

Robert Smith

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Robert Smith practises in the field of **personal injury** and **medical negligence**.

He acts for Claimants and Defendants in **road traffic work**. He holds a specialist interest in Employers' Liability. He also undertakes work in public liability and disease litigation. Robert has undertaken work in a wide range of **clinical negligence** cases, including claims against hospital trusts for negligent obstetric treatment at childbirth and failure to diagnose in orthopaedic treatment. He has successfully defended actions brought against physiotherapists for alleged negligent treatment.

Robert regularly acts in cases involving very significant injury, including brain injury, both individually and being led.

Expertise

Personal Injury

Robert Smith practises predominately in personal injury litigation. He is regularly instructed in complex claims, exceeding £1million pounds. He is described by The Legal 500 as "A highly effective advocate and negotiator in cases involving high-value, complex personal injury claims"

Notable Personal Injury cases

October 2023

Acting on behalf of a Claimant who had suffered injury in a motorcycle accident, which resulted in a £1million settlement of the claim. The Claimant had suffered significant head injury and there was a dispute between the parties as to whether that was causatively related to the fact that his helmet had come off during the collision. There was expert engineering and neurological evidence addressing the issue. The Claimant also suffered orthopaedic injury. The claim settled following negotiations.

September 2023

Acting as sole Counsel on behalf of a Claimant rendered paraplegic in a road traffic accident. The claim settled at JSM at £4.625 million on a provisional damages basis on the assumption that the Claimant could return to Court in the event of recurrence of a cervical syrxin.

January 2021

Robert Smith concludes JSM at £1.4 million on behalf of a Claimant that suffered serious hip injury in an industrial accident rendering him incontinent.

March 2020

Robert Smith settled a claim for a Claimant who suffered a serious leg injury, at JSM. The Claimant had been crushed by a crane at work on a site in London. The Claimant was unlikely to be in a position to return to his previous manual position, but to his significant credit had been able to return to full time employment in a light capacity. The case settled at JSM in excess of £400,000.

January 2020

Robert Smith, being led by Raymond Machell QC, successfully concluded a claim at Joint Settlement Meeting, in a Fatal Accident case. The case involved a Claimant whose father had been killed in a road traffic accident. The traditional loss of dependency grounds were pursued. The novel point in the case was whether the Claimant was entitled to recover damages for that loss of dependency arising out of an alleged loss of inheritance. There is no previous Judicial decision on this point.

The Claimant's case was that but for her father's untimely death, he would have inherited significant assets, which in turn would have been passed on to the Claimant at the time of her father's predicted date of natural death. It was contended that as a consequence of her father's untimely death, those assets were passed down an alternative family line, such that the Claimant suffered a loss of inheritance. There were significant issues between the parties as to whether the claim was recoverable in law and thereafter as to how it was appropriate to go about valuing those assets at a point in time 40 years hence. At JSM, the claim concluded at a gross figure in the region of £1.2 million.

April 2019

Robert Smith settles claim at JSM for a below knee amputee at £1.5 million. Liability, contributory negligence and quantum remained in dispute.

The legal definition of personal injury is an injury to the body, mind or emotions and liability is classed as any responsibility, duty or obligation. Contributory negligence refers to the common law that if a person was injured in part due to their own negligence, they would not be entitled to collect any damages from another party who were supposedly liable. The term 'quantum' is part of the quantum meruit maxim and is used to indicate monetary damages in a personal injury case

Robert Smith acted on behalf of a quarry worker who suffered multiple physical injuries when he fell 30 feet from the quarry face, eventually culminating in below knee amputation.

Liability remained in dispute. The claim involved expert evidence on the geological condition of the quarry and the systems of work in place, in particular the restraint techniques for working at height. Contributory negligence was very much a live issue. There was a significant dispute between the parties on quantum. At JSM the parties reached a compromise in the sum of £1.5 million.

November 2018

Acting for a Claimant who remained in full time work subsequent to serious leg injuries suffered in a road traffic accident. Advising over a few years on the presentation of the claim. At JSM the claim was compromised at £850,000.

April 2018

Acting for a Claimant in a clinical negligence claim arising out of a negligently performed bowel injury. Causation and quantum were disputed. At JSM the claim was settled for a lump sum payment of £750,000 together with a PPO of £120,000 per annum for life'.

March 2018

Acting on behalf of a quarry man that suffered multiple physical injuries when he fell 30 feet from the quarry face, eventually culminating in below knee amputation. Liability remained in dispute. The claim involved expert evidence on the geological condition of the quarry and the systems of work in place, in particular the restraint techniques for working at height. Contributory negligence was very much a live issue. There was a significant dispute between the parties on quantum. At JSM the parties reached a compromise in the sum of £1.5 million.

February 2018

Acting for an elderly Claimant that had suffered below knee amputation in a road traffic accident. The Claim concluded at JSM against Leading Counsel for the Defendant in the sum of £1.1 million.

January 2018

Acting on behalf of a Claimant who was knocked down by a bus, suffering brain injury. At JSM, the claim settled at £3.05 million, with an assumed gross value (contributory negligence not having been formally agreed) of £6.1 million.

December 2017

Acting for a Claimant at JSM against leading Counsel for the Defendant. The Claimant suffered significant brain injury as a passenger in a vehicle involved in a road traffic accident. Contributory negligence was raised. The Claimant was unrestrained and aware that the driver was over the legally prescribed limit. The Claim settled at JSM in the sum of £2.1 million, net of the alleged reduction for contributory negligence. That aspect was not formally agreed but in the region of 20% - 25%, which resulted in a gross award in the region of £2.6 - £2.8 million.

May 2016

Acting for a Claimant in a claim for clinical negligence. The Claimant suffered very significant leg injuries in a road traffic accident, for which he was at fault. There was a failure to diagnose a vascular injury, which eventually resulted in an above knee amputation. It was necessary to distinguish between that disability which the Claimant would have suffered in any event from that additional disability and loss occasioned as a consequence of the amputation. The Claim settled at JSM for £950,000.

May 2016

Acting for a Claimant miner who recovered just under £700,000 after suffering serious internal injuries whilst working underground in a local colliery'.

March 2016

Re A; acting on behalf of a Claimant who suffered CRPS. The claim settled at JSM for in excess of £400,000.

January 2016

Re X: Acting for a Claimant who suffered a compression fracture to her lumbar spine in a jet ski accident. Liability was disputed in the first instance and necessitated evidence from a marine expert. The Claimant went on to develop a significant psychotic episode requiring inpatient admission and ECT treatment.

This in turn was alleged to have resulted in problems with memory and cognitive function. There was a significant dispute on medical causation between the respective psychiatrists and in respect of the neuro-psychological evidence. The Claim settled on the first day of trial at £250,000.

January 2015

Acting on behalf of a Claimant police officer who was medically retired following a subtle brain injury. The claim settled in the sum of £575,000.

February 2015

Acting on behalf of a Claimant who suffered a hernia at work who subsequently went on to develop schizophrenia it was contended as a consequence of the material accident. The claim settled in the sum of £750,000 (gross).

Acting on behalf of a young male Claimant with serious spinal injuries following a road traffic accident. The Claimant suffered incomplete tetraplegia and significant urological problems. The Claim settled following JSM in excess of £2million gross on a provisional damages basis, reduced by 25% to reflect the failure to wear a seatbelt.

Acting for a paraplegic Claimant where the Claim settled at a JSM against leading Counsel for the Defendant with a lump sum of £1 million and thereafter lifetime annualised periodical payments, resulting in a gross value in the order of £2½ million.

Acting for a brain injury Claimant who suffered injury as a 5 year old child in a Road traffic accident. The Claim settled following a Joint settlement meeting at £1.1 million. The claim was complicated in particular by an unrelated serious diabetic condition.

A v B

Acting for a Claimant against a Trust in a clinical negligence dispute arising out of the late diagnosis of neck cancer. Liability and quantum were both in dispute. The case settled following negotiation at £500,000.

Junior Counsel, being led by David Stockdale QC in an action for the victim of a road traffic accident sustaining serious head injury, blindness and brain damage. Periodical payments order with the gross value of the settlement being in excess of £2.2 million.

Acting for a number of Claimants in actions arising out of the Selby rail crash, both individually and whilst being led, resulting in substantial payouts.

Acting for a Claimant with complex regional pain syndrome, being led by David Stockdale QC. Liability and quantum were both in dispute. There were issues over engineering and medical evidence. The claim settled at £500,000 at round table conference.

Acting for various Claimants with catastrophic brain injuries, with claim values well in excess of £1million.

Acting as Junior Counsel for a Defendant in a case where there was a significant brain injury, pleaded in excess of £3million. The claim settled after 3 days of evidence in the High Court at £500,000.

Acting for a Defendant in a very significant injury claim, pleaded in excess of £1million. The Claimant only obtained judgement for £200,000. The Claimant's costs were reduced by 50%, to take into account his conduct. The litigation involved medical experts and a handwriting expert.

Clinical Negligence

Robert has undertaken work in a wide range of clinical negligence cases, including claims against hospital trusts for negligent obstetric treatment at childbirth and failure to diagnose in orthopaedic treatment. He has successfully defended actions brought against physiotherapists for alleged negligent treatment. He has undertaken cases against eye clinics for negligently performed laser treatment. He has undertaken numerous dental negligence cases against NHS and private dental practitioners, including work involving the alleged ex post facto amendment of medical records.”

Notable Clinical Negligence cases

Nelson v Clear Springs Management (2007) 1 WLR 962; (2007) 2 All ER 407; (2007) HLR 14; (2006) NPC 103 Times, October 5, 2006

Service of proceedings and setting aside judgement entered at trial.

Hartley v Sutherland Architects [2001] EWCA Civ. 976

Part 36 offers and payments into court.

Inquests

In particular arising out of accidents at work, Road Traffic accidents and where there are allegations of sub-standard medical treatment.

Acting for family members in an inquest in relation to the death of a patient admitted to hospital with rib fractures. She subsequently deteriorated over a number of days eventually succumbing to her injuries.

Significant Cases Include

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