injury and Clinical Negligence

David Thomson specialises in all aspects of Personal Injury and Clinical Negligence work.

David's practice reflect his experience, hard work and very effective advocacy. It encompasses injuries of the utmost severity and complex causation in Multi Track cases. He has an appetite for detail and ability in complex matters. He communicates and responds to his clients in the most challenging cases.

He regularly acts without a leader in high value cases. His cases involve orders for periodical payments, accommodation claims and lifelong provision for care and assistance.

He has secured compensation for seriously injured Claimants and their Dependants. He has acted for Claimants against the Motor Insurers Bureau. He acts regularly in military claims for injuries sustained in service against the MOD or for injuries caused by third parties resulting in restriction in service or medical discharge.

He also defends cases of similarly high value at Joint Settlement Meetings and at Trial for Insurers, Defendant Health Care Trusts and Groups, Medical Defence Organisations and other healthcare organisations or businesses.

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Inquests & Inquiries

David has appeared before many coroners in jury and non-jury inquests. He acts for a range of Interested Parties such families and NHS trusts and providers of health services to other parties such as HMPs and community facilities.

Regulatory & Disciplinary

David practices also in sports discipline, regulation and governance, especially safeguarding. He is an appointed member of the National Safeguarding Panel in Sport and acts as independent Chair of sports disciplinary commissions and appeal boards. Arbitrator and Mediator. He is a member of Sports Resolutions specialist legal panel and a Hearing Body Panel Member for British Equestrian. He served as an Independent Commissioner to the Football Regulatory Authority and on the FA Appeal Board.

Appointments

- Legal Chair of National Safeguarding Panels (NSP) in sport. Administered by Sport Resolutions.
- Panel chairman, arbitrator and mediator, Sports Resolutions and sports' governing bodies.

Education

- Barrister at Law
- LLB Hons (London), LLM (Cantab)
- Inns Of Court School of Law.
- Called to Bar 1994.
- Medical Doctor – now retired non practising; regulated by General Medical Counsel
- MB ChB. (Sheffield University Medical School) 1995.

Notable Cases

David was or is involved in the litigation and conclusion of the following cases which are notable either due to their value or nature of the issues involved (the names of the parties have been anonymised):

Notable Clinical Negligence cases

Acting for MC, who slipped and hyperflexed her neck in fall. Resulting neurological symptoms down arms and unsteadiness on legs. Admitted to NHS hospital trust. Minor displaced fractures. Discharged under review in outpatients. Over ensuing weeks, despite follow up MC complained of problems passing urine and stools intermittently. Further deterioration noted, scan performed that demonstrated prolapses and displacement of cervical vertebra. Date for admission made, but admission postponed. MC called to seek admission and explaining further deterioration. Eventual admission with by then urinary frequency and incontinence and bowel

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incontinence. Evidential clash of symptoms reported prior to final admission for surgery. Proceedings with expert reports exchanged and joint statements. Settlement of £2.3. million single payment.

Acting for mother, N, in labour at 39/40 weeks. In labour ward of NHS hospital trust, intrapartum foetal deterioration not acted upon by student and then senior midwife. Intrapartum death, recognised. Later delivery by caesarean section. Baby remained with parents for 36 hours. PTSD and anxiety including agoraphobia for 12 months. Settled by RTM for £300k

Acting for NHS hospital trust. C claim against hospital trust for alleged failure to alleviate large bowel perforation in man who had undergone previous bowel surgery. Bowel perforated and caused infection of previously unknown abdominal aortic aneurysm. Surgery required by way of bowel resection and EVAR placement into the AAA, which required protracted hospital care. Claim for £3 million as provisional award of damages. Claim for loss of earnings in past car sales roles and care. Forensic review of clinical records determined 2 year period in jail for child sexual abuse when alleged earning, just prior to alleged negligence, and not resident in house for which gardener's fees claimed. Settlement made by hospital trust by RTM for £460k and reduced costs. No provisional award.

Acting for NHS hospital trust, C suffered loss of vision in eye because of endophthalmitis. Short delay in treatment, however case defended on ophthalmologic causation, because D asserted earlier treatment not make any difference to the outcome. Claim for £250k compromised for £25k plus much reduced costs 1 month before trial.

Acting for mother, C gestational diabetes, poorly controlled. Claim for foetal white matter damage to L due to failure to expedite the delivery in labour ward of NHS hospital trust. Mild but permanent disability. Causation of any injury any alleged by delay denied. RTM on disputed Causation and quantum. Leading Counsel. Settled for £2.5 million single sum.

Acting for child, T whose mother was negligently administered by NHS hospital trusts, mycophenolate medicine for very mild nephritis, despite it being contraindicated in women who may become pregnant, because it is teratogenic and caused foetal loss. 10 miscarriages later T survived but with foetal branchial arch damage, so injuries to ear apparatus and external ears (causing conductive deafness), face, jaws and teeth. Some deformity to larynx and upper airway. Fitted with bone anchored hearing aids (BAHAs), surgical procedures to face and jaw. Special SEND support at school. Normal intelligence. Future surgery to jaw and therapies, however growing well and thriving at school. Negligence for 3 years and causation not admitted. Recent settlement: Anonymity Order. Professional Deputy in place because of challenging domestic circumstances. Single sum £2.4 million.

Acting for C, who had a sudden collapse at Wedding while she was dancing. Negligently treated in NHS hospital trust Emergency Department and AMU as assumed intoxicated. Later deterioration. Cerebral ischaemic condition with neurological deterioration. Proving avoidable neurological injury. Settlement RTM for £400k.

Nursing and Midwifery Council

Acting for staff nurse, L, before the NMC. One of 3 nurses involved in the then terminal palliative care on haematology ward, of an NHS hospital trust, of a man with leukaemia. His wife, a retired nurse, made a range of spurious allegations about the nurse and their care to the NMC. Full hearing in front of the NMC over 5 days on care and FTP. Complainant's evidence full tested before the Panel. Finding that the NMC rejected complainant's evidence and found no lack of care and all fit to practice.

Notable Serious Injury cases

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Acting for an RAF pilot who sustain serious neck injury when a re-training helicopter simulator malfunction and threw him about the cockpit. Medical discharged as not fit for continued service as a pilot. Multi Track claim with issues concerning cervical neurological prognosis and loss of a chance of future service and earnings. Proceedings taken to the Court of Appeal successfully on aspects of causation. Claim settled for £850k.

Buncefield Litigation – acting for three of the Claimants who suffered non-fatal injuries, settled for £500k.

Acting for car driver, M. She was driven off the highway by another car driver into a ditch and a brick bridge traversing it. Sustaining multiple limb fractures, but with good recovery over time. Liability fought but eventually conceded before trial and settlement of £300k

Acting for elderly lady cyclist M, who really was cycling to church on a cold Sunday morning. She had just turned left at a T junction when she was hit and knock off by a motor car being by D, but with actually his head sticking out of the driver's door, because the windscreen was obscure by ice. Arm and clavicle fractures. D denied liability all of the way to High Court. Evidence of two local persons who watched the events accepted. Found unable to see M. No contrib negligence. Judge critical of defendant and award of £150k as M good recovery.

Pending proceedings for Army Officer D, who knocked into and off bicycle by negligent driver. Sustained left ankle and lower leg fractures, required internal fixation. Loss of articular surface and tendon damage. Likely medical discharge and ankle fusion in the future. Very substantial claim for loss very likely high achieving and rank, loss of earnings and pension and care/orthotics.

Sport Safeguarding cases

Sport safeguarding (form of gymnastics) G coach complaints about methods that G subject to multiple child participants to methods including weight shaming, criticisms, punishments and excessive exercise. Evidential and safe handling of many vulnerable witnesses.

Sport safeguarding (Tennis) L complained of sexual abuse as child and adult by coach X who was also a teacher. Important evidential issues concerning evidence for the pursuit of X who provided interviews and outline statement but later refused to attend hearing. Determining appropriate and enforceable sanctions.

Sport safeguarding (Cricket) C subject to safeguarding complaint about activities abroad in youth summer camps. Evidential and sanction issues to rationalise for coach who intermittently resident in the UK.

Sport safeguarding (Swimming) A failed to comply with rules concerning changing facilities. Subject B to manipulation then physical assault when both children in the facilities during training.

Awards

- Cambridge university International Law award for study at the Hague, Netherlands 1993
- Rank of Captain, RAMC 1995 Inns of Court and City of London Yeomanry, 71 (Yeomanry) Signal Regiment. Regimental Surgeon/UMO.

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