

RICHARD BORRETT

Year of call: 2009

Clerked by: Paul Clarke Aaron Smith

AREAS OF EXPERTISE:

Abuse and Human Rights Clinical Negligence & Healthcare Court
of Protection & Mental Health Inquests



Clinical Negligence & Healthcare

Richard acts for both Claimants and Defendants in Clinical Negligence matters of substantial complexity and severity, both alone and as a junior.

Richard is ranked in Band 2 for Clinical Negligence in the Legal 500 2021, and Band 3 in Chambers and Partners 2020.

Particular Areas of Expertise:

- Consent
- Cancer diagnosis, especially issues of causation
- Negligent treatment in psychiatry, including suicide and Art.2 issues
- Secondary victim claims

Significant Cases

- Negligent whole-brain radiation causing diffuse white matter brain injury, combined with negligent post-surgical drain removal causing necrotising pancreatitis, valued at £3,500,000.
- Negligent delay in returning to theatre to treat duodenal perforation, materially contributing to post-operative disability.
- Negligent management of labour, resulting in stillbirth. Claim on behalf of mother who suffered very severe PTSD and had not returned to work at 3 years. Settled at mediation for £300,000.
- Fetal developmental defects caused by chemotherapy in utero during first trimester (as junior to Satinder Hunjan QC).
- Delayed diagnosis of soft tissue sarcoma in the knee, value £500,000
- Failure by GP to diagnose breast cancer, C required mastectomy and developed chronic post-surgical pain. Value £800,000
- Secondary victim claims by various family members of child who collapsed at home and died from undiagnosed sepsis
- Failure to diagnose nasal carcinoma leading to total rhinectomy, significant facial disfigurement, loss of smell and taste, etc. Value £300K. Settled at mediation.
- Failure by dentist to refer to suspicious lesion, leading to delay in diagnosis of oral carcinoma, jaw resection, extensive reconstructive surgery.

Profile

Richard acts for both Claimants and Defendants in Clinical Negligence, Inquests, Abuse & Human Rights, and Court of Protection both alone and as a junior on very large and complex cases.

Much of Richard's work in those areas involves vulnerable adults and children, e.g. adult social care, psychiatric treatment, and children's social services.

Richard has particular experience of:

- Inquests of various kinds, particularly psychiatric treatment, medical/surgical cases, social care/multi-agency deaths, and armed forces.
- The full range of clinical negligence cases, especially delayed diagnosis of cancer.
- Claims and inquests arising from psychiatric treatment, in particular regarding risk assessment, ground leave, s.17 leave, etc.
- Secondary victim claims.

- Claims against local authorities (including ECHR breaches and negligent failure to remove).
- Mental Capacity issues (both in court of protection and litigation).
- Sexual Abuse.
- Claims by Armed Forces personnel.
- Equestrian claims

Much of Richard's work involves vulnerable individuals and state agencies. Human Rights issues arise in all of his practice areas, particularly the positive and investigatory obligations under Art.2 (in inquests and in litigation), Art. 3 (in personal injury/abuse litigation) and Art.5 (in Court of Protection work).

Year of Call: 2009

Areas of expertise

Abuse and Human Rights

Clinical Negligence & Healthcare

Court of Protection & Mental Health

Inquests

Memberships

Personal Injury Bar Association

Professional Negligence Bar Association

Qualifications

2007, University of Liverpool (Chester): BSc Hons, First Class

2008, College of Law: Graduate Diploma in Law, Commendation

2009, College of Law: Bar Vocational Course, Very Competent

2009, College of Law: LLB Hons (2:1)

Recommendations

Richard is ranked in Band 2 of Legal 500 for inquests in 2022: *"Richard always gets up to speed very quickly on cases with significant documentation. He has an excellent manner with clients, particularly those finding the inquest process stressful. He provides practical and thoroughly thought through advice."*

Chambers and Partners 2021 - Clinical Negligence Band 3

A popular junior who practises across a diverse caseload including surgical negligence and secondary victim claims. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act.

Strengths: "He is approachable, easy to work with and thorough." "He is friendly, enthusiastic, very good with clients and his advice is always well thought through."

Chambers and Partners 2020: Clinical negligence band 3

- *A popular junior who practises across a diverse caseload including surgical negligence and delayed diagnosis. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act.*
- *Strengths: "His advocacy is excellent and he is sympathetic in his dealings with clients."*

Legal 500 2021: Personal Injury band 1, Clinical Negligence band 2, Inquests band 2:

- *Tenacious and committed to client/case - ever ready to advise/assist when requested. Willing to take on difficult claims and to offer excellent advice/service across the board. Thorough attention to detail throughout duration of case."*
- *"...excellent with our Local Authority clients, cutting through the extraneous matters and getting to the issue at hand. Inquests involving social care input are by their nature document heavy and in many cases complex and Richard has a great aptitude for identifying the salient points quickly."*

Legal 500 2020:

"Always impeccably prepared, he will know every aspect of the case before starting a conference."

Chambers and Partners 2020:

A popular junior who practises across a diverse caseload including surgical negligence and delayed diagnosis. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act.

Strengths: "His advocacy is excellent and he is sympathetic in his dealings with clients."

