

Robert Mills

Deputy Head of Clinical Negligence team



YEAR OF CALL: 2014

INN: LINCOLN'S INN

“ Robert is wise beyond his years, and his attention to detail is admirable. He is incredibly responsive, commercial and pragmatic.”

CHAMBERS UK, 2022
CLINICAL NEGLIGENCE

Practice Overview

Robert is a clinical negligence specialist, acting for both claimants and defendants. He has experience of litigation across a wide range of areas of medicine, with a particular interest in obstetrics, brain injuries, oncology, orthopaedics and cardiology. He also conducts clinical negligence inquest work. He is experienced in handling high value litigation involving life-changing injuries.

Robert has a particular interest in the law surrounding fatal accident claims, which represent a core component of his practice and on which he regularly provides training. He provides specialist advice on high value claims for care, loss of earnings and pension loss. He is regularly instructed by solicitors across the country, including Birmingham, Manchester and London, as well as a strong practice in the South West.

Robert is one of the leading barristers in the country in the field of dental negligence. In June 2018, he represented the claimant at the Royal Courts of Justice and obtained the highest ever reported damages award in a dental negligence case.

In the personal injury field, Robert regularly conducts fast-track and multi-track trials. He has experience across the spectrum of personal injury litigation, including employer's liability, occupier's liability, Highways Act 1980 and road traffic cases. He regularly attends applications relating to issues such as pre-action disclosure, default judgment, amendments to statements of case and strike out.

Robert is a member of the Action Versus Medical Accidents (AVMA) Charity, is on their pro bono inquest panel. He further undertakes clinical negligence cases for clients of the Bar Pro Bono Unit.

Robert enjoys both writing papers and presenting them at solicitors' firms and AVMA events. He particularly enjoys speaking on the topics of dental negligence litigation, causation in clinical negligence, secondary victim claims and fatal accident claims in clinical negligence.

Areas of Expertise

Clinical Negligence

Clinical negligence is the focus of Robert's practice. He undertakes a wide range of clinical negligence work, with regular instructions across all areas of medicine, including obstetrics, brain injuries, oncology, orthopaedics and cardiology. He is experienced in handling high value clinical negligence litigation involving life-changing injuries. Robert has a particular interest in the law surrounding fatal accident claims, which represent a core component of his practice and on which he regularly provides training. He provides specialist advice on high value claims for care, loss of earnings and pension loss.

Robert also has a particular interest in dental negligence. His work covers a wide range of high value cases involving failure to treat periodontal disease, misdiagnosis of caries, negligent loss of an evulsed teeth, negligent orthodontic treatment, occlusal problems, as well as negligently performed root canal treatments and crowning of teeth. He is also experienced in advising on issues of consent and also contributory negligence in dental claims. In June 2018, Robert represented the claimant at the Royal Courts of Justice and obtained the highest ever reported damages award in a dental negligence case.

Recent notable clinical negligence cases include:

- **Case 1 [2022]** On-going – Robert acts for the claimant in this case concerning alleged negligence in performing bowel surgery. It is alleged that the development of a post-operative fistula was as a result of intra-operative negligence. The claimant's case is that she underwent multiple unnecessary procedures under general anaesthetic to treat this fistula. She has been left with permanent chronic pain and a requirement for extensive plastic surgery. She has also sustained psychological injury. Damages are pleaded in excess of £1,000,000.00.
- **Case 2 [2021]** - Robert acted for the Defendant in this fatal accident claim. The Defendant admitted breach of duty and causation in failing to provide treatment to prevent a pulmonary embolism. The interesting areas of dispute concerned quantum. There was a strongly disputed financial dependency claim, based on expert forensic accountancy evidence and disputes of fact. Settlement was reached with a material reduction to damages despite the admissions of liability.
- **Case 3 [2022]** On-going - Robert acts for the Claimant in this action out of the Defendant's failure to adequately screen the Claimant for oesophageal cancer. The same led to him developing terminal disease. He is alive at present and the claim has been run as a lost years claim. Following his death, it will be converted to a fatal accident claim to maximise damages recovery. Careful advice was required to inform the client of the benefits of advancing/settling the claim after his death including the increase in the value of dependency claims for his family and avoiding inheritance tax pitfalls. Complex services and financial dependency claim will be advanced with support from occupational therapist and forensic accountancy expert evidence. Damages are claimed in excess of £1.2 million.
- **Case 4 [2022]** On-going - Robert acts for the Claimant in this claim arising out of a failure to obtain informed consent for and adequately perform an inguinal hernia repair surgery. The Claimant's future treatment options are disputed with the Claimant contending for sacral nerve stimulation treatment costing £120,000.00. Pain management experts and urologists dispute the aetiology of the on-going symptoms. The Claimant claims for material damages arising out of on-going disability to satisfy future care needs amounting to around £250,000.00.
- **Case 5 [2022]** On-going - Robert acts for the Claimant in this complex fatal accident case. The claim arises out of the negligent treatment of the Deceased's ovarian cancer. The allegations centre around the fact that during right salpingo-oophorectomy surgery to remove an ovarian tumour, the same was negligently drained intra-operatively. This led to the recurrence of the cancer, two significant further surgeries, including hysterectomy, multiple rounds of chemotherapy and death. Detailed financial and services dependency claims are advanced on behalf of 5 dependents. The claim is pleaded at over £1 million.
- **Case 6 [2022]** On-going - Robert acts for the Claimant in this fatal accident claim arising out of the Defendants' failure to diagnose and treat cancer of the larynx. Liability is firmly disputed by both the GP and the hospital. Interesting questions arise as to the Claimant's culpability for not attending appointments. There is a dispute between the clinical oncologists as to the speed of progression of this

type of cancer and the effect of the delays alleged. High value financial and services dependency claims are advanced taking damages to nearly £900,000.00 with a pension loss claim is the process of being quantified in addition.

- **Case 3 [2020]** – Robert acted for the Claimant, as Junior Counsel to Matthew Phillips QC. This is a claim for undiagnosed fractures of both shoulder blades. The shoulders healed in a sub-optimal position, leading to severe restrictions in range of movement and significant care needs. The claimant had pre-existing schizophrenia and there is an argument concerning whether the new care required is qualitatively or quantitatively different to that which he previously required. The index negligence is further said to have exacerbated the pre-existing schizophrenia. The pleaded value of the case was in excess of £3,000,000.00. Settlement was reached at mediation.
- **Case 3 [2019]** – Robert acted for the Defendant in a claim concerning negligently performed hip replacement surgery. High value care and accommodation claims took the special damages claim to over £650,000.00. Psychiatric and orthopaedic damage claims were advanced. 4 experts were instructed on each side. Liability was admitted but fundamental dishonesty arguments were raised in relation to the quantum case. The claim settled for a sum significantly below that pleaded.
- **Case 4 [2019]** – Robert acted for the Claimant in this case concerning an alleged negligent failure to diagnose a scaphoid fracture. The delay in treatment has resulted in significantly reduced movement and strength in the claimant's wrist. As a result she will no longer be able to pursue her career as a nurse and a high value loss of earnings and pension claim are advanced. The claimant further says that she has suffered a loss of congenial employment. A provisional damages claim is made for the risk of future surgeries and their complications. The pleaded value of the case in excess of £1,000,000.00. Settlement was reached at mediation.

Recent notable dental cases include:

- **Case 1** – Robert represented the claimant at the Royal Courts of Justice in London. The claimant was awarded the highest general damages award ever reported in a dental negligence case in the sum of £65,000.00. The total damages award was in excess of £160,000.00 which was also the highest ever reported in a dental claim. This was a claim for extensive restorative treatment arising out of a wide range of negligently performed dental treatment. Lawtel: AM0203454
- **Case 2** – Robert represents the Claimant in a case concerning the failure to detect a rare mouth cancer. It is alleged that the treating dentist's failings led to the growth of the cancer and the requirement for extensive facial surgery including the removal of a large part of the jaw. Associated nerve injury and psychiatric injury resulted, along with impaired life expectancy.
- **Case 3** – Robert represents the Claimant in a case concerning a failure to diagnose necrotising fasciitis. The claimant suffered extensive injuries across her face and chest requiring on-going plastic surgery. Lifetime care will be required. Psychiatric injury was sustained.
- **Case 4** – Robert represents the claimant in this case where it is alleged that a failure to promptly place implants following tooth extraction has prevented the claimant from being able to undergo restorative treatment at all. The claimant is now prevented from eating hard foods which are required to treat her pre-existing bowel condition. A significant pain, suffering and loss of amenity claim including psychological injury is advanced.
- **Case 5** – Robert represented the claimant in this claim for negligence arising out of a failure to diagnose periodontal disease. The claimant lost multiple teeth and required implant treatment. There were significant complexities arising out of the multiple defendants in this case, but the claimant was able to obtain a good settlement.
- **Case 6** – Robert represents the defendant in this claim. It is alleged that the defendant dentist's failure to extract retained roots in the claimant's mouth has led to significant pain and suffering as well as psychological injury. The defendant will say that the decision to leave the roots in situ was an entirely reasonable one, which the claimant consented to.
- **Case 7** – Robert represented the claimant in this claim for negligence arising out of a failure to treat periodontal disease. Again there was a high value future implant claim, but with the added complexity of dealing with an uninsured defendant. The claimant advanced a causation case placing the bulk of liability on the insured defendant and was able to obtain a good settlement.

- **Case 8** – Robert represented the claimant in this dental negligence claim which led to a significant loss of earnings claim. The defendant had failed to treat a chronically infected tooth root before undertaking a bone graft procedure. The claimant went on to suffer a serious post-operative infection and was prevented from undertaking a media role. The claimant was able to settle the case for over £30,000.00.

Robert is also experienced in representing interested parties at clinical negligence inquests. He is pleased to accept instructions to represent families at inquests on a conditional fee basis.

Personal Injury

Robert has gained experience across the spectrum of personal injury litigation including product liability employer's liability, occupier's liability, Highways Act 1980 and road traffic cases. He advises on liability, quantum and the tactical progression of cases. He regularly represents both claimants and defendants at fast-track and multi-track trials.

Robert has a particular interest in fatal accident claims and orthopaedic injuries in the personal injury context and regularly advises on the same. He regularly provides training in both areas to solicitors firms around the country.

Recommendations

- ▶ "Robert is an incredibly responsive barrister. Proactive, prompt, and always available."
LEGAL 500, 2022
CLINICAL NEGLIGENCE
- ▶ "He is wise beyond his years, and his attention to detail is admirable. He is incredibly responsive, commercial and pragmatic."
CHAMBERS UK, 2022
CLINICAL NEGLIGENCE
- ▶ "Rob is exceptionally bright, and has excellent attention to detail. He is very proactive, always willing to help and very technical with his advice."
CHAMBERS UK, 2021
CLINICAL NEGLIGENCE
- ▶ "Wise beyond his call, incredibly practical and pragmatic, and a strong tactician."
LEGAL 500, 2021
CLINICAL NEGLIGENCE
- ▶ "Robert is committed to quick turnaround times for work and understands the pressures solicitors are under. His advice is comprehensive and demonstrates excellent attention to detail."
CHAMBERS UK, 2020
CLINICAL NEGLIGENCE
- ▶ "Provides reliable, considered, and thoughtful advice."
LEGAL 500, 2020
CLINICAL NEGLIGENCE

Professional memberships:

- ▶ AvMA
- ▶ APIL
- ▶ Bristol Medico-Legal Society

Qualifications & awards:

- ▶ Bar Professional Training Course, Kaplan Law School London
- ▶ Graduate Diploma in Law, Kaplan Law School London
- ▶ Graduate LLB, Kaplan Law School London
- ▶ MA (Cantab) Philosophy, Selwyn College, University of Cambridge

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