

# Richard Grimshaw

Call: 2010

"Richard's attention to detail and tenacity are key strengths. His involvement in a case always adds value. He is a trusted legal advisor and persuasive advocate."

Legal 500 2024 Tier 1 (Clinical Negligence) – Midlands



Richard Grimshaw practices in the fields of clinical negligence and personal injury and inquests. He undertakes a broad spectrum of high value and complex clinical negligence work, acting on behalf of both claimants and defendants (including NHS Resolution, medical and dental defence organisations and Government departments).

Richard has experience of trials (both as sole counsel and as led junior counsel) and interlocutory hearings in clinical negligence matters, as well as healthcare related inquests. He also regularly attends conferences with experts. He has an extremely busy paperwork practice, with considerable experience of drafting pleadings and providing written advices. He is regularly instructed on high value, complex and sensitive matters and his thorough preparation and attention for detail allows him to bring the best out of his client's case. Richard prides himself on providing friendly, pragmatic and plain-speaking advice, as well as being approachable at all times.

Richard has been ranked by the leading legal directories for a number of years and was shortlisted for the Legal 500 'Clinical Negligence Junior of the Year' award in 2022.

## Expertise

### Clinical Negligence

Richard is an experienced clinical negligence practitioner, acting for both claimants and defendants (including NHSR, medical and dental defence organisations and the Ministry of Defence).

He is extremely thorough and his attention to detail allows him to bring the best out of his client's case. He is commended for his client care skills and for his team working ethos.

Richard has experience across the broad range of clinical negligence cases, including the following core areas:

- Brain injury (including being instructed on multiple birth injury cerebral palsy cases) Spinal/serious Injury
- Cancer
- Medical cases

#### Birmingham

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- Surgical cases Gynaecology and Urology

Richard is happy to undertake work on a conditional fee agreement basis where appropriate.

He has also given a number of talks and seminars about various aspects of civil procedure, clinical negligence, personal injury and inquest work.

## Brain Injury & Cerebral Palsy

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Richard has experience of being instructed on several cerebral palsy and brain injury cases, both for claimants and defendants.

Some recent examples include:

- Clinical negligence case for a claimant child who became hypoxic, leading to serious brain injury (with leading counsel).
- Representing a claimant child who developed cerebral palsy following a mismanaged birth (with leading counsel).
- Representing a claimant child who developed cerebral palsy after a failure to diagnose fetal anaemia.
- Representing a defendant in a case of alleged delayed diagnosis of a brain tumour.
- Clinical negligence case for defendant concerning a claimant with an intracerebral abscess. Representing a defendant in a case regarding delayed diagnosis to tuberculosis meningitis (initially as sole counsel but then later with leading counsel).
- Personal injury case for claimant involving a brain injury to young child (with leading counsel) – settled for over £2m

## Cancer

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Richard has vast experience acting in cancer cases, including the failure to diagnose/delay in diagnosing cancers of the bone, brain, bowel, breast, prostate and lung on behalf of both claimants and defendants, including cases leading to significant dependency or 'lost years' claims. Examples include:

- Represented a defendant nurse practitioner in a case concerning an alleged failure to refer with suspected breast cancer.
- Represented a claimant whose wife died following the failure to refer appropriately with suspected breast cancer.
- Represented a defendant hospital arising out of the alleged failure to diagnose a malignant bone tumour.
- Represented a claimant where a lung tumour was missed on a chest x-ray.
- Represented defendant dentists in cases concerning alleged delays in referring patients with oral cancers.
- Represented defendant at a JSM concerning the failure to diagnose bowel cancer, pleaded at over £500,000
- Represented claimant in a case concerning a teenager with a bone tumour resulting in an amputation of an arm at shoulder level
- Overdose of chemotherapy

## Medical / Surgical

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Richard has been instructed on the broad spectrum of clinical negligence concerning alleged medical and surgical negligence. Some examples include:

- Representing the defendant GP as sole counsel in a case of alleged failure to refer with a diabetic foot ulcer leading to a below knee amputation (as sole counsel against a silk). Case pleaded at over £1.4m and settled for a fraction of that at JSM.
- Gynaecological surgery causing damage to bowel, leading to sepsis – representing claimant. Gynaecological surgery

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- leading to damage to the bowel and ureters, including cases pleaded in excess of £1m – representing claimant
- Represented defendant in a case concerning alleged negligently performed spinal surgery.
- Negligently performed colorectal surgery leading to incontinence.
- Cholecystectomy procedure leading to damage to the bile duct – settled at JSM for a six-figure sum plus provisional damages.
- Represented defendant in a case concerning the performance of knee surgery.
- Represented defendant hospital group arising out of the management of a post-surgical knee infection. Injection into eyeball during procedure
- Negligently performed orthopaedic surgery, including to the knee, feet, hands and arms
- Negligent circumcision to a child, leading to penile skin deficiency
- Urological surgery leading to a scrotal haematoma
- Represented the claimant in a case where penile cancer was negligently diagnosed, leading to a penectomy procedure.
- Representing defendant in a case concerning the management of a knee injury.
- Represented a nurse practitioner in a case regarding the failure to refer a leg ulcer.
- Surgical care provided within the military environment.
- Represented numerous general practitioners and nurse practitioners arising out of alleged failures in primary care.

## Personal Injury

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Richard practices in the field of clinical negligence and personal injury litigation. He undertakes a broad spectrum of personal injury work acting on behalf of both claimants and defendants. Richard has experience of trials (both as sole and as led junior counsel), interlocutory and approval hearings, as well as Article 2 and jury inquests. He also regularly attends conferences with experts. Furthermore, Richard has considerable experience of drafting pleadings and providing written advices on liability, evidence and quantum.

Richard's personal injury experience includes:

- Road traffic accidents, including cases involving allegations of fraud Employers' liability
- Occupiers' liability
- Highways Act claims
- Inquests (including Article 2 and jury inquests)
- Claims under the Fatal Accidents Act 1976 and Law Reform (Miscellaneous Provisions) Act 1934 Prison related claims
- Military related claims

## Catastrophic Injury

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Richard has experience of a wide range of serious injury cases in both the personal injury and clinical negligence fields, including issues relating to:

- Brain injury
- Amputation
- Fatal accidents Extensive care packages Accommodation claims Provisional damages

Recent instructions have included:

- Representing a brain injured claimant following a road traffic accident as a toddler (with leading counsel). Representing a claimant who developed cerebral palsy as a result of a hypoxic brain injury at birth (with leading counsel).

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- Representing a claimant following a below knee amputation caused by inappropriate surgery where there was a significant risk of losing the contralateral leg, pleaded at £1m plus PPOs (with leading counsel).
- Representing a defendant GP in a claim concerning the failure to refer a patient with a diabetic foot ulcer, leading to a below knee amputation (sole counsel instructed throughout against a silk). Pled at over £1.4m but settled at JSM for a fraction of that.
- Representing two separate claimants in cases arising out of negligently performed gynaecological surgery, both pleaded in excess of £1m.
- Representing the defendant in a claim where the claimant was said to have had to end her military career due to an untreated knee injury, claiming nearly £1m.
- Representing an NHS Trust at a mediation where the claimant was said to be unable to work due to psychiatric injuries.
- Representing the defendant in a case involving alleged significant ongoing cognitive and other functional difficulties following sustaining a minor brain injury at work.
- Representing various NHS Trusts in claims arising out of accidents on NHS premises or assaults at work (including claims pleaded at several hundred thousand pounds).
- Representing the defendant organisation where the claimant alleged that he had sustained a brain injury following being struck on the head with a heavy object by a colleague.
- Representing the defendant in a claim where the claimant was said to have had to end his military career due to untreated psychiatric injuries, claiming nearly £1m.
- Representing the claimant at JSM where a provisional damages order was agreed due to the risk of requiring a future transplant operation.
- Representing a defendant at JSM where there was an extensive claim made for dependency – the schedule was pleaded in excess of £500k.

## Inquests, Public Inquiries & Coronial Law

Richard has a broad clinical negligence practice and is regularly instructed on inquest matters, predominantly arising out of deaths in the healthcare and prison settings but also including road traffic deaths, military related deaths and deaths at work. Richard has experience of representing both bereaved families and organisations and professionals involved in the care of those who have died. He has regularly represented clients at Article 2 inquests and inquests before juries. He has gained extensive experience of questioning clinicians and an understanding of a variety of medical techniques and conditions.

Richard is particularly aware of and sensitive to the emotional nature of the inquest process and is adept at assisting clients through the same.

Richard has been instructed on a number of high profile Article 2 jury inquests, usually representing Government departments. His experience includes:

- Representing a prison in relation to an accidental death by electrocution.
- Represented to Ministry of Justice in a case concerning a teenager strangling himself in a court cell.
- Representing a prison in relation to an accidental death caused by self-ignition.
- Representing a prison in relation to a death caused by a prisoner intentionally suffocating himself by blocking his own airway.
- Representing a family in relation to a prisoner who hanged himself in a prison cell.

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## Awards



## Accreditations

- Shortlisted for the Legal 500 'Clinical Negligence Junior of the Year 2022' award.
- Inner Temple Prize for 'Outstanding' Bar Vocational Course Result (2010)
- College of Law Prize for Top Overall Bar Vocational Course Result (2009/10)
- College of Law Prize for Top Advocacy Assessment Results (2009/10)
- Inner Temple Exhibition Award (2009)

## Appointments

- Recorder (Civil and Crime)
- Deputy Master (King's Bench Division, High Court)
- Assistant Coroner (2017-2021) for Birmingham and Solihull
- Contributing Editor – 'Civil Procedure (The White Book)' since 2022
- Attorney General's Panel of Junior Counsel to the Crown (Regional 'B' Panel)
- Senior Junior Counsel to the Inquiry – UK Covid-19 Public Inquiry

## Qualifications

- BA (Hons) Law with Business Studies, University of Warwick (First Class Honours)
- Bar Vocational Course, College of Law (Outstanding, ranked overall 1st in year)

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