



Derek O'Sullivan KC

Year of call: 1990 | Silk: 2016

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"A standout silk who regularly appears in high-value catastrophic injury cases. He elicits stellar market praise..." Chambers and Partners 2024

"A true heavyweight silk. Encyclopedic knowledge of the law and procedure, yet always able to distil advice to the binary." Legal 500 2024

Derek O'Sullivan KC is recognised as one of the country's leading Personal Injury practitioners. His practice concentrates on very high value catastrophic injury claims.

Derek was named 'Personal Injury & Clinical Negligence Junior of the Year' at the Chambers Bar Awards 2012 and then in 2013, 2014, 2015 and 2016 he was a "Star Individual" in the Chambers Personal Injury ranking for Juniors. He took Silk in 2016 and his practice has grown whilst in Silk. He is a Band 1 Leading Personal Injury Silk in both Chambers and Partners 2023 and a Leading Silk in Legal 500 2023.

Derek's practice concentrates on cases where claimants have been catastrophically injured. He has a particular expertise in relation to brain injury cases- not only cases of severe traumatic brain injury but also "subtle" brain injury cases and cases involving cumulative causes-and spinal injury cases. He is also regularly instructed in catastrophic spinal injury and amputation cases. Derek is familiar with all elements of catastrophic injury cases and is used to leading a team (including extensive medical expert evidence) defending very high value claims.

Areas of expertise

Liability and Quantum disputes

Occupiers Liability

Employers' Liability

Public Liability

Sport Injury and Negligence

Harassment

Road Traffic Indemnity/Policy Coverage Claims/Claims involving the MIB

Cross-border claims and International Injury

Insurance Fraud

Health and Safety

Policy Coverage

Product Liability

Group Litigation

Civil Liability Group ADR Scheme

Liability and Quantum disputes

"A master tactician and strategic thinker who is always on his game. The depth and breadth of his knowledge across a wide range of issues is second to none". Chambers and Partners

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Quantum

Derek is involved with all quantum issues generally encountered by senior personal injury practitioners dealing with catastrophic injury cases. Issues which he is currently dealing with include: severe brain injury; tetraplegia and paraplegia; claimants in states of minimal consciousness; so-called subtle brain injury cases; major psychiatric decompensation consequential on severe brain injury; amputation; capacity (litigation, management of affairs and deprivation of liberty) and all issues relating to statutory funding and settlements. Derek has been involved with claims with pleaded values in excess of £50M.

Derek has drafted a considerable number of Periodical Payment Orders and has been involved in a number of cases involving PPOs for care as well as PPOs for other heads of loss. He has also been involved in (and drafted PPOs) cases where claimants have provided reverse indemnities.

Road Traffic Accidents

Derek has conducted many cases arising from road traffic accidents and has particular expertise in the interpretation, understanding and challenging of accident reconstruction evidence. Recent cases taken to trial include: **Farah v Abdullahi & 5 Ors** [2020] EWHC 825, QBD; a case that involved multiple tortfeasors and insurers as well issues including the cause(s) of the claimant's extensive brain injury, novus actus interveniens and divisibility of injury, as well as **Barrow v Merrett** [2021] EWHC 792 (QB) and [2022] EWCA Civ 1241 as well as **Arkelaos v Phillips** [2021] EWHC 2321 (QB): both cases where the defendant driver was absolved of any liability following a collision with a child running into the road ahead of them.

Recommendations

- *"A standout silk who regularly appears in high value catastrophic injury cases. He elicits stellar market praise for his technical ability and client care as well as his handling of fraud allegations. He is one of the few barristers to have been instructed in a corporate manslaughter case". "A very smooth advocate who wins everybody over with persuasion". "A master tactician and strategic thinker who is always on his game. The depth and breadth of knowledge across a wide range of issues is second to none". Chambers and Partners 2018- 2024*
- *"A true heavyweight silk. Encyclopedic knowledge of the law and procedure, yet always able to distil*

advice to the binary."Legal 500 2024

- *"Tenacious, thorough and an excellent advocate."*The Legal 500 2022
- *"Phenomenally good, his pleadings are a work of art." "He's completely on the ball excellent with clients and an excellent all-rounder". "Excellent relationships with the lay clients and very good at handling expert witnesses".*
Chambers and Partners 2017
- *"Excellent and charismatic; a fighter"*Legal 500 2017
- *"He never loses sight of commercial reality"*Legal 500 2017

Memberships

- Personal Injury Bar Association

Qualifications

- BA (Dunelm)

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