



Richard Wilkinson

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Richard Wilkinson is proud to have spent his entire professional career at TGC having joined Chambers as a pupil in 1992.

These days he is a hugely experienced practitioner who specialises predominantly in Personal Injury and Costs work. For several years he has been highly rated by the leading independent legal directories for his work in these fields and is respected (and instructed) by both leading Claimant and Defendant firms. He also has experience across a range of related fields including clinical negligence, inquests and product liability claims as well as involvement in major public inquiries such as the Southall train crash and group litigations.

He was appointed to become an Editor of the Judicial College Guidelines on the Assessment of General Damages in 2012, a post which he retains to date. He is a member of CADR (Costs Alternative Dispute Resolution service) and the PICARBS Arbitration Panel. He is a qualified Arbitrator and an Accredited Costs Mediator, able to offer both Facilitative and Evaluative Costs Mediation. In 2018 Richard was elected as the Secretary of the Personal Injury Bar Association (PIBA) the organisation which represents members of the bar who practice in the field of personal injury.

Outside of work Richard likes to relax by watching and participating in sport, particularly football and tennis and relishes the opportunity to combine his professional and recreational interests as when representing football clubs such as Tottenham Hotspur and Gillingham in sports injury claims.

Expertise

Personal Injury

Richard has gained an excellent reputation as a senior junior with a forensic and analytical approach to high value / complex personal injury litigation. Richard is a firm believer that by striving to ensure he receives a healthy balance of instructions from both Claimant and Defendant solicitors alike he can provide impartial, robust and realistic advice. Praised by the directories as "*a very impressive advocate*" he is ranked as a Band 1 junior in PI by Chambers and Partners. With costs being such an integral aspect of personal injury litigation these days, from cost budgeting to QOCS, Richard's background as a costs litigator and costs mediator is an

invaluable asset to clients and solicitors alike.

Richard has a wealth of experience in handling catastrophic injury claims (in particular head injury and spinal injury claims) as well as complex medical / quantum cases, including Chronic Pain, mTBI, amputation cases and claims involving allegations of Fundamental Dishonesty. Fatal accident claims frequently give rise to issues of particular complexity and sensitivity when Richard's *"impressive ability to analyse very complicated information and summarise it in simple terms"* is invaluable. His extensive knowledge of such cases dovetails with his experience in dealing with Inquests. For example, he represented the widow of a Royal Navy submariner murdered on board HMS Astute by a drunken colleague through both the 9 day Inquest and subsequent successful civil proceedings against the MOD.

At this stage in his career there are few areas of personal injury litigation with which Richard is not familiar. In addition to the main areas of road accident, employer's liability, occupational disease work and occupier's liability claims, he has considerable experience of more niche areas such as jurisdiction issues / claims with a 'foreign' element, sports injuries and product liability claims.

Richard is also experienced in dealing with multi-party claims and group litigation claims, for example having represented the Claimants in the "Porton Down" litigation against the MOD and one of the Defendants in the "Scania lorry" litigation.

Notable Personal Injury cases

K v D

Richard Wilkinson, instructed by Alex Brown of Dean Wilson solicitors, secured a lump sum award of £4.75m in damages for a 49 year old Claimant who was left with significant orthopaedic symptoms following an RTA in which she sustained multiple injuries. An unusual feature of the case was that she had sustained injuries to both arms and both legs, the effect of which was to compound her resulting disabilities. Despite very significant and extensive rehabilitation, the Claimant remained an intermittent wheelchair user who it was agreed required specially adapted / single level accommodation. It was also agreed her care needs would increase in later life. The Claimant was determined to remain ambulant as much as possible, and the parties had very significantly different views as to her immediate future care needs, in particular the provision of a personal assistant to ensure the Claimant could continue to access the community independently and safely. The Claimant relied on experts in 8 different medical disciplines as well as 3 non-medical disciplines. The claim settled at a JSM in March 2024 in advance of a 10 day trial.

W v Weglewski

Instructed by Claire Roantree at Boyes Turner, Richard secured damages of £3,425,000 on a Provisional Damages basis at a JSM for a 58 year woman who sustained multiple injuries when struck by the Defendant's vehicle whilst standing in a layby. The Claimant sustained multiple orthopaedic injuries and significant psychological damage. The physical injuries included a serious fracture to her left knee, which resulted in permanently impaired mobility requiring the agreed need for single storey accommodation and use of a wheelchair when outdoors. The agreed Provisional Damages award entitles the Claimant to seek further damages in the event of undergoing a leg amputation during her lifetime, a risk which the experts had identified as being very small (less than 1%).



K v Lloyd

Instructed by William Broadbent of Leigh Day Solicitors, Richard recovered damages of £2.38m on behalf of a newly qualified Clinical Psychologist who sustained serious injury to her dominant arm as a result of an RTA. Despite numerous surgical procedures she was left with significant on-going neuropathic pain and unpleasant cosmetic injuries.

She had only managed to return to work on a part time basis since the accident. The main dispute focused on predicting her likely career path but for the accident given its nascent stage at the time of the accident, her prospects of achieving Consultancy and whether she would have engaged in lucrative private practice. The claim settled at a JSM.

EFG v Wright & Others

Instructed by Michael Wangermann at Ashtons Legal, Richard represented an 81 year Claimant in respect of serious injuries sustained as a result of falling underneath a Patient Transport Service that she had been intending to board. The vehicle moved, despite the driver having already exited the vehicle to assist the Claimant. Liability was vigorously disputed by 3 Defendants for over 3 years until a Summary Judgment application forced a complete concession. The matter settled shortly thereafter, following a JSM in circumstances which it was hoped would enable C to move out of the state-funded care home she had been resident in as a result of the accident and into her own accommodation with a private care regime. She was unable to mobilise independently due to her injuries and was reliant on full time care, but the evidence indicated her life expectancy was significantly compromised by reason of both pre and post-accident health issues. That, combined with the effect of Covid restrictions on her care home, necessitated an urgent resolution of the proceedings to enable her to fund her move. Master McCloud approved the settlement of £850,000.

EXE v BBC Studioworks

Instructed by Alex Brown of Dean Wilson to represent a 42 year old electrician and mature university engineering student who sustained both spinal cord and brain injuries when falling 10 meters through an open / unguarded hatch in a studio grid floor whilst working at the Defendants' television studios. Following a JSM and very shortly before a 10 day trial on contributory negligence and quantum the parties agreed a £4m lump sum settlement which was subsequently approved by Stewart J. Amongst a multitude of issues in the case there was a dispute over the Claimant's capacity and/or whether the costs of professional assistance could be recovered in any event if the Claimant had "dependent capacity". Disputed life expectancy (due to an unrelated liver condition giving rise to the potential need for liver transplant surgery) and uncertainty as to the Claimant's likely earnings but for the accident (because he had been undertaking a degree as a mature student at the time of his accident) as well as assessment of his future care and accommodation needs were all complicating features of the claim.

P v M

Instructed by Nick Richards at Weightmans, Richard represented a Portuguese insurer in a claim by a

Spanish national who sustained injury in an RTA whilst working in the UK but who subsequently returned to live in Spain. Claim settled for £1m on the eve of a 5 day High Court trial at which 14 experts were due to give oral evidence. The Claimant was aged 25 at the date of accident and sustained multiple injuries which it was accepted would prevent him from returning to his pre-accident heavy manual work. These included a brain injury (of disputed severity), multiple diverse orthopaedic injuries (spinal fractures, a wrist fracture and pelvic fracture) along with psychological injuries and damage to his senses (hearing, taste / smell and vision). Consideration given to the quantification of losses to be incurred in Claimant's home country.

Y v M

Instructed by Amber Braybrooke, then at Slater and Gordon, Richard secured a £1.8m settlement for a 62 year old man who sustained multiple injuries in motorcycle accident.

In 2015 the Claimant, who had recently set up his own business restoring vintage motorcycles, sustained life-changing injuries when knocked off his motorcycle and then run over by other vehicles whilst lying in the road. His most serious injuries included a significant degloving injury to the perineum resulting in permanently impaired bowel function, a clinically moderate – severe brain injury and fractures of the pelvis resulting in persisting urinary incontinence. However, the most serious injuries were to the Claimant's legs, particularly his left foot and ankle. He was left with severely impaired mobility, requiring crutches to mobilise indoors and a wheelchair when outdoors. Various surgical attempts to improve the mobility and pain in his ankle had been unsuccessful. The Claimant was left with a significant risk of needing to undergo an amputation either below, through or even potentially above the knee. Due to his inability safely to manage stairs the Claimant required adapted, single storey accommodation. Other complicating factors in the assessment of the claim included arguments about the impact of injuries upon the Claimant's life expectancy and uncertainty as to the timing of any future amputation that may be required.

Costs & Litigation Funding

Described by the directories as "*a real costs guru*" Richard appears regularly in the SCCO and appellate Courts in costs litigation. He has extensive experience of all aspects of costs' work including advisory work (for example on funding / drafting issues), cost budgeting issues, the assessment of costs between parties and solicitor / client disputes. He acts for both paying and receiving parties and is instructed by a wide range of clients from City Solicitors to High Street firms across the full spectrum of litigation disputes including commercial, privacy, clinical negligence, family and personal injury.

As a costs mediator with CADR Richard has been asked to act as a mediator in a number of costs disputes and has an excellent record of assisting parties to resolve their disputes. He has also been jointly instructed by parties to act as a costs expert to provide an expert determination.

Richard was instructed in the seminal Court of Appeal case of Mitchell v NGN in relation to cost budgeting / relief from sanctions and has acquired enormous experience in the field of cost budgeting, not only in personal injury / clinical negligence claims but across many areas of litigation. He lectures regularly on costs issues to a broad range of audiences.



Clinical Negligence

Richard has decades of experience in assisting Claimants in complex clinical negligence claims resulting in death or serious injury to clients to which his forensic and detailed approach is well suited. Recent cases have included representing a client who suffered cardiac arrest and brain injury following delayed diagnosis of sepsis; a cancer death following a failure to refer for treatment in timely fashion; and a case concerning the development of CRPS following a negligently performed cannulation.

In addition to his experience in individual claims he has previously acted on behalf of the Claimant group in the Porton Down group litigation concerning army personnel exposed to a variety of noxious substances without their informed consent and is experienced in dealing with costs issues arising both in group claims and in individual cases both through his role as a mediator for CADR and through instruction as costs expert for cost budgeting cases in high value clinical negligence claims. His role as Editor of the Judicial College Guidelines also gives him great insight into the assessment of damages, particularly regarding general damages.

Collective Redress

Since his involvement in large-scale public inquiries in the earlier years of his practice – Southall Rail Crash; Joint Rail Inquiry into Train Protection Systems; and the Inquest into the death of Victoria Climbié, Richard has combined his vast experience of personal injury litigation with involvement in group litigation, including acting on behalf of a major supermarket chain in the Scania group litigation and acting on behalf of army veterans in the Porton Down group litigation. He is currently instructed on behalf of the South Yorkshire and West Midlands police forces in connection with the Hillsborough victims’ misfeasance group litigation.

ADR & Mediation

Having seen the potential benefits of a formal Dispute Resolution process to clients on both sides of the litigation divide from attendance at countless JSMs and mediations, Richard is an enthusiastic supporter of all forms of “ADR” (or DR as the Master of the Rolls prefers). Richard’s practice encompasses advising both Claimants and insurers in equal measure making him ideally suited to engage in ADR and mediation both as practitioner and mediator. He was invited by Andrew Ritchie QC (now Mr Justice Ritchie) to act as a qualified arbitrator in his innovative PICARBS arbitration scheme for resolving personal injury claims outside the litigation process and is presently an active mediator for CADR for whom he has successfully conducted a number of mediations in a wide range of costs disputes, from individual claims to group actions. Richard offers both Facilitative and Evaluative mediation and has also been instructed jointly by both parties to act as a costs expert to resolve disputes.

Appointments

- CADR approved Costs Mediator
- Editor of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury

Cases

- Elected Secretary of the Personal Injury Bar Association

Education

- Bristol University

Memberships

- PIBA

Recommendations

- "Very clever and impressive advocate." **Chambers & Partners 2022, Costs**
- "Great manner in court and cross-examines experts and witnesses with ease and comfort." **Chambers & Partners 2022, Personal Injury**
- "Robust but sensible advocate who you want on your side." **Legal 500 2021, Costs**
- "Very thoughtful and diligent barrister." **Legal 500 2021, Personal Injury**
- "He always provides sound advice and is excellent in mediations." **Chambers & Partners 2020, Costs**
- "A very impressive advocate." **Chambers & Partners 2020, Personal Injury**
- "He has an impressive ability to analyse very complicated information and summarise it in simple terms." **Legal 500 2020, Personal Injury**
- "Good analytical brain who gives massive support on cases." **Chambers & Partners 2018, Costs**
- "A standout counsel and an extremely safe pair of hands." **Chambers & Partners 2018, Personal Injury**
- "An experienced advocate with a good knowledge of the field." **Legal 500 2017, Costs**
- "A measured, thoughtful and skilful tactician." **Legal 500 2017, Personal Injury**
- "The first choice for any case that demands a highly technical legal mind." **Legal 500 2016, Personal Injury**
- "Well prepared and extremely thorough." **Legal 500 2016, Costs**
- "He makes clients aware that he knows their case inside and out and that inspires a lot of confidence in them." **Chambers & Partners 2016, Personal Injury**
- "He is incredibly analytical and a very clever costs lawyer. He has become a real costs guru." "He is excellent, detailed, thorough and very well prepared." **Chambers & Partners 2016, Costs**
- "He has outstanding powers of forensic analysis and is entirely unflappable." **Legal 500 2015, Personal Injury**
- "Thorough, knowledgeable and easy to work alongside." **Legal 500 2015, Costs**
- "He has a great knowledge of costs law and is both steady and meticulous, exactly the skills we are looking for in a costs specialist." **Chambers & Partners 2015, Costs**
- "His attention to detail is second to none, and he is approachable and totally realistic about cases." "He comes across as very knowledgeable and very approachable, and gives good, sensible advice." **Chambers & Partners 2015, Personal Injury**