



## 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

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

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Derek also specialises in acting for Insurers in relation to indemnity disputes and coverage claims arising in road traffic accident claims. Such disputes often give rise to issues relating to Article 75 of the MIB's Articles of Association and the MIB's Uninsured Drivers Agreement and the Untraced Drivers Agreement.

Issues in recent cases include:

- Use of the vehicle being outside the scope of SDP Cover enabling insurers to argue no responsibility as contractual insurer or to satisfy a judgment under s. 151 RTA 1988 (and thus have the status of Article 75 Insurer).
- Use of the vehicle being for criminal purposes and thus not being for SDP purposes.
- Passenger claim falling with the s. 151(4) RTA 1988 exemption as well as Clause 8 of the Uninsured Drivers Agreement.
- Article 10 of the Codified Directive and the MIB's liability (per *Colley v Shuker*) to satisfy a judgment obtained by a passenger (despite clause 8 of the Uninsured Drivers Agreement).

## Recommendations

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- *"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

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- Personal Injury Bar Association

## Qualifications

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- BA (Dunelm)

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