Mark Sullivan

Year of Call: 1997
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Overview

Prior to coming to the Bar, Mark Sullivan qualified as a Chartered Accountant and then worked for 14 years in international investment banking in London and New York. He is registered for direct access.

His principal areas of practice are:

Personal Injury

Mark acts for both Claimants and Defendants in all types of personal injury actions. He has particular experience and expertise in employer's liability, road traffic and fatal accident claims. His background in accountancy enables him to deal with complex financial loss claims including loss of self-employment, loss of business and pension claims.

Inquests

Mark has extensive experience of representing bereaved families, employers, highway authorities and other interested parties at Pre-Inquest Hearings and Inquests, including Article 2 Inquests.

Clinical Negligence

He acts primarily for Claimants in all types of clinical negligence actions. Recent cases include acting for Claimants in relation to delayed diagnosis of cancer, failure to diagnose acute respiratory failure in a young adult, negligently performed hysterectomy and injury caused by misplaced nasogastric tube.

Professional Disciplinary

Mark brings his many years of experience as a criminal advocate to the field of professional disciplinary proceedings. He advises and represents firms and individuals before the disciplinary and fitness to practise committees of various professional bodies in the healthcare, accountancy, finance and related sectors.

He sits as a Legal Assessor/ Adviser to a number of professional disciplinary bodies in the healthcare and finance sectors.

Licensing and Regulatory

Mark represents Commercial and Public Service Vehicle Operators in the criminal courts and appears frequently in Public Inquiries before the Traffic Commissioners.

He also advises and represents individuals and firms before Admissions, Registration and Licensing Committees of various professional bodies and in the Tribunal System (Social Care and Social Entitlement Chambers).

Professional Negligence

Mark acts for both Claimants and Defendants, particularly in relation to actions involving accountants, tax advisers, financial advisers and solicitors.

Academic qualifications

- LLB (Hons) Bristol
- JJ Fellowes Prize

Professional qualifications & appointments

- Legal Assessor to the Nursing and Midwifery Council
- General Dental Council
- Association of Accounting Technicians
- Chartered Institute of Public Finance & Accountancy

Professional bodies

- Personal Injury Bar Association
- Professional Negligence Bar Association
- Western Circuit
- Association of Regulatory & Disciplinary Lawyers

Expertise

Personal Injury

Mark acts for both Claimants and Defendants in all types of personal injury actions. He has particular experience and expertise in employer's liability, road traffic and fatal accident claims. His background in accountancy enables him to deal with complex financial loss claims including loss of self-employment, loss of business and pension claims.

He accepts instructions under Conditional Fee Agreements in appropriate cases. He is registered for direct access.

Fatal Accidents
Current and recent cases include:

- G v K – fatal accident involving young wife and mother of 3 children. Advised on quantum and apportionment
- F v G – acted for dependant Claimants following fatal accident involving death of a Kenyan national with family in Kenya and USA
- J v E Ltd. – claim on behalf of dependent partner of mesothelioma victim who had been a successful entrepreneur and had just started a new business at the date of his death
- C v H Ltd. – claim on behalf of mesothelioma victim who owned and operated a guest house with his dependent widow.

Employer's liability
He has appeared, primarily for Claimants, in a large number of cases involving breaches of all of the major sets of regulations.

Current and recent cases include:

- R v W Ltd and another – represented Claimant under a CFA in claim relating to injuries sustained in an accident in a farmyard from where he was collecting milk. Successful at trial against both employer and owner of yard under the Workplace Regulations and PUWER
- H v PE Ltd. – represented Claimant in complex claim brought under the Manual Handling Regulations
- G v OAU – represented Claimant under a CFA in relation to injuries sustained while working on an archaeological dig. Successful at trial under the Workplace Regulations
- F v C Ltd – represented Claimant under a CFA in relation to injuries sustained in an accident involving hydraulic machinery. Defendant eventually admitted liability under the PUWER and Pressure Systems Safety Regulations 2000
- A v B&C Ltd. and others- represented Claimant in multi-Defendant claim for HAVS resulting from employment in shipyards and boat-builders between mid-1970s and 2010
- D v C Ltd.- represented Claimant in action for RSI arising from employment on production line
- S v NHS – represented Claimant in case against NHS Trust for injuries sustained in an assault by a patient in a secure mental institution.

He has also represented Claimants in relation to claims under the Construction (Design & Management) Regulations 2007, Control of Vibration at Work Regulations 2005 and Electrical Equipment (Safety) Regulations 1994, amongst others.

Road Traffic
Current and recent cases in which liability has been in dispute include:

- R v SB Ltd. – represented Claimant under a CFA in relation to an accident involving a bus and a pedestrian in which the Claimant suffered severe brain damage. Reconstruction experts instructed for both sides. Claim settled pre-trial
- B v W – acted for Defendant in multi-car pile-up. Represented him in criminal proceedings and then advised insurer on liability apportionment

- B v W – acted for Claimant, a pedestrian who was knocked down by the Defendant. Liability resolved 70/30 in her favour.

Other Quantum Claims

- M v C Ltd – acted for Claimant injured in accident on building site which lead to the demise of his successful business
- W v J – acted for Claimant who was a doctor injured in a car accident. Unfit to return to work. Advised on significant loss of earnings and pension claim
- H v S – acted for Claimant in complex loss of earnings claim arising from loss of career as a foreign exchange trader.
- C v C – acted under a CFA for a semi-professional footballer badly injured in a dangerous tackle
- C v WG – represented Claimant in action in relation to food poisoning leading to the development of Chronic Fatigue Syndrome
- S v B – represented Defendant in relation to allegations of sexual abuse. Issue included resisting application for a freezing order
- H v B – represented Defendant convicted of sexual offences; advising on quantum and negotiating settlement.

In addition to acting in civil proceedings, he is frequently instructed by insurers to represent Defendants in related criminal proceedings for causing death by dangerous and/ or careless driving.

Mark has extensive experience of representing the deceased's family, interested parties, employers and highway authorities at Inquests.

Inquests

Mark has extensive experience of representing bereaved families, employers, highway authorities and other interested parties at Pre-Inquest Hearings and Inquests, including Article 2 Inquests.

Current and recent instructions include:

- Representing the parents of Arietta-Grace Barnett (d.o.b. 6th June 2017) at the Inquest into her death on 9th July 2019. In the course of the 2 day hearing in Winchester Coroner's Court on 4/5th November 2020, the Coroner, Rosamund Rhodes-Kemp, heard evidence into the tragic circumstances of Arietta's death. She had been taken to hospital on 28th June 2019 following the suspected accidental ingestion of a toilet cleaning product. She was detained in hospital until 2nd July 2019 and then discharged, apparently well. On 9th July 2019 she suffered a fatal haemorrhage from an aorto-oesophageal fistula. The evidence at the Inquest was unclear on the precise cause of the fistula although it was postulated that it may have been as a result of the cleaning product, which was a viscous gel-like substance designed to stick to wet surfaces, adhering to Arietta's oesophagus.
  The Coroner recorded a conclusion of accidental death. Although declining at this time to make a report to prevent future deaths under Coroners & Justice Act 2009, s.7, she has requested further investigations into the composition of the cleaning product in order to establish if it was a possible cause of the fistula.
  Mark acted for the bereaved parents via the Direct Access scheme.
- Representing family of bereaved at Pre-Inquest Hearings in relation to Inquest into death of elderly man following a cycling accident and subsequent hospitalisation. Cause of death was controversial and Mark was instructed to represent the deceased's family, making representations as to the scope of the Inquest and the evidence to be adduced.
- Advising bereaved family, under direct access arrangement, following death of a woman while undergoing medical treatment. Advice covered scope and procedure of an Article 2 Inquest, witness requirements and possible sources of funding.
- Representing seriously injured interested party at Inquest involving a fatal road traffic accident, including examination of several expert witnesses and making submissions as to the available verdicts.

- Several cases representing Highway Authorities in connection with fatal road traffic accidents.
- Representing employer at jury Inquest involving death of employee while operating a ride-on mower.

Mark Sullivan is registered for Direct Access. He has also specialises in Fatal Accident Claims (see Personal Injury entry) and has provided representation at Inquests under Conditional Fee Agreements covering a related civil claim.

Clinical Negligence

Mark acts primarily for Claimants in all types of clinical negligence actions.

He accepts instructions under Conditional Fee Agreements in appropriate cases. He is registered for direct access.

Current and Recent Cases

- OH v UHS – advising Claimant on causation and quantum arising from a vesico-vaginal fistula caused by negligent surgery during a hysterectomy
- E v MDU – advising Claimant in relation to alleged negligence on part of his GP for failing to refer for specialist treatment of complex neurological condition
- R v SGH – advising Claimant in relation to breach of duty, causation and quantum following late diagnosis of breast cancer. Complex quantum issues arising out of lost years claim.
- E v SGH – advising minor Claimant in relation to alleged failure to diagnose spinal haematoma by GP, ambulance service and A&E Department leading to delay in treatment and resulting in catastrophic injury.
- W v MC – advising Claimant following injury caused by misplacement of nasal tube during surgery.
- Re AC – advising family of deceased in relation to Article 2 Inquest following death as a result of alleged negligent misplacement of naso-gastric feeding tube, one of a series of such incidents in a group of hospitals. Instructed under Direct Access scheme. Solicitors likely to be instructed in Fatal Accident claim following the Inquest.

Public and Administrative Law

Criminal & Quasi-Criminal
Mark has extensive experience and expertise in prosecuting and defending in regulatory crime. He was previously on the Attorney General's list of criminal advocates and was instructed by the DBIS (formerly DTI) and the HSE in criminal matters. Latterly he has specialised in representing individual and corporate Defendants in all aspects of regulatory criminal proceedings. He has appeared in cases brought by the HSE, Trading Standards, the Environment Agency, Fire Authorities and VOSA, amongst others.

Licensing and Regulatory
Mark represents Commercial and Public Service Vehicle Operators in the criminal courts and appears frequently in Public Inquiries before the Traffic Commissioners.

He also advises and represents individuals and firms before Admissions, Registration and Licensing Committees of various professional bodies and in the Tribunal System (Social Care and Social Entitlement Chambers).

Current and recent cases include:

- Re: H Ltd.- advised in relation to breaches of Transport Act 1985 registered bus services.
- Re: GP Ltd. – advised and represented at Public Inquiry a restricted licence holder in relation to numerous breaches of its licence.

- ACCA v H&Co. – advised accoutancy firm and individual partners in relation to proceedings to revoke an auditing certificate following referral to the ACCA Admissions & Licensing Committee.
- ACCA v E – advised sole practitioner in relation to alleged breaches of ACCA audit licence and client account rules. Direct access client.

Disciplinary
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- ACCA v E - advised sole practitioner in relation to alleged breaches of ACCA audit licence and client account rules. Direct access client.
- HCPC v J - represented social worker in connection with discontinued fitness to practise proceedings.

Mark sits as a Legal Assessor for the Nursing & Midwifery Council, the Association of Accounting Technicians and the Chartered Institute of Public Finance & Accountancy.

He accepts instructions under Conditional Fee Agreements in appropriate cases and is registered for Direct Access.

Member of the Association of Regulatory & Disciplinary Lawyers and the Western Circuit.

Professional Negligence
Prior to coming to the Bar, Mark qualified as an Accountant and then worked in international Investment Banking for 15 years. He brings that experience and expertise to his practice in professional negligence matters, acting for both Claimants and Defendants, particularly in relation to actions involving accountants, tax advisers, financial advisers and solicitors.

Current and recent cases include:

Advising Company in relation to allegedly negligent tax advice involving claims for Entrepreneurs' Relief, Capital Allowances and Inter-Company property transfers.
Advising Company in relation to alleged negligence on the part of its statutory auditor in failing to advise on financial mismanagement and impending financial difficulties.
Advising small company in potential claim against payroll sub-contractor following discovery of overpayments to employees and failure to account for PAYE.

Advising individual in relation to alleged negligence by solicitor representing him in criminal proceedings, including delay in instituting judicial review proceedings and unauthorised disclosure.

Connected to his professional negligence work, Mark Sullivan also represents accountants and other financial professionals in disciplinary proceedings.

He is a member of the Professional Negligence Bar Association. He is registered for Direct Access and accepts work under Conditional Fee Agreements in appropriate cases.

Public and Administrative Law

Professional Negligence

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Articles

Our legal assessors - David Swinstead, Peter Jennings, Nicholas Leviseur, Timothy Bradbury, Lachlan Wilson and Mark Sullivan - share with you hints and tips from their own experience, focused for the second time on the use of language: the different ways in which people use language, and which words can mean different things to different people.

View Article