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Romilly Cummerson

Year of call: 1998

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"Very astute, commercial and strategic. She is very easy to partner with in a team and achieves fantastic results" Chambers and Partners 2022

Romilly specialises in personal injury, clinical negligence, professional negligence and related insurance issues. She represents Claimants and Defendants in respect of a wide range of complex and high value claims and has a particular interest and aptitude for cases involving complex issues of medical causation and/or substantial medical evidence.

Highly regarded for her attention to detail, and pragmatic, constructive, approach to litigation, Romilly has an approachable manner, which enables her to communicate effectively with a wide range of clients, opponents and tribunals. She is experienced in group litigation and has a particular reputation for the effective cross-examination of expert witnesses.

Romilly is recommended as a leading junior in The Legal 500 and Chambers and is regularly instructed by firms recognised as leading personal injury and clinical negligence solicitors in the legal directories.



Areas of expertise

Clinical Negligence

Personal Injury

Professional Negligence

Clinical Negligence

Romilly is a senior clinical negligence junior with a particular interest and aptitude for cases involving complex issues of medical causation and/or substantial expert evidence. She represents Claimants and

Defendants in respect of claims involving all branches of the medical professions and a wide range of issues, including surgical negligence, diagnostic and prescribing errors, issues of consent; and medical product liability.

She is regularly instructed in high value and complex claims, often as sole counsel against a KC or teams of Leading and Junior Counsel.

For the past five years she has been instructed by NHS Resolution in respect of a large number of claims arising out of the use of metal-on-metal hip implants and is now instructed as part of a Counsel team led by Neil Block KC in the NHS vaginal mesh litigation.

She is a contributor to Lewis and Buchan: *"Clinical Negligence—a Practical Guide"*

Cases of note

- ***HX v East and North Hertfordshire NHS Trust*** - Romilly was instructed by the Defendant in this £multi-million claim for damages for personal injury arising out of an alleged negligent failure to diagnose meningococcal septicaemia when the Claimant attended the Trust's A&E department complaining of a painful wrist and a history of flu-like symptoms. The Claimant required bilateral trans-tibial amputations and sustained severe bilateral hearing loss. The claim settled following a joint settlement meeting (JSM) in which Romilly acted as sole counsel against leading and junior counsel for the Claimant.
- ***Various Claimants v NHS (vaginal mesh litigation)*** - Romilly is instructed as part of the NHS legal team led by Neil Block KC in respect of litigation arising out of the use of trans-vaginal surgical mesh implants in the management of pelvic organ collapse and urinary incontinence over a period of approximately 20 years.
- ***RTX v PK and HCA International*** - Romilly was instructed on behalf of the First Defendant, a Consultant Cardiac Surgeon, in this claim arising out of alleged failings in post-operative care following aortic valve replacement and coronary artery bypass surgery. The claim alleged negligent delay in the diagnosis and treatment of cardiac tamponade, resulting in the Claimant suffering cardiac arrest and a stroke. All aspects of breach, causation and quantum were in issue. The claim raised a number of complex technical medical issues with regard to managing a differential diagnosis in the vulnerable post-operative period and causation of brain injury in a Claimant with significant co-morbidities and several competing negligent and non-negligent risk factors. Romilly was instructed as sole Counsel against a KC
- ***Various Claimants v NHS (Metal-on-Metal Hips Litigation)*** - Romilly is instructed by NHS Resolution in respect of a large number of cases arising out of the use of prostheses with metal-on-metal bearing surfaces in total hip replacement surgery. Over the last three years she has taken a senior role in a team led by Neil Block KC devising the NHS response to a sub-set of over twenty linked claims, concerning so-called mix-and-match prostheses (prostheses using a combination of components produced by different manufacturers). The sub-set of claims settled following a JSM. Romilly continues to advise as sole counsel in some ongoing elements of the metal-on-metal (MoM) hips litigation.
- ***RCX v Wes Suffolk NHS Foundation Trust*** - Romilly represents the Claimant in this action for damages for personal injury arising out of a negligent failure to report a mammogram as suspicious for malignancy. This error resulted in a two-year delay in the diagnosis and treatment of breast cancer. As a result of the delay, the Claimant required more extensive treatment for her cancer and sustained significant psychiatric injury.
- ***CWX v Sussex Partnership NHS Foundation Trust and Southern Health NHS Foundation Trust*** - Claim arising from treatment provided to the Claimant's husband ("H") by the Defendant Trusts for his acute onset depression and anxiety. H took his own life whilst under the care of the Second Defendant's Crisis Resolution and Home Treatment Team. Claims were brought on behalf of the estate and H's Dependents under the Law Reform(Miscellaneous Provisions) Act and the Fatal

Accidents Act 1976. Romilly was instructed by NHS Resolution on behalf of both Trusts.

- ***ML v Hillingdon Hospital NHS Foundation Trust & Ors*** - Romilly acted for the Claimant in this claim for damages for personal injury caused by a negligent failure to manage his diabetic foot condition, resulting in a delay in diagnosis and treatment of Charcot arthropathy. As a result of the delay, the Claimant suffered severe pain with recurrent ulcers, episodes of osteomyelitis and sepsis and ultimately required a below-knee amputation.
- ***GFX v The Mid-Yorkshire Hospitals NHS Trust*** - Claim arising from the Defendant's admitted failure to diagnose an aneurysm on an MRI scan. The aneurysm was detected 5 years later, but ruptured before a CT angiogram could take place, causing the Claimant to suffer a sub-arachnoid haemorrhage. The aneurysm was coiled and a secondary coiling procedure was subsequently required to ensure complete occlusion of the aneurysm. The case raised complex issues of medical causation, in particular with regard to causation of an alleged severe loss of executive function, resulting in a loss of capacity and the need for 24-hour care and specially adapted single-storey accommodation. Romilly was instructed by NHS Resolution as sole counsel against a QC for the Claimant.

Recommendations

- *"In Court her advocacy skills shine. She is tenacious and really fights for her clients"*The Legal 500 2022 – Clinical Negligence
- *"Very astute, commercial and strategic. She is very easy to partner with in a team and achieves fantastic results"*Chambers 2022 – Personal Injury
- *"Really impressive – she is very client-focused and has a good eye for detail"*Chambers 2022 – Personal Injury
- *"Romilly is a very personable barrister, thorough in her preparation and strategically aware"*The Legal 500 2022 – Personal Injury
- *"Diligent, intelligent, pragmatic, and excellent in dealing with novel cases"*The Legal 500 2021 – Clinical Negligence
- *"Romilly is a very cool customer, calm under pressure, very well prepared and organised and always finds the sweet spot on court positioning. Always willing, she is very easy to work with as part of a coordinated defence"*The Legal 500 2021 – Personal Injury
- *"Excellent at evaluating the nuances of the medical records"*The Legal 500 2020- Clinical Negligence
- *"She is an extremely intelligent and skilful junior barrister involved in large-scale cases"*The Legal 500 2020 – Personal Injury

Memberships

- Professional Negligence Bar Association
- Personal Injury Bar Association

Qualifications

Education

- 1997-1998 Inns of Court School of Law BVC
- 1996-1997 University of Cambridge LLM
- 1993-1996 University of Cambridge BA (Hons) Law

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