



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 2022

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 2021 and a Leading Silk in Legal 500 2021.

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

Personal Injury

Occupiers Liability

Road Traffic

Employers' Liability

Public Liability

Sport Injury and Negligence

Travel and International Injury

Insurance Fraud

Health and Safety

Policy Coverage

Product Liability

Health and Safety

Accidents at work/deaths at work can result in both criminal proceedings against the employer in question as well as private law claims for damages arising from the accident. Insurers tend to be involved in both proceedings and since commencement of his practice Derek's practice has always involved representing companies or individuals being prosecuted under the Health and Safety at Work Act/daughter legislation as well then acting for them in any subsequent civil proceedings (or inquests).

Derek frequently receives instructions from the employer's liability insurers of companies and individuals who are facing health and safety prosecutions in the criminal courts and he is very experienced in relation to trials in the magistrates court (e.g. **R v Bestway** Coventry Magistrates Court; a case under s. 3 of the Health and Safety at Work which involved a so-called "HTML defence") and the Crown Court with a jury (e.g. **R v Thomas** and **R v County Mall Management Limited**).

Cases in which Derek has been involved in his practice include prosecutions brought under:-

- Sections 2, 3 and 7 of the Health and Safety at Work Act etc. 1974
- The Workplace (Health Safety and Welfare) Regulations 1992
- The Manual Handling Operations Regulations 1992
- The Health and Safety (Display Screen Equipment) Regulations 1992
- The Personal Protective Equipment Regulations 1992/1998
- The Control of Substances Hazardous to Health Regulations 1988/1999/2002
- The Construction (Health Safety & Welfare) Provisions 1996
- The Provision and Use of Work Equipment Regulations 1992
- The Management of Health and Safety at Work Regulations 1999
- The Electricity at Work Regulations 1999
- The Work at Height Regulations 2005
- Lifting Operations and Lifting Equipment Regulations 1998
- Construction (Design and Management) Regulations 2007/2015
- Control of Asbestos at Work Regulations 1987/Control of Asbestos at Work Regulations 2006/2012

Gross Negligence Manslaughter and Corporate Manslaughter

Derek is one of the few Counsel who has acted in both a gross negligence manslaughter case (**R v English Brothers**, Northampton Crown Court) and a corporate manslaughter case (**R v Cavendish Masonry**, Oxford Crown Court). He was recently instructed in another such prospective case (in which the prosecuting authority chose not to proceed after a number of submissions made by the prospective defendant).

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- 2021

- *"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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