

# Jeremy Crowther

Call: 1991

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Jeremy Crowther is a clinical negligence and personal injury specialist with nearly 30 years' experience.

He is regularly instructed by the country's leading personal injury firms in a wide range of high value cases, including those involving industrial disease. He is adept at evaluating the strengths and weaknesses of cases at an early stage, and giving constructive and strategic advice throughout the litigation process to achieve the best possible outcome.

In his clinical negligence work, Jeremy acts on behalf of both claimants and the NHS, often in highly complex and valuable claims. He is interested in the development and evolution of clinical negligence work, and regularly co-authors articles for publication in the medical press.

## Areas of Expertise

### Clinical Negligence & Healthcare

Clinical negligence work comprises at least 50% of Jeremy's practice, broadly split between Claimant and Defendant work.

Jeremy co-authors articles for publication in respected medical journals, most recently an article on 'Medicolegal consequences of altered COVID-19 vaccine administration', published in the Journal of the Royal Society of Medicine in April 2021. He is a contributor to 9 Gough Square's practical guide to Clinical Negligence Claims.

#### Notable Clinical Negligence & Healthcare cases

##### Gardner V Portsmouth Hospitals NHS Trust (2021)

Mr Gardner, a diabetic, alleged a failure to treat proliferative retinopathy and maculopathy in his right eye, leading to a vitreous haemorrhage and blindness. Liability was denied, with technical causation issues raised in the defence to the claim. Jeremy represented Mr Gardner, securing a significant six figure settlement at a JSM.

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#### GA v East Kent Hospital (2021)

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Jeremy was instructed to represent the Defendant in a JSM against Leading Counsel in a case where a trainee GP failed to adequately assess the Claimant, leading to her developing infective endocarditis, and suffering a stroke. The case was successfully compromised for significantly less than its pleaded value.

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#### HT v St Peter's Hospital (2020)

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HT, a 35 year old police officer developed complex, serious and debilitating pelvic floor dysfunction on account of the Defendant's negligent mismanagement of her labour. She continued to complain of stage 1 uterine prolapse, flatal incontinence, urinary incontinence, and diminished sexual functioning. Causation was denied. The case involved complex neurological, urological, pain management and obstetric evidence. Jeremy secured an advantageous settlement for the Claimant prior to trial.

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#### SM v Torbay & South Devon NHS Trust (2020)

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The Claimant claimed over £2,000,000 arising out of alleged clinical negligence through failure to appropriate treat his hip complaint. Jeremy was instructed to draft the necessary pleadings, and represent the Defendant at a JSM, successfully achieving settlement for approximately 35% of the sum sought.

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#### Shaw v Mid Essex Hospitals (2019)

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Jeremy represented Mr Shaw who negligently developed sepsis in his left arm after the Defendant's failure to diagnose an infection following a minor cut. He was ultimately admitted to ICU and ventilated for 9 days, going on to suffer an above elbow amputation, renal failure, neurological symptoms, and debilitating psychological sequelae. A significant seven figure settlement was achieved against Leading Counsel at a JSM shortly before trial.

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#### D v Nuffield Health (2018)

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The Claimant, aged 47, underwent a left sided osteotomy to remove a bunion from her left foot. This apparently simple procedure went catastrophically wrong, and the Claimant was left with significantly impaired mobility and unable to work. Liability and causation were vigorously denied. Jeremy choreographed the complex medical evidence, successfully settling the case shortly before trial.

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#### HT v Reeves (2017)

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In 2009, Jeremy was instructed to represent a 14 year old minor who sustained very serious leg injuries when a vehicle was deliberately driven at her by an uninsured driver. The matter was complicated by the fact the Claimant received negligent treatment in two hospitals, each of which blamed each other. Jeremy advised the Claimant on numerous occasions over the course

of 8 years, and built up a strong rapport with the client as she grew up and adapted to her continuing disabilities. In the Spring of 2018, an interlocutory hearing in the case was widely reported and commented upon (see, eg, Lawtel 23.3.17) , as the High Court examined the relationship between CPR 6.10 and CPR 36.10 (as the Claimant sought to withdraw a Part 36 offer following the change in the discount rate). The case settled for a significant six figure settlement days before trial.

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#### TS v Heart of England NHS Foundation Trust [2015]

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The Claimant was a former professional boxer who developed a DVT after knee surgery. Liability and quantum in dispute. Settled for a significant six figure settlement at a JSM.

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#### EF v Dr GH [2015]

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The proprietor of a chain of high class beauty salons sustained significant abdominal burning whilst undergoing body sculpting treatment. Liability and quantum was highly contentious. Settled for a confidential six figure sum at JSM.

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#### MS & Others v Dr MC [2015]

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The Claimant, a child with Downs Syndrome, died of a pulmonary embolism caused by an undiagnosed left venous thrombosis. Negligence was alleged against his GP on the basis she had failed to communicate effectively with the Claimant, recognise his symptoms or take his complaints of leg pain seriously. Associated claims for nervous shock were brought by family members who had sustained psychological injury having witnessed the Claimant falling in and out of consciousness, and attempts being made to resuscitate him. Breach of duty was vigorously denied. Jeremy advised throughout securing settlement of all claims before trial.

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#### CL v Somerset Partnership NHS Foundation Trust [2015]

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The Claimant sustained a large oro-antral fistula during multiple tooth extractions, as a consequence of which he developed permanent symptoms of facial pain, headache and smell and taste disturbance. Issues of informed consent. Case settled.

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## Personal Injury

Jeremy is instructed in the full range of personal injury cases, including employers' liability, industrial disease, and road traffic accidents. Equally comfortable considering liability, causation and quantum issues, he regularly advises in case of the highest value, involving catastrophic (and subtle) brain injury, fatal accidents, above knee amputations, chronic pain and nervous shock.

### Notable Personal Injury cases

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#### Lumley v MOJ (2021)

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The Claimant was a prison officer who developed chronic PTSD symptoms having been exposed to traumatic violent incidents during the course of his work at HMP Frankland. The case had been turned down by previous solicitors acting under a CFA. Jeremy advised the Claimant on liability, evidence and quantum, and successfully secured a significant six figure settlement days before trial.

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#### Bednarczyk v Alliance Flooring (2021)

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The Claimant was a lorry driver who sustained an amputation injury to his lower leg when he drove into the rear of another vehicle which slowed suddenly and unexpectedly on the M6 motorway when its automatic emergency braking system (ABES) became activated. The claim was prosecuted on the basis that the Defendant's driver had been over-reliant on the AEBS, and caused it to become unnecessarily engaged. Liability was strongly denied. The claim settled for a high six figure sum shortly before a split trial.

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#### Adams v NFU (2020)

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Mrs Adams developed a chronic pain condition following a seemingly innocuous road traffic accident. Liability was admitted, but shortly before trial video evidence was served, allegedly demonstrating that the Claimant was more able than she contended. Jeremy represented the Claimant at a vigorously contested five day trial at which all allegations of fundamental dishonesty were ultimately dismissed, and an award of damages achieved.

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#### RN v Axe (2020)

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Represented a 13 year old child who sustained very serious orthopaedic and devastating cosmetic injuries when a boat on which she was a passenger exploded on the River Thames. The claim was issued in the Admiralty Division and a limitation fund established. Jeremy advised the Claimant and her parents throughout on procedure, tactics and quantum, securing a high six figure settlement prior to trial.

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#### Hart v Askey (2019)

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Mr Hart was a 21 year old man who sustained a severe traumatic brain injury when he fell through the roof of a garage, landing on a car below. The case involved multiple experts, and was successfully concluded at a JSM for a seven figure sum.

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#### Numerous Police Officers v Chief Constable of Northumberland (2018)

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Jeremy was retained by the Police Federation to represent a number of police officers who developed pulmonary nodules after dismantling a cannabis farm in Newcastle. Liability was denied on grounds of foreseeability and causation, and involved multiple experts, complex botanical evidence, and issues of public policy. Successful settlements were secured in all litigated cases.

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#### Shaw v Go-Ahead (2018)

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One of many fatal accident claims in which Jeremy has advised, settled Schedules of Loss, and represented Claimant's during 2017. This case involved a 57 year old who was knocked over by a bus. He had recently become the Chief Architect for Network Rail, and whilst he had a relatively modest history of pre-accident earnings, his recent appointment generated a significant dependency claim. The case settled for £600,000 at a JSM.

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#### Heron v MIB (2017)

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Mr Heron sustained an above knee amputation when he was involved in a road traffic accident. The driver of the third party vehicle was untraced, and the matter proceeded under the MIB Untraced Drivers Scheme. Jeremy was instructed to advise the Claimant. The case eventually settled for £1.9 million.

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#### Kennett v Connors & MIB (2017)

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PC Kennett sustained serious injuries – causing her to be cast from the police force – when she was deliberately struck by a vehicle during the course of a police chase. Three individuals – all subsequently identified – ran away from the vehicle, but it was impossible to conclude who was driving. Jeremy advised PC Kennett on numerous occasions, in particular as to whether arguments of joint enterprise would be successful, and as to whether this was an Untraced MIB case, or an Uninsured MIB case. The matter was eventually settled for a high six figure sum at a JSM

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#### Gonzalez v Pointing, Mayors & City CC (2017)

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The Claimant, a South American cleaner, sustained a brain injury when she was struck by (a falling) part of the Defendant's trading stall outside a London Underground station. The Claimant could not remember what had happened, and there were no witnesses to the accident. The Defendant denied that his stall had caused the Claimant's injuries. Liability was vigorously contested. At a (split) trial on liability, detailed legal submissions were made as to what could legitimately be inferred from the circumstances of the accident. The Claimant succeeded. Previous solicitors and counsel had refused to act for the Claimant under a CFA on the basis that prospects of success were less than 50%. The Defendant appealed, unsuccessfully, to the Court of Appeal

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#### Farbar v ACL Care Homes Limited (2016)

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The Claimant, an Albanian national, sustained multiple injuries when he fell whilst undertaking window cleaning activities at the Defendant's premises. Liability was vigorously disputed, and previous solicitors and counsel had terminated their CFA. Jeremy was instructed to advise in conference on numerous occasions, draft Particulars of Claim / Schedule of Loss, perfect witness statements, and represent the Claimant at interlocutory hearings in the High Court. The matter settled shortly before a split trial on liability for a six figure sum.

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#### Hannan v Parklane Limited (2016)

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The Claimant, a man in his twenties, sustained seemingly innocuous injuries in a minor accident at work. He alleged a significant disability and argued he was unable to work. Liability was conceded, but causation and quantum were vigorously disputed with allegations of fraud, malingering and a failure to mitigate being levelled against the Claimant. Jeremy was instructed (as alternative counsel) when it became clear there was a real risk the Claimant wouldn't beat an early Part 36 offer to settle. He advised the Claimant on strategy and tactics, ultimately securing an advantageous settlement at JSM.

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#### Bland / Blackford v Chalmers (2016)

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Mr Bland was killed and Mr Blackford sustained multiple injuries when they were knocked over by a vehicle driven by an off duty policeman. High Court proceedings were commenced against the driver, highway authority and local water authority. Liability was vigorously denied by all 3 Defendants. Jeremy settled Letters of Claim and Particulars of Claim, and advised on numerous occasions in conference and on paper. All actions – including claims for nervous shock brought by two members of the Bland family – were eventually compromised. Jeremy was instructed to represent the Claimant Blackford at a JSM at which the case settled shortly before a split trial on liability.

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#### Williams v Cym Taf Local Health Board (2016)

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Jeremy was instructed to represent the Claimant on an appeal against a district judges refusal to allow him relief from sanction, with the effect that over £100,000 was struck from his personal injury claim. He drafted all the necessary paperwork, secured permission to appeal on paper, and then represented the Claimant in his oral appeal in a 1 day hearing listed at Cardiff County Court. The appeal was successful.

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#### Collier v Welsh Unity Mines (2015)

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A Welsh miner who had sustained career ending leg injuries in a mining accident. Liability, causation and quantum were all in dispute. Shortly before trial, the Defendant disclosed damning video surveillance evidence and amended their defence to plead fundamental dishonesty. Advised the Claimant (and General Secretary of the Welsh NUM) in conference on two occasions, successfully securing a substantial out of court settlement. Instructed by Thompsons (Cardiff).

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#### Hadland v Hogarths Hotel (2015)

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The Claimant, age 70, sustained a fracture to her (L) proximal femur when she tripped and fell at her daughter's wedding, and remained significantly incapacitated. The Defendant denied liability, relying upon a stream of witnesses to argue that the Claimant was entirely the author of her own misfortune. The Claimant herself was unsure why she had fallen. Successfully represented the Claimant at trial. The Court found 100% in her favour, beat a Part 36 offer and was the recipient of indemnity costs. Instructed by Trinity Law Partnership (Birmingham).

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#### Joiner v X (2015)

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The Claimant sustained serious multiple injuries when her car was struck head-on by the Defendant's vehicle. The Defendant, an 85 year old man, raised an automatism defence, alleging he had suffered an unavoidable brain haemorrhage / stroke, and consequently raised an automatism defence. The matter was complicated by complex causation and quantum arguments. Negotiated settlement at JSM. Instructed by Pro Legal (London).

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Wakefield v Rosenberg [2014]

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The Claimant was seriously injured in a motorcycle accident, sustaining a complex knee fracture leading, ultimately, to an above knee amputation. Liability was admitted, but causation and quantum in dispute. The Claimant's loss of earnings claim was particularly contentious, being based on his 'intention' to become a black cab driver. The matter was finally compromised for £1.35 million. Instructed by Rider Support (London).

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## Education

- LLB, Reading University

## Memberships

- Professional Negligence Bar Association
- Personal Injury Bar Association
- South Eastern Circuit

## Accreditation Logos

