



## “One of the most formidable opponents in the country”

### Chambers & Partners

Charlie Cory-Wright QC specialises in catastrophic injury claims and clinical negligence claims. He also regularly works in the public law field, both in healthcare related matters, and as a vetted special advocate in terrorist related proceedings.

He was appointed in 2018 to be lead counsel for NHS BT in the ongoing Infected Blood Inquiry.

His private law work in catastrophic and psychiatric injury cases is evenly split between claimants and defendants. Prior to taking silk in 2006, he was on the Attorney General’s A Panel, and dealt with many fatal accidents and other injury and clinical negligence claims for the Government, as well as for insurers. He continues to do both. However since then, his work has also been for claimants – both in catastrophic physical or psychiatric injury and in clinical negligence. He also has a particular interest in secondary victims.

He regularly undertakes catastrophic cases with a foreign element.

He has for over 10 years acted as a Special Advocate in National Security cases, in the High Court, in the Special Immigration Appeals Tribunal, and in Employment Tribunals.

He was, in 2015, appointed by an NHS Trust as lead investigator for the purposes of a FPPR investigation into its CEO, prompted by allegations made about her to the CQC; he spent 6 months investigating the allegations and producing his Report.

He undertakes Costs work, and has a particular interest in misconduct (CPR 44.11) cases

He was appointed Joint Head of Chambers in October 2019

He was Chair of the Personal Injuries Bar Association from 2012-14.

Charlie is consistently rated by Chambers & Partners as a Leading Silk in Personal Injury and Administrative & Public Law and in The Legal 500 for Personal Injury and Clinical Negligence.

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## PRACTICE AREAS

- Personal Injury & Clinical Negligence
- Administrative & Public
- Alternative Dispute Resolution

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## PRACTICE AREAS

### PERSONAL INJURY & CLINICAL NEGLIGENCE

*"He has a fantastic, relaxed manner with clients." "He never gives up and is brilliant in court."* Chambers & Partners 2019

*'A wonderful courtroom performer with an impressive ability to absorb the complexities and cut through the main issues.'* The Legal 500 2018

### ADMINISTRATIVE & PUBLIC

*"A powerful advocate who makes his submissions very well and is very comfortable with the court. Clearer than many public lawyers, and someone with that little bit more flair." "One of the most sought-after special advocates – he's very affable, which clients like in stressful situations."* Chambers & Partners 2019

Charlie's role as Special Advocate involves protecting the interests of individuals suspected of terrorist-related activity in hearings in the High Court or the Special Immigration Appeal Commission. This is done by seeking to undermine the case advanced by the Secretary of State against such individuals, by reference to the secret material upon which the government wishes to rely (which material cannot be disclosed to the individual or his own representatives).

### ALTERNATIVE DISPUTE RESOLUTION

As well as court appearances, Charlie is increasingly involved in the ADR process, either at round-table meetings or mediations. His approach can fairly be described as user-friendly and "can-do". Clients appreciate the approach that he has to his cases as much as they do his legal expertise. He likes being part of a team. He recognises both the need to ensure that clients understand the process that they are involved in, and the need to protect the interests of lay and professional clients and witnesses. He believes in being straightforward, friendly and accommodating, but at the same time knowing that fearlessness is crucial if it is in the best interests of the client. He has for some years been an accredited arbitrator in injury-related work.

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## CASES

### HEALTHCARE

#### **Infected Blood Inquiry (2018 – 2019 and ongoing)**

Lead Counsel for NHS Blood and Transplant, Core Participant. Inquiry ongoing

### **Derby NHS Trust (2015-2016)**

Lead Investigator in Fit and Proper Person Investigation into CEO

#### ADMINISTRATIVE & PUBLIC LAW

##### **AS QBD Admin Court, 2008**

Successful application to vary conditions of Control order to allow applicant to take his child to school; acting as Special Advocate on behalf of the controlled person

##### **Bullivant QBD Admin Court, 2008**

Successful challenge to Control Orders.

IM, JM QBD Admin Court 2015

Acting as Special Advocate for those suspected of terrorist related activity in TPIM proceedings

#### PRODUCT LIABILITY

##### **Kylie Palmer v (1) Estate of Kevin Palmer, Deceased (2) Motor Insurers' Bureau (3) PZ Products Ltd (4) Royal & Sun Alliance Insurance Plc (CA) [2008] EWCA Civ 46**

Where an insurance company had funded, controlled and directed in its own interest the defence of a personal injury claim against its insured.

#### PROFESSIONAL NEGLIGENCE

##### **Hall v Everton FC Ltd [2014] EWHC 1625 (QB)**

Acting for Everton FC in liability trial of claim brought by professional footballer. C was Everton player who developed career-ending septic arthritis as a result of a further operation on an earlier injured knee. C claimed he would have had a lucrative career as a footballer but for condition. He alleged Everton liable for failing to rehabilitate him properly from earlier injury (but for which this breakdown and operation would have been avoided). He also sued GP for failing to diagnose quickly enough. He failed against Everton but succeeded against GP (although the judge found career ended even absent the late diagnosis).

#### PERSONAL INJURY & CLINICAL NEGLIGENCE

##### **Liverpool Women's Hospital NHS Foundation Trust v Ronayne (CA – ref needed)**

Acting for the NHS Trust on this appeal, this was a secondary victim claim arising out of admitted negligence in surgery in a hospital setting. The claimant sued in respect of psychiatric damage after seeing the condition of his wife after negligently performed surgery. At first instance he was successful. The Trust successfully appealed.

##### **Taylor v Novo CA (ref needed)**

Acting for D on appeal on liability. C an adult woman who witnessed mother's unexpected collapse & death some 3 weeks after (and because of) injury at work. No dispute that D liable for mother's injury, but D resisted daughter's claim on grounds of no proximity. Issue: which was the relevant event, the accident or the death? C succeeded at first instance; D succeeded on appeal; the relevant event was the accident; therefore no proximity between the tortfeasor/accident and the daughter's psychiatric injury.

##### **Biznia v Razgulajevs**

Acting for C, Lithuanian who had spent a year or so in UK before accident causing devastating head injury;

his parents travelled from Lithuania and had looked after him ever since. Required detailed research by legal team (including CCW) in Lithuania. Settlement of case complicated by the issue as to whether he would return to Lithuania in the future, since any finding that he would could potentially impact heavily on damages. Successful settlement at 3m and 125k pa PPs

**Wilson v (1) The Official Receiver; (2) The Secretary of State for Business, Innovation & Skills; Goudie v same**  
Acting for DTI in claim brought by mother and daughter for alleged psychiatric injury caused by alleged malicious prosecution for Companies Act criminal offences. Cs were litigants in person. Case took 9 years from issue to trial on liability. Claims dismissed in their entirety, and certified wholly without merit; indemnity costs ordered v Cs; Civil Restraint Orders issued against them.

**Webley v St George's NHS Trust & Met Police**

Acting for C. He was being transferred by police in ambulance under Section to local psychiatric hospital when he had a fit, and was diverted to local A&E; police left him there with security guards. Due to mental condition he escaped, jumped over a wall and fell 15 feet, suffering devastating head injuries as a result. Claim against both Hospital and Police for breach of duty. Neither D made any settlement offers. After 2 week trial NHS Trust found liable for failure to protect him. Quantum assessment now under way.

**Simmons v Castle**

Intervening at CA's invitation on behalf of Personal Injury Bar Association/PI barristers generally as to how to implement the 10% uplift in PI cases upon implementation of the LASPO reforms.

**Wardlaw v FCO** FCO (HCt: QBD 2007-8)

Foreign and Commonwealth Office sued in respect of legionnaire's disease contracted during a visit to an embassy in Romania.

**Kaplan v National Express and Others** HCt: QBD 2007

A civil damages claim brought by the parents of a tourist murdered in London, claiming against not only the homeless murderer but also an NGO which had arranged his hotel accommodation (my client).

**Merseyside Fire and Civil Defence Authority v Office of the Deputy Prime Minister** HCt: QBD 2006

The Fire Authority sought indemnity from the government against payments it had had to make to ex-firefighters in respect of asbestosis-related disease.

**McClory v DCA** HCt QBD 2005

PI claim brought by a member of the judiciary against the DCA as her employer for alleged failure to provide her with proper working systems and equipment.

**Deriche v Ealing Hospital NHS Trust (QBD)**

Successful defence of clinical negligence claim against obstetrician re alleged failure to warn of dangers of chicken pox during pregnancy. Difficult issues of both breach and causation.

**Fawdry v MOD** HCt QBD – Kennedy J 2001

Successful defence on liability of alleged negligent training of officer recruits by Sandhurst.

**Biesheuvel v Birrell (QBD)** 21 December 1998 [1999] 1 PIQR Q40

Tetraplegic accountant; at the time record award. Appeal to CA settled at CA mediation. Charlie led the Defendant's team at the mediation.

**Clarke v Kato; Cutter v Eagle Star (HL)** 22 October 1998 (1998) 4 All ER 417; (1998) 1 WLR 1647; (1999) RTR 153

MIB claim: validity turned on definition of "road" for purposes of RTA; whether includes car park.

#### PROFESSIONAL NEGLIGENCE

**Caledonian Bank v Harris** HC Trial, Manchester 1998

Surveyor's negligence; allegedly negligent valuation of hotels; application of BBL range; court found no liability.

**Howard v Ministry of Defence (CA)** 14 October 2002 Lawtel 14/10/2002

Clinical negligence and malicious falsehood; limitation; judge right to dismiss allegations of conspiracy and deliberate concealment.

**Bentley v Jones Harris & Co (CA)** 2 November 2001 [2001] EWCA Civ 1678

Accountant's negligence; submission of no case to answer; judge right not to put D to election and to dismiss claims.

#### CONSTRUCTION

**DfT v Balfour Beatty**

Bridge strike – claim by Highways Agency for £2m + re costs of repair – difficult issues of causation and pure economic loss – settled at round table meeting.

**DfT v George Jenkins** TCC 2007-8

Bridge strike – claim by Highways Agency for £2m + re costs of repair – difficult issues of causation and pure economic loss – settled at round table meeting.

**Boat and Horses v DfT and others** TCC 2004

Claim by pub owner against DfT for £2m against motorway construction contractors, for allegedly causing collapse of pub due to construction works: claim settled at mediation.

#### COMMERCIAL

**Daniels v Commissioner of Police for the Metropolis (CA)** 20 October 2005 [2005] EWCA Civ 1312; The Times 28 October 2005

Mounted officers claim for injury arising out of fall from horse – successful defence on liability at first instance. Successful resistance of Claimant's appeal on costs; C maintaining that defendant should not have recovered costs because of refusal to negotiate. Court held that refusal to negotiate would not be penalized on costs if that refusal was not unreasonable. This is now one of the leading cases on ADR and costs.

**RC Residuals v Linton Fuel Oils (CA)** 2 May 2002 (2002) 1 WLR 2782

Damage to property; exercise of discretion under CPR 3.8.

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## RECOMMENDATIONS

*"A powerful advocate who makes his submissions very well and is very comfortable with the court. Clearer than many public lawyers, and someone with that little bit more flair." "One of the most sought-after special advocates – he's very affable, which clients like in stressful situations."* Chambers & Partners 2019

*"He has a fantastic, relaxed manner with clients." "He never gives up and is brilliant in court."* Chambers & Partners 2019

*"A wonderful courtroom performer with an impressive ability to absorb the complexities and cut through the main issues."* Legal 500 2018

*"Really great to work with, thoughtful and meticulous"* Chambers & Partners 2017

*"Decisive, interested, authoritative and good with clients"* Legal 500 2016

*"He's totally team-committed and user-friendly." "He's totally committed to the case and it's unbelievable how hard he works."* Chambers & Partners 2016

*"He displays complete dedication to doing the best for his clients; his work ethic is second to none."* Legal 500 2015

*"He really knows how to lead and has an inclusive style."* Legal 500 2015

*"His main attributes are his knowledge of large, complex and high-profile PI actions, and his approachability."* Chambers & Partners 2015

*"He's a very sensible and well-prepared opponent."* Chambers & Partners 2015

*"Impressive on his feet and in conference, he's not afraid to give clients a frank appraisal of their cases."* Chambers & Partners 2015

*"A leading silk with exceptional skills."* Legal 500 2014

*"He's very sensible, very well prepared, and decent to deal with."* Chambers & Partners 2014

*"He is very thorough and fights very hard for the individual client." "He is easy to deal with and has a very nice manner. The courts trust him."* Chambers & Partners 2014

*"someone who gets on top of a case very quickly and leads from the front well."* Chambers & Partners 2012

*"Understated brilliance" is the hallmark of Charles Cory-Wright QC. "One of the most formidable opponents in the country," he is "robust in trial and works well in a team."* Chambers & Partners 2010

*"knows his stuff technically and is always approachable"* Chambers & Partners 2009

*"approachable, bright, methodical and gives a great service to clients"* Chambers & Partners 2008

*"vast experience in catastrophic injury"* Chambers & Partners 2007

*"absolutely first class advocate"* Chambers & Partners 2005

*"an absolutely class act"* Chambers & Partners 2004

*"a great team player"* Legal 500 2007

*"very user-friendly and excellent on his feet"* Legal 500 2006

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## APPOINTMENTS

Chair, Personal Injuries Bar Association: 2012

Special Advocate in terrorist-related Special Immigration Appeal Commission and Control Order cases

The Attorney-General's (Treasury) A Panel. This was without having previously been a member of either the C or B Panels: 2001

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## QUALIFICATIONS

Inns of Court School of Law – Bar Finals: 1982-1983

City University – Diploma in Law: 1980-1981

Balliol College Oxford – BA (Hons) English Literature: 1977-1980

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## ADDITIONAL INFORMATION

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## PUBLICATIONS

Head Editor of Kemp News

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## LECTURES

Charlie lectures on damages in PI claims at the Judicial Studies Board and at PIBA seminars and conferences.

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