



David Westcott KC

Year of Call: 1982
Year of Silk: 2003
Direct Access: No

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David Westcott KC has been a specialist in clinical negligence and catastrophic personal injury cases for longer than he cares to recall. Having dealt with high-value actions without a leader for some five years before taking silk in 2003, he has been preparing big cases for nearly 20 years (mostly, but by no means exclusively, involving birth injury or paralysis from spinal injury).

David acts for claimants and defendants alike; and brings to each and every case the same analytical skill, attention to detail and approachable manner that has caused commentators consistently to recommend him. Review of the *Chambers UK* and *Legal 500* back catalogues reveal the high regard in which David has been held for many years. As long ago as 2006 one solicitor demonstrated a command of hyperbole that knew no bounds in saying, "If I could only have one barrister ever, it would be him" and he has received glowing praise from the directories ever since.

Areas of Expertise

Clinical Negligence

David Westcott has been recommended year on year in the first rank for clinical negligence by *Chambers & Partners* and by *Legal 500*.

Cases

FE v St. George's University Hospitals NHS Trust [2016] EWHC 553 (QB)

The judgment: <http://www.bailii.org/ew/cases/EWHC/QB/2016/553.html>
Negligence; Personal injury; Birth; Clinical negligence.
Acted for successful Claimant.

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Abu Dhabi

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Georgiev v Kings College Hospital NHS Foundation Trust Appeal [2016] EWHC 104 (QB)

The judgment: <http://www.bailii.org/ew/cases/EWHC/QB/2016/104.html>

Civil procedure; Amendments; Clinical negligence; Particulars of claim.

Decision on appeal.

SB v Sandwell and West Birmingham NHS Trust [2016] EWHC 90 (QB)

The judgment: [SB v Sandwell and West Birmingham NHS Trust](#)

Brain damage; Causation; Clinical negligence.

Acted for successful Defendant.

Reaney v University Hospital of North Staffordshire NHS Trust [2015] EWCA Civ 1119

Care costs; Causation; Clinical negligence; Hospitals; Measure of damages; Personal Injury.

Acted for successful Appellant.

Hamed v Mills [2015] EWHC 387 (QB)

Apportionment; Costs; Football clubs; Indemnity basis; Negligence; Part 36 offers.

Acted for D1. Now Respondent to an appeal by D2 on apportionment.

Hamed v Mills [2015] EWHC 298 (QB)

Apportionment; Cardiovascular diseases; Clinical negligence; Football; Medical examinations; Sportspeople.

Acted for D1. Now Respondent to an appeal by D2 on apportionment.

Popple v Birmingham Women's NHS Foundation Trust [2012] EWCA Civ 1628; [2013] Med. L.R. 47

Birth defects; Clinical negligence; Breach of duty of care; Midwives.

Appeal dismissed.

Silverstone v Mortensen [2012] EWHC 2706 (QB)

Clinical negligence; Surgeons; Breach of contract.

Claim dismissed.

Popple v Birmingham Women's NHS Foundation Trust [2011] EWHC 2320 (QB)

Birth defects; Clinical negligence; Breach of duty of care; Midwives.

Acted for unsuccessful Defendant.

Cook v Cook [2011] EWHC 1638 (QB); [2011] P.I.Q.R. P18

Measure of damages; Case management; Finality; Final determination; Future loss.

Acted for Claimant who secured delay in final determination of losses post age 16.

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Personal Injury

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Cases

Colonial Insurance company v Thomson

Court of Appeal of Bermuda; applicable discount rate in absence of periodical payment regime.
Acted for successful Respondent.

X v The estate of Y

Royal Court of Jersey (Samedi Division) 23rd February 2015 PPO in Jersey by agreement. UK principles applied in assessment of security.
Acted for Claimant in securing required order.

Bennett v Stephens [2012] EWHC 1 (QB)

Motor Insurers' Bureau; Periodical payments orders; Road traffic accidents; Approvals; Binding force; Drafting.
Acted for Claimant in securing required order.

Johnson v Castle Combe Circuit Ltd

Queen's Bench Division, 07 October 2011 Contributory negligence; Foreseeability; Apportionment; Safe staff.

Bodey v Hall [2011] EWHC 2162 (QB); [2012] P.I.Q.R. P1

Horses; Animals; Personal injury; Strict liability; Characteristics.
Acted for successful Respondent on appeal.

Kotula v EDF Energy Networks (EPN) Plc [2011] EWHC 1546 (QB)

Awards; Spinal cord; Periodical payments; Lump sum awards; Variation; Provisional sums. See J.P.I. Law 2011, 3, 153-158.
Acted for successful Claimant.

Bennett v Stephens [2010] EWHC 2194 (QB)

Periodical payments orders; Motor Insurers' Bureau.
Acted for Claimant in securing required order.

Kotula v EDF Energy Networks (EPN) Plc

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Queen's Bench Division, 15 June 2010 Contributory negligence; Personal injury; Cycling; Road works.
Acted for successful Claimant.

Andrews v Aylott [2010] EWHC 597 (QB); [2010] 4 Costs L.R. 568; [2010] P.I.Q.R. P13

Road traffic accidents; Measure of damages; Interest.

Memberships

- PNBA
- LCLBA

Awards

- Chambers & Partners Clinical Negligence and Personal Injury Silk of the Year (2012)

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