

## Thomas Crockett

Call: 2009



### Overview

Thomas specialises in clinical negligence, professional negligence, and personal injury law.

He is regularly instructed in a wide range of clinical negligence claims against all manner of medical professionals. He has an interest in claims concerning alleged surgical negligence, consent issues, and alleged incorrect diagnoses. He drafts pleadings, regularly advises on both claimant and defendant parties on paper and at conference and his advocacy experience extends from all forms of interlocutory applications to trials. He is adept at negotiating settlements at joint meetings and at mediations.

Thomas receives regular instructions in cases concerning alleged negligence by a range of professionals, including solicitors in respect of historic litigation. He is developing a practice specialising in allegations concerning the litigation of previous personal injury and clinical negligence claims.

In his personal injury practice, Thomas has a particular interest in claims involving complex causation disputes, complex psychiatric and spinal injuries, and cases where fraud is alleged. He has experience of coronial law and inquests acting for both families and interested parties.

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### Medical law

Thomas is listed as a leading individual by Chambers & Partners and the Legal 500 where he has been described as having *'a wonderful no-nonsense approach to cutting through a claim'*, a *'keen eye on the commercial perspective'*, and *'a junior of choice in high-value claims. He is hardworking and reliable with excellent drafting skills, judgment and first-class analytical skills.'*

He is regularly instructed on behalf both claimant and defendant parties in a wide

range of clinical negligence claims brought against medical, nursing and surgical clinicians.

He has experience as both sole counsel and having been led in claims of the most significant injuries and highest value, including representing litigants unled in claims valued at around £10m, and led by leading counsel in claims of up to £30m.

He has a particular interest in cases concerning allegations of negligence in respect of surgical, perinatal and oncological treatments. He has specific experience of so-called 'wrongful birth' cases, having been instructed on behalf of the defendants in *KP v An NHS Trust* (High Court District Registry at Sheffield) and *AC v A Welsh Health Board* (High Court District Registry at Swansea).

He is currently led by David Pittaway KC in two novel cases concerning the liability private companies providing (respectively) intraoperative spinal monitoring and private ambulance services for a boxing bout.

Recent trial cases include:

- *Parker v North West London Hospitals NHS Trust* [2016] EWHC 1662 (QB), a case concerning an allegation by a surgeon on laparotomy to diagnose acute diverticulitis and proceed to colectomy
- *Meynell v Croydon Health Services NHS Trust* [2018] EWHC 2431 (QB), a case concerning an allegation of a failure to diagnose timeously established appendicitis at an A&E department
- *Bowden v RDE NHS Foundation Trust* (26/11/18, HHJ Gore Q.C, Exeter County Court), a complicated case concerning the alleged negligent provision of a Hepatitis B booster to a nurse which allegedly led to the development of neuroretinitis with unilateral blindness
- *Mallinson v Murray* (28-29/8/19, HHJ Gore Q.C., Exeter County Court), a case concerning the alleged failure of a GP to diagnose DVT in a patient who went on to develop a pulmonary embolism and die
- *Docherty v Oxford University Hospitals NHS Foundation Trust* (25-27/11/19, HHJ Clarke, County Court at Oxford) a claim concerning allegedly negligent post-natal care by obstetricians and midwives
- *KW v North West Anglia NHS Foundation Trust* (14/10/20, Mr Recorder Warncok Q.C., County Court at Lincoln) a claim about an allegedly missed diagnosis of a psoas abscess by a urological surgeon
- *JB v Hampshire Hospitals NHS Foundation Trust* (19-21 & 28/10/20, HHJ Bloom, County Court at Luton) a claim relating to allegedly negligent triage and treatment at A&E in relation to a secondary post-tonsillectomy bleed by a claimant who developed severe PTSD
- *MJ v Chadwell Heath Dental Practice* (25-26/10/21, HHJ Baucher, County Court at Central London) a claim relating to allegedly negligently obtained consent for dental treatment
- *KI v Dr MC* (19-20/5/22, HHJ Mitchell, County Court at Plymouth) a claim relating to admitted dental negligence where causation was largely denied
- *CR v Dr EN* (27-28/10/22, DJ Woosnan, County Court at Blackpool) a dental

negligence claim raising some somewhat creative causation arguments

Recent Mediations / Joint Settlement Meetings include:

- *MS v a Welsh Health Board*, a fatal accident claim relating to the suicide of someone suffering with mental ill health where there were highly complicated arguments as to their abilities to provide any future services which settled at a JSM for a significant sum, but one which was a fraction of that claimed
- *EH v A NHS Trust*, a complex case on quantum involving very significant claims for future care and accommodation in a stroke case which settled for just over £1M at a JSM against a Q.C. opponent
- *PL v A London NHS Trust*, a nursing negligence case in which the claimant sustained a watershed cerebral infarction under anaesthetic leading to tetraplegia necessitated by the surgical revision of a serious and complex fracture of her hip, following a fall on a hospital ward. Following a half day mediation with a Q.C. opponent, a compromise was reached on excellent terms for Thomas' defendant client
- *DP v A NHS Hospital Trust*, a complex claim for special damages following a leg amputation, complicated by potential contribution proceedings. This settled after a day's JSM for £1M
- *CD v A NHS Trust*, a bowel injury case where Thomas' claimant client had her fertility and ability to carry a child affected which settled at a level which allowed her to pay for fertility treatment and US surrogacy costs

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## Personal injury

Thomas is cited as a leading PI practitioner by the Legal 500, where published feedback describes him as a "*brilliant technical expert and an innovative strategist*"; "*Thomas pays great attention to detail and always provides quick and concise advice*".

He regularly acts for claimants and defendants in mostly higher value and complex cases concerning multiple catastrophic, and complex spinal, neurological and psychiatric injuries. He is instructed as sole counsel on behalf of claimants in several complex ongoing cases where damages are valued at over £2.5M, and for defendant insurers in a number of cases where damages are said to likely exceed £1M.

He is adept at achieving optimal settlements at ADR, at joint settlement meetings, mediations, or after early neutral evaluations. He recently obtained significant high six figure settlements for: a surgeon facing the prospect of having to abandon private practice upon the further development of post-traumatic osteoarthritis following a wrist fracture caused in a cycling accident; a young father who sustained polytraumatic orthopaedic injuries in a serious motorcycle accident; and an employee of an educational establishment seriously assaulted by a pupil.

He frequently acts for insurers and public bodies in cases raising substantial allegations of fraud, malingering or 'fundamental dishonesty'. On behalf of the

defendant insurer, he was recently led by Dominic Nolan KC in a complicated case concerning alleged c.£14M business and other losses flowing from a cycling accident, which settled for less than 1% of its value just 3 days prior to a listed 5-day High Court Trial.

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## **Professional liability**

### **Failed, mismanaged or under-settled clinical negligence / injury litigation**

Thomas' professional indemnity practice has a particular focus on cases pertaining to failed clinical negligence or personal injury litigation and allegedly under-settled claims. Representative work includes:

- *TC v W Solicitors* (settled in 2023), acted for the claimant in a claim for damages for loss of a chance to bring a successful injury claim, which was struck out by the admitted negligence of solicitors, where there were some complex issues as to causation
- *CP v A Firm of Solicitors* (2022 ongoing), Thomas acts for a defendant insurer a potentially very high claim brought by litigants in a claim for 'wrongful birth' against their former solicitors following the striking out of the underlying claim
- *AB v CT Solicitors* (2021 ongoing), a complex claim brought against a firm of solicitors in respect of allegedly mishandled clinical negligence litigation where there was a discontinuance due to threats of 'fundamental dishonesty'
- *CP & Anor v A Firm of Solicitors* (Settled at Mediation in November 2021), acted for a firm of solicitors alleged to have mishandled a complicated and potentially extremely high value claim clinical negligence claim struck out at an early stage
- *SE v GC (1) TH (2)* (2019 ongoing), instructed on behalf of a barrister in a very high value case where it is alleged that a child's personal injury case was dramatically under-settled many years ago, where the co-defendants are the claimant's former solicitors and her instructed medical expert
- *T v a Firm (1) B (2)* (Settled at Mediation in September 2020), acting for a barrister in a claim where it was alleged that the underlying personal injury claim was substantially under-settled

## **Legal Professionals**

He also represents both claimant and defendants in cases concerning negligence by lawyers in other forums. Representative work includes:

- *A v CC Solicitors* (2021 ongoing), acting for a conveyancing firm concerning the alleged failure to advise the purchaser of development land as to the existence of adverse covenants
- *W(1) W(2) v MB Solicitors* (2019), acting for former clients of a solicitors firm who allege a failure to advise appropriately as to the terms of a long lease
- *DK & 7 Ors v K & Partners* (2016), instructed on behalf of a large number of claimants in a claim against their former conveyancing solicitor regarding

allegedly negligent advice as to their involvement in a Stamp Duty Land Tax avoidance scheme

## **Financial, Construction and Other Professionals**

Thomas has experience in claims brought against all manner of financial and construction professionals, including matters concerning complex areas of accounting, financial and other advice. Representative cases include:

- *T v S and Co* (2020 ongoing), instructed on behalf of the defendant accountants concerning the scope of the firm's retainer and whether tax advice should have been volunteered
- *Q v S* (settled 2021) acting for the defendant accountant in a matter concerning allegedly defective advice as to a share buy-back agreement by a foreign company
- *M v D & Ors* (2018), involved in the settlement of a case on behalf of a construction company in a multi-defendant matter involving damage to computer servers following the demolition of part of a party wall
- *S & S v K & E* (trial 2015, Worthing County Court, HHJ Coltart), acted on behalf for defendant IFA in complex case alleging breach of fiduciary duty and a right to 'pierce the corporate veil' due to alleged fraud

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## **What others say**

"Thomas is a junior who is reliable in a crisis and knows how to achieve strong results for his clients."

"Tom is super: very accessible and responsive, thorough and pragmatic. A very capable advocate who gets the results."

"He has brilliant service delivery, knowledge and approach."

*Chambers UK, 2024*

"Thomas is a rising star – super quick, incisive, sensible, and knowledgeable"

"Thomas is excellent when dealing with contentious issues on liability and causation."

*Legal 500, 2024*

"Thomas has a keen eye on the commercial perspective."

*Chambers UK, 2023*

"Tom is a junior of choice in high-value claims. He is hardworking and reliable with excellent drafting skills, judgment and first-class analytical skills."

*Legal 500, 2023*

"He has excellent advocacy and drafting skills and is very personable and professional. He always responds promptly and is good with clients, experts and witnesses."

"He gets to the heart of the issues and is knowledgeable when discussing complex medical issues with experts."

*Chambers UK, 2022*

"Thomas has a wonderful no-nonsense approach to cutting through a claim."

"Adept and diligent in terms of considering the wider strategy of cases."

"Thomas pays great attention to detail and always provides quick and concise advice."

*Legal 500, 2022*

"A brilliant technical expert and an innovative strategist."

*Legal 500, 2021*

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## **Further information**

### **Education:**

- Bar Vocational Course, BPP Law School, London (2008-2009)
- Graduate Diploma in Law, City University, London (2007-2008)
- BA (Joint Hons), History & Politics, University of York (2004-2007)

### **Awards:**

- Advanced Advocacy Course Scholarship, South Eastern Circuit & the Florida Trial Lawyers Section (2012)
- Edmund Davies Award, Gray's Inn (2008)
- David Karmel Award, Gray's Inn (2007)

**Professional Memberships:**

- Professional Negligence Bar Association
- Personal Injuries Bar Association

**Appointments:**

- Fee-Paid Judge of the First Tier Tribunal, Social Entitlement Chamber (2023 ongoing)
- Advocacy and Ethics Trainer, Gray's Inn (2018 ongoing)

**Outside Interests Include:** travel (South America and Indian Subcontinent especially), cricket, ballet, countryside, fly fishing, and bagpipes.

ICO Data protection registration number: **Z2311886**.

Thomas Crockett is a barrister regulated by the Bar Standards Board. [Click to view Thomas Crockett's Privacy Notice.](#)