

RICHARD BAKER KC

Year of call Silk
2000 2023



Richard Baker KC specialises in personal injury and clinical negligence work.

Richard has built up a busy and successful practice and wins praise for his advocacy and problem solving skills but also his ability to relate to his clients, especially the bereaved. He was an Assistant Coroner in South Yorkshire between 2011 and 2016 and has earned an excellent reputation for his ability to manage complicated and difficult inquests. He is described by Chambers & Partners and Legal 500 as a leading junior and has been ranked in both areas for a number of years.

Richard is happy to accept work from Claimants or Defendant organisations.

LEGAL EXPERTISE

Clinical Negligence

Richard has specialised in complex clinical negligence work since he was called to the bar and has been described by Chambers and Partners as “an outstanding junior whose advocacy is superb. The quality of his work is superb” and “Determined and dogged in his approach”. He is described in the most recent edition of the Legal 500 as “An extremely capable senior junior with a pleasant manner”.

He undertakes work covering all clinical and surgical specialties but takes a special interest in obstetric cases, having represented claimants in a large number of high value birth injury cases. He has been involved in several trials on liability and quantum in cases where the Claimants suffered catastrophic brain injury at birth or as babies.

He is highly experienced in high value quantum claims, having represented the Claimants at trial in both *Manna v Central Manchester* and *JR v Sheffield Teaching Hospitals*.

Richard also has particular experience of working with the bereaved having represented many families through complicated and traumatic inquests and subsequent claims pursuant to the Fatal Accidents Act 1976 and Law Reform (Miscellaneous Provisions) Act 1934.

Selected Cases

[Austin v South Central Ambulance NHS Trust \(2019\) \(QB\)](#)

The Claimant suffered amputation of her right arm at the shoulder due to delays in transporting her to hospital and in diagnosing necrotising fasciitis. Richard successfully represented the Claimant at trial.

[RFD v Barking, Havering and Redbridge NHS Trust \(2018\)](#)

Representing the Claimant, an 11-year-old boy, who suffered from quadriplegic cerebral palsy as a consequence of admitted negligence during the course of his birth. The Claimant recovered a lump sum settlement of £6,500,000 per annum and periodical payments of £125,000 per annum rising to £214,000 per annum from age 19. The case involved complicated issues, relating to accommodation and the purchase of a second property for separated parents.

[JR v Sheffield Teaching Hospitals \[2017\] EWHC 1245 \(QB\)](#)

Representing the Claimant at trial and in proceedings before the Court of Appeal. At over £24 million, when capitalised, the highest court award for personal injuries. A landmark case both in relation to claims for accommodation following the change in discount rate and in relation to claims for lost-years.

[Manna v Central Manchester University Hospitals NHS Foundation Trust \[2017\] EWCA Civ 12](#)

Representing the Claimant at trial and in proceedings before the Court of Appeal. A trial on quantum involving a young man who suffered cerebral palsy following. A multi-million pound judgment before Cox J, upheld in the Court of Appeal, including an award for two properties to enable the Claimant to spend time with both of his parents.

[Welds v Yorkshire Ambulance Service NHS Trust & Sheffield Teaching Hospitals \[2016\] EWHC 3325 \(QB\)](#)

Representing the Claimant at a trial on liability. The Claimant suffered catastrophic brain injury at the time of her birth allegedly as a consequence of the Defendants' failure to diagnose placental abruption.

[Atherton v Manchester Hospitals \(2016\)](#)

Unusual historic case culminating in a multi-million pound settlement on behalf of a man who sustained brain injury as a consequence of alleged failures surrounding his delivery and resuscitation in August 1969.

SC v Sheffield Teaching Hospitals (2016) (unreported)

Trial on liability relating to the allegedly negligent delivery of twins at the old Jessop's Hospital in Sheffield in 1989.

AS v Sheffield Teaching Hospital NHS Trust (2014)

Birth injury case in which the claimant recovered lump sum of £1.25 million with annual payments of £100,000 rising to £118,000.

In the matter of CD (2013)

Representing family of a man who committed suicide after absconding from a low security mental health unit. The Coroner returned a verdict reflecting serious failings in the care provided to him and Richard thereafter obtained £325,000 for his family representing, in part, their victim status under Article 2 of the ECHR.

Thomas v Curley [2013] EWCA Civ 117 & [2011] EWHC 2013

Representing a woman who suffered biliary peritonitis following iatrogenic injury to her common bile duct during private surgery. The claimant was successful at trial and in the Court of Appeal, a significant authority on the use of *res ipsa loquitur* in clinical negligence claims.

H v Nottingham University Hospitals NHS Trust (2012)

£2.5 million for a child who suffered brain injury as a consequence of uncontrolled hypertension following a kidney transplant.

A v Sheffield Teaching Hospitals NHS Trust (2012)

Birth injury case in which the claimant recovered a lump sum of £2.75 million with annual payments of £85,765.00 rising to £130,000.00.

Offshore & International Disputes

Richard is recognised as a leading personal injury and clinical negligence specialist and is occasionally called upon to provide advice and consultancy services to lawyers and advocates conducting claims in other jurisdictions. He is happy to advise on the management of complex injury claims being brought outside of jurisdiction and manage and analyse expert evidence and his experience of conducting complicated clinical claims can be of value to legal professionals wherever they are based.

Personal Injury

Richard undertakes cases involving catastrophic injuries or complicated legal issues in the fields of employer's liability, road traffic collisions, and sexual abuse. He is instructed by claimants and by defendant organisations.

He has been praised within the directories for his ability to provide “digestible and succinct advice” and for being “approachable and friendly” but also for his “thoroughness” and his “impressive reputation, particularly for his work on high-value brain injury cases” (Chambers & Partners).

Selected Cases

Representing the widow of a successful business man in a seven figure claim for dependency following a fatal road traffic collision.

Representing various motorcyclists who suffered severe spinal cord injuries in a road traffic collision.

Representing a young man who sustained a brain injury following a road traffic collision.

Representing a man who sustained a catastrophic brain injury following a road traffic collision.

[Carter v Kingswood Learning & Leisure Ltd \[2018\] EWHC 1616 \(QB\)](#)

Trial to establish whether neck strain during an abseiling event caused a vertebral artery dissection and consequent stroke.

[Lowden v Jumpzone \[2015\] EWCA Civ 586](#)

Claim on behalf of a man who sustained a dissection of his vertebral artery whilst using a bungee rope ride on Brighton seafront. Successfully representing the Claimant at first instance and in the Court of Appeal.

[Joyce v O'Brien & Tradex \[2012\] EWHC 1324 \(QB\), \[2013\] All ER \(D\) 225](#)

Representing a man who sustained catastrophic injuries in a road traffic incident following the alleged theft of ladders at first instance and before the Court of Appeal. The case is now the leading authority on *ex turpi causa* in cases of joint enterprise.

Public Law

Richard is a specialist inquest lawyer and is regularly instructed in complicated cases, involving breaches of Human Rights and the interpretation of the jurisprudence of the European Court. He understands the unique issues that providing representation through the inquest process brings and has been praised for “his sensitivity and ability to deal with bereaved clients” (Legal 500).

Richard undertakes judicial reviews in relation to decisions by coroners and general medical matters. He has recently advised families seeking to encourage the Welsh Government to establish a public inquiry into the care provided to their relatives at Welsh Hospitals.

Richard regularly represents parties at inquests held pursuant to Article 2 of the ECHR, often involving complicated issues and often heard before juries. He has advised in relation to inquests and claims brought following the decision of the Supreme Court in *Rabone* and has extensive experience of cases involving the care provided to vulnerable and detained patients in the NHS and vulnerable patients who have been subject to deprivation of liberty in residential homes.

Selected Cases

Re SH (2019)

Representing the family of a police officer who committed suicide following multiple failures to adequately assess her condition in secondary care. The Coroner returned a conclusion of Suicide Contributed to by Neglect.

Representing the mother of a baby who died shortly after her birth. The coroner concluded that there were avoidable delays in admitting the mother to hospital and that her baby's death was avoidable.

Re RW (2018)

Representing the family of a young man who committed suicide by hanging himself at a Secure Hospital. Heard before a jury who concluded that the hospital had failed to correctly risk assess the ligature points within his room.

HM (2017)

Representing the family of a detained patient who hanged herself in a bathroom within a secure psychiatric hospital. Heard before a jury who concluded that the Hospital Trust had failed to carry out proper risk assessments of the bathroom and had failed to replace taps with anti-ligature devices.

Re FW (2014)

Representing the family of a four year old girl who died from sepsis following failures to diagnose and treat her following her admission to Accident and Emergency. The Coroner returned a conclusion of Suicide Contributed to by Neglect.

Re CHB (2014)

Representing the family of a woman who suffered from catatonic schizophrenia and who developed a deep vein thrombosis and fatal pulmonary embolism as a consequence of failures to provide proper care. Article 2 inquest before a jury culminating in a verdict of 'neglect' and breach of Article 2.

Re CD (2013)

Representing family of a man who committed suicide after absconding from a low security mental health unit.

The Coroner returned a verdict reflecting serious failings in the care provided to him and Richard thereafter obtained £325,000 for his family representing, in part, their victim status under Article 2 of the ECHR.

Re FK (2011)

Representing the family of a detained person who escaped from the Manchester Royal Infirmary and committed suicide. After a 12 day inquest before a jury a verdict of suicide contributed to by neglect was returned. A claim was subsequently brought by the deceased's family for damages pursuant to Article 2 of the ECHR, which was settled for a six figure sum.

Awards



WINNER

UK BAR AWARDS 2022

Memberships

- APIL (Member of the Executive Committee since 2019)
- AvMa
- PIBA
- Coroner's Society of England and Wales