

Robert Smallwood

Call: 1994

"...has attention to detail, a first-class trial advocate and a great manner with clients. He is very strong in conferences with witnesses and experts. He gives robust and pragmatic commercial advice."

Legal 500 2024



Robert Smallwood's practice is split equally between Claimant and Defendant instructions, specialising in complex and high value personal injury cases. He is particularly experienced in cases with complex medical, quantum, reconstruction or expert evidence.

Robert is ranked as a Tier 1 / Band 1 'Leading Junior' in both the Legal 500 and Chambers UK. His experience and practice is such that he is often instructed against and as an alternative to leading counsel.

Robert was called to the Bar in 1994 and has been Deputy Head of the No 5 Personal Injury Group since 2021.

Over the past 12 months Robert has been instructed in cases involving:

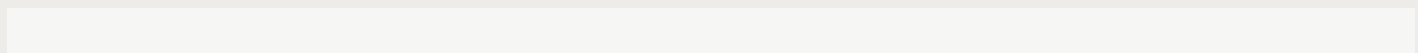
- The full range of traumatic brain injuries;
- Capacity issues;
- Spinal injuries, including tetraplegia and paraplegia claims;
- Amputations, including transfemoral, transtibial and transhumeral claims;
- Polytrauma;
- Functional Neurological Disorder, psychiatric and/or chronic pain disorders;
- Fundamental dishonesty and fraud
- Fatal accidents with interesting dependency issues.

Expertise

Personal Injury

Robert's practice is almost exclusively involves personal injuries, involving catastrophic injuries.

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Amputations

Re C

Claimant's leg drawn into a conveyor belt trapping point whilst standing on it whilst not isolated. Below knee amputation. Significant liability dispute. Case settled at JSM for £800,000.

Re T

9 year old Claimant suffers above elbow amputation when the car she was travelling in rolled. Case in early stages of quantum investigation.

Re X

Bilateral below elbow amputations when working with a woodchopping machine. Liability denied. Case ongoing.

Re C

Semi professional footballer suffered amputated/badly damaged fingers and thumb in a circular saw. Injuries impacted on his plans to either play professional football or qualify as an electrician. Loss of chance case with expert accountancy and employment experts. Case settled for £1M.

Traumatic Brain Injury

Re WM

Claimant, aged 16, was struck by speeding vehicle whilst he was cycling across a junction at night against a red light, without displaying lights and under the influence of drink. Liability settled on a 57.5%/42.5% in C's favour. C suffered catastrophic brain injury and a below knee amputation. Quantum is ongoing and is likely is valued in excess of £25M on a lump sum basis gross of CN.

Re HB

The Claimant fell from a cliff edge whilst running along a coastal path during an amateur running/swimming duathlon. She sustained catastrophic injury. The case is worth in excess of £10M on full liability. Liability and quantum remain in dispute.

Re M

Claimant vehicle struck by driving a lorry. 4 Claimants. 2 children sustaining severe injury (one estimated in excess of to £10M the other approximately £3M. Complex reconstruction evidence. Liability now resolved. Quantum ongoing.

Re L

Claimant was struck by a speeding police car on an emergency call. Liability settled at 72.5/27.5 in favour of the Claimant. Damages settled at approximately £4M.

Re R

Claimant fell down stairs in a pub. Sustained severe TBI. Liability, capacity and quantum are all in dispute. There is also significant psychiatric issues with a long standing pre-existing unrelated somatoform/functional disorder. Quantum is likely to be in the region of £5M.

Re B

A minor fell from the bonnet of a car when his father drove away whilst he was standing on it. Suffers subtle TBI which allegedly impacted on his exam results and future potential earnings. Settled approx £1M.

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Catastrophic Injury

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Spinal Injury

B v D

A young male Claimant was an unrestrained passenger in the back of a van which overturned. The Claimant sustained incomplete tetraparesis at C7. The Claimant's claim was pleaded at £10M+. Interesting issues in the case were: to what extent if any was the Claimant contributory negligent for being unrestrained in the back of a transit van; complex medical evidence as to what the long-term prognosis was for the Claimant. I was instructed for the Defendant. The case settled at a JSM for £3.5M net of contributory negligence.

B v DHL

The issue was whether the Claimant had sustained a SCI when he was struck on the head by a load causing a fracture dislocation of C4/5. The Claimant's experts thought that he had sustained a subtle SCI, the Defendant's experts robustly denied this and argued C had developed some type of Functional Neurological Disorder aggravating his neurological- type injuries. The evidence in support of an SCI was inconsistent and there was no clear radiological evidence. The case settled at mediation for £850,000 net of contributory negligence.

Re H

RTA. Driver suffered significant TBI and was tetraplegic. Claimant awarded £2M lump sum plus PPOs of £300k p/a.

Re M

Spinal cord injury when a concrete boom fell onto the Claimant whilst on a building site. Several potential defendants. Quantum investigations ongoing but likely to be worth over £2M on a full liability basis.

Functional Neurological Disorders

Several ongoing cases in which FND has been alleged or diagnosed. All cases involve expert reports from neurology, neuropsychiatry and/or neuropsychology.

Re E

Young girl in an RTA and suffers severe leg injuries. She later develops blindness and disabling mobility and pain issues rendering her wheelchair bound. Capacity is in issue, not due to a TBI but as a result of the levels of pain.

B v DHL (see above)

Fundamental Dishonesty

Re L

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Case pleaded at £2.5M. C sustained significant injuries to his foot and ankle. Surveillance showed no significant walking disability despite pleaded reliance on a mobility scooter. Claimant's solicitor comes off record upon disclosure of surveillance. Case continues against litigant in person and is listed for trial in July 2024.

ReA

FD pleaded and found at trial in case pleaded at £500,000. C observed in gym undertaking activities.

Re S

FD pleaded in respect to a Claimant pleading disabling back injuries and a claim for approximately £800,000. C observed in white collar boxing and advertising for long haul driving trips. Case discontinued.

Awards



Qualifications

- LLB (Hons)

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