

RICHARD LIVINGSTON

Year of call: 2006

Qualifications: BA (First Class Honours) English Language and Literature

Clerked by: Stephen Loxton Paul Clarke

AREAS OF EXPERTISE:

Clinical Negligence Occupational Disease Pain Syndromes
Personal Injury



Profile

Richard specialises in all aspects of Personal Injury and Clinical Negligence work. His practice encompasses injuries of the utmost severity and he regularly acts alone in cases where the value is pleaded well in excess of £2,000,000. He has secured millions of pounds of compensation for seriously injured Claimants and their Dependents. He also defends cases of similar value at Trial and at Joint Settlement Meetings for numerous Insurers and the Motor Insurers Bureau. He has secured substantial awards before the Criminal Injuries Compensation Authority where the damages initially awarded were inadequate.

Richard has developed a substantial reputation in the field of Occupational Disease. He is regularly instructed by Claimants and Defendants alike in claims involving benign and malignant asbestos-related conditions (pleural thickening, asbestosis, asbestos-related lung cancer, mesothelioma), asthma, chemical exposure (COSHH claims), occupational stress/harassment, upper limb disorders, tenosynovitis, silicosis and dermatitis. He is on a number of Insurers' panels.

He is regularly instructed in cases involving Chronic Pain Syndromes, Complex Regional Pain Syndromes, Chronic Fatigue Syndromes, Somatoform Pain Disorders, Somatic Symptom Disorders, Conversion Disorders and Fibromyalgia.

Richard also practises in the fields of Clinical and Dental Negligence and is instructed by Claimants, the MDU, the DDU and NHS Resolution.

Richard also has a substantial Professional Negligence practice in the context of negligently mishandled personal injury and clinical negligence actions.

He regularly appears without a leader in cases against QCs. He is regarded as having a practice well beyond his call.

Year of Call: 2006

Areas of Expertise

Clinical Negligence

Richard has recently been involved in the litigation and conclusion of the following cases which are notable either due to their value or nature of the issues involved (the names of the parties have been anonymised):-

Significant Reported Cases

Representing a Claimant where it is alleged the Defendant failed to recognise congenital spinal abnormalities, prior to undertaking a spinal decompression. It is alleged that the Claimant suffered cauda equina syndrome due to the tethering of her spinal cord. The claim was pleaded at £800,000. Liability was contested and settled prior to a 5-day High Court Trial.

Acting for a Claimant who suffers 4 limb cerebral palsy on account of the negligent mismanagement of her birth (led by Nicholas Braslavsky QC).

Representing the Dependents of a young man who tragically committed suicide after Mental Health Services negligently discharged him.

Representing a Claimant with peri-natal injuries due to obstetric negligence.

Representing the parents of a child who was still-born due to obstetric mismanagement.

Acting for a Claimant who was rendered blind on account of the Defendant's failure to diagnose and treat giant cell arteritis.

Acting for a Claimant who was rendered blind due to a negligently performed optic nerve sheath fenestration. The claim was pleaded in excess of £5 million (led by Satinder Hunjan QC).

Acting without a leader for a Defendant in a case involving a negligently performed osteotomy. The claim was pleaded at £2.5 million.

Acting for a Defendant in a case where the Claimant's 4 year old daughter died following a procedure to repair a ventricular septal defect.

Acting for various GPs in several cases where it is alleged that the negligent failure to refer for further investigation has led to delay in the diagnosis of cancer.

Representing a Defendant where the Claimant is alleged to have suffered impaired kidney function and fibromyalgia as a consequence of the Defendant's alleged negligence.

Representing a Defendant in a case where the Claimant alleges that an episiotomy was negligently performed.

Advising the insurers of a Plastic Surgeon who was named as a Defendant in the PIP Group Litigation.

Acting for the Defendant in a case where the Claimant alleged negligence on the part of a Vascular Surgeon for failure to 'strip' a varicose vein. The Claimant discontinued shortly before trial.

Occupational Disease

Richard has recently been involved in the litigation and conclusion of the following cases which are notable either due to their value or nature of the issues involved (the names of the parties have been anonymised):-

Significant Reported Cases

Richard is instructed as Junior Counsel in the Aerotoxicity Litigation. The Claimants comprise pilots and cabin crew who have been allegedly exposed to partially pyrolysed engine oil/hydraulic fluid containing mixtures of Organophosphates (led by Michael Rawlinson QC).

Representing a living Claimant diagnosed with mesothelioma. Liability and diagnosis disputed. The Defendant sought to extend *Williams v University of Birmingham* to 1982. The case settled shortly at its full value shortly before an expedited High Court Trial (led by Michael Rawlinson QC).

Acting for the Dependents of lung cancer victim. A claim for pleural plaques was compromised for notional damages against one employer during the Deceased's lifetime. This compromise did not allow for provisional damages. The Deceased's Estate subsequently issued a claim against another employer following his death. The Defendant argues: Accord and Satisfaction; Abuse of Process/Issue Estoppel in line with *Jameson v CEGB [2000]* and seeks to challenge *Dowdell v William Kenyon [2014]* and *Lloyd v Humphreys & Glasgow Ltd [2015]*. The case settled shortly before a 5-day High Court Trial (led by Harry Steinberg QC).

Acting for a Claimant who suffered mesothelioma as a consequence of exposure to asbestos dust in Sicily. Involved issues of jurisdiction and conflict of laws (led by Michael Rawlinson QC).

Instructed by the Defendant in a claim for asbestos-related lung cancer in a claim pleaded in excess of £2.4 million, where a 40 year old living Claimant alleges exposure to asbestos as a labourer from 1994 - 2005 *Taylor v Fascia Futures Ltd [2018]* EWHC 3049 (QB). Richard acted alone against a QC and junior.

Acted for the Dependents of an engineer who succumbed to mesothelioma. The case settled shortly before a 5-day trial at the Royal Courts of Justice. The case involved issues of the correct approach to *Williams v University of Birmingham* and whether the (then) traditional approach to a dependency claim under *Cookson v Knowles* should continue to apply (led by Michael Rawlinson QC).

Acting without a leader in numerous cases where the Claimant has succumbed to mesothelioma or asbestos-related lung cancer.

Acting for several Claimants who have developed nasal cancer as a consequence of exposure to wood dust.

Acting for a Defendant in an important appeal relating to the approach that should be taken at a show cause hearing in a mesothelioma case - *Austin v Plumb Furniture Systems Ltd* (Reported on Lawtel).

Acting for a Defendant in a living mesothelioma claim where the Claimant's exposure took place pre-1975. The case is defended on the basis that the Claimant's exposure to asbestos was so light as to not give rise to a foreseeable risk of injury.

Acting for a Defendant in a mesothelioma claim where an issue arises as to the date of knowledge of exposure to low levels of asbestos in the motor repair industry.

Acting for a Defendant in a silicosis trial where the allegation was raised that the Claimant had suffered no actionable injury on the basis that his condition was asymptomatic - *Mills v J P Barnes & Sons Ltd* (Reported on Lawtel).

Acting for several Claimants where the Defendant contends that their asbestosis is non-actionable on account of it being asymptomatic.

Acting for a Defendant in defence of a harassment/stress claim. The Claimant discontinued shortly before trial.

Pain Syndromes

Richard has recently been involved in the litigation and conclusion of the following cases which are notable either due to their value or nature of

the issues involved (the names of the parties have been anonymised):-

Significant Reported Cases

Acting for a 33 year old Major who suffered complex regional pain syndrome following a road traffic accident and was discharged from the army as a consequence.

Acting for a Chef who suffered complex regional pain syndrome following an accident at work. The claim involved allegations of a loss of a chance of promotion, partial destruction of earning capacity and lifelong care. The claim settled for a substantial undisclosed sum at JSM.

Acting for a 34 year old Claimant who suffered fibromyalgia following a road traffic accident. The claim settled for a substantial undisclosed sum at JSM.

Personal Injury

Richard is instructed by both Claimants and Defendants in cases of the most serious injury, in particular brain and spinal injury and amputations. He is frequently instructed to conduct negotiation at Joint Settlement Meetings and at Trial in high value cases. He regularly acts for members of the Armed Forces and their families.

Richard has recently been involved in the litigation and conclusion of the following cases which are notable either due to their value or nature of the issues involved (the names of the parties have been anonymised):-

Significant Cases

A claim pleaded in excess of £25 million where an 18 month old child was rendered paraplegic and brain damaged following a road traffic collision (led by Satinder Hunjan QC).

Acting alone in a claim pleaded in excess of £1.5 million for the dependents of a high earning telecoms analyst who was tragically killed in a motorcycling accident.

A claim pleaded in excess of £4 million where it was alleged that the Claimant suffered Post-Traumatic Stress Disorder and Somatoform Disorder when his petrol soaked trousers ignited (led by Michael Rawlinson QC). The claim involved a complete destruction of earning capacity, a claim for 24-hour care and loss of capacity. The claim settled prior to the commencement of a 10-day High Court Trial.

A claim where the Claimant was rendered paraplegic when a balcony in her holiday villa collapsed (led by Michael Rawlinson QC). The claim settled prior to the commencement of an 8-day High Court Trial.

Acted for the Motor Insurers Bureau in an important appeal involving the interpretation of Clause 6 of the Uninsured Drivers Agreement 1999 *Whyatt v Powell and Motor Insurers Bureau* [2017] EWHC 484 (QB).

Acting for a road traffic insurer in defence of a head injury claim by an 18 year old student. The case settled for 10% of the pleaded value at a Joint Settlement Meeting (led by Michael Rawlinson QC).

Acting for a 21-year old music artist who suffered serious brain and multiple orthopaedic injuries following a road traffic accident (led by Nicholas Braslavsky QC). The claim settled prior to the commencement of a 10-day High Court Trial.

Acting for numerous Claimants and Defendants at Trial, CICA Appeals, JSMs and at interlocutory stage, in cases involving acquired brain injury. Many of these cases involve the loss of capacity.

Memberships

PIBA

Northern Circuit

North Eastern Circuit

Qualifications

University: University of Manchester

Degree: BA (First Class Honours) English Language and Literature

Year of Call: 2006 (Middle Temple)

Awards: Middle Temple Benefactors' Scholar

Recommendations

Legal 500 2019:

'A barrister who is a safe pair of hands.'

Legal 500 2018:

'Undaunted by any task.'

Legal 500 2017:

'He commands respect by virtue of his knowledge, diligent preparation and always being prepared to listen.'

Legal 500 2015:

"He has a practice beyond his call"

