

## GERARD MCDERMOTT QC

Year of call: 1978

Clerked by: Stephen Loxton

AREAS OF EXPERTISE:

Clinical Negligence Employment Serious Injury



## Clinical Negligence

### Clinical Negligence Cases

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Gerard has acted in the following cases:

- Acted for claimant in cerebral palsy claim arising out of birth hypoxia (initially contested on liability). Settled for £8 million on a capitalised basis.
- Acted for claimant in cerebral palsy claim arising out of birth hypoxia. Settled for £15 million on a capitalised basis.
- Clinical negligence case arising out of failure to diagnose spinal cord compression. Case was contested initially and settled at £3 million plus £260,000.00 pa
- Inquest arising out of a military aviation crash
- Inquest arising out of a parachuting accident in California
- Leading Counsel for the Health Service bodies in the Shipman Inquiry
- Farraj v KCH which involved cross border clinical negligence
- A v Burne which involved a failure to spot a blocked shunt. Compromised following appeal.

### Profile

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Is one of the most sought after personal injury silks in the country. He is consistently top ranked by the two main legal directories. He also practices in cross border claims of all kinds and has an unrivalled list of connections across the United States reflecting his long time involvement at the heart of the American Bar Association. A former leader of the European Circuit he also has a real expertise in EU Law, conflicts of law and comparative law. Many of his cases have an international dimension.

Although much of his work in Silk has involved catastrophic personal injury and the most serious claims of clinical negligence he accepts instructions across the common law and commercial fields particularly where issues of conflicts of law or cross border issues arise. He is widely praised not only for his legal acumen and advocacy but his client handling skills and good judgment.

He also continues to accept instructions in Employment in which he has had long experience across the range of claims and is currently instructed in a very significant case involving disability discrimination by a Bank.

**Year of call:** 1978

**Year of Silk:** 1999

### Areas of Expertise

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Clinical Negligence

Employment

Serious Injury

### Memberships

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PIBA

American Bar Association

(Presidential Citation 2015)

Co-Chair International Litigation Committee Section of Litigation

Bar European Group

European Circuit (Former Leader)

## Qualifications

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LLB (Hons) Manchester University 1977

Attorney at Law ( non-practising) New York 1990

## Appointments

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Deputy High Court Judge 2008

Recorder (1999 - 2014)

Bencher Middle Temple (2005)

Vice President Spinal Injuries Association

## Recommendations

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### Chambers and Partners

Personal Injury

Star Individual 2014 to date

"Pre-eminent silk who is one of the finest personal injury barristers on the circuit. He focuses on the largest catastrophic injury cases and routinely acts in precedent-setting, cross-border litigation. He is widely praised for his fantastic track record in unpromising or challenging cases. Much of his work relates to RTAs. His personal injury work is aided by his expertise in employment law and understanding of complex EU legislation.

"Gerard is the epitome of an excellent barrister: he's a good advocate, good on paper, excellent with clients and very accessible." "He is exceptionally strong in his handling of foreign claims."

Travel

Visible in complex, high-value cross-border claims relating to RTAs and outdoor pursuits, often dealing with claims concerning catastrophic brain and spinal injury. He is highlighted for his understanding of Rome II, and advises on quantum and applicable law issues both in Europe and further afield.

"He's excellent with seriously injured clients; he puts them at ease, explains things in a clear language they will understand and is very reassuring."

"He is excellent on his feet and really insightful."

Recent work: Instructed in a case concerning a parachutist who was injured in California on a trip organised by officer cadets. The case involved issues as to supervision, systemic failures and the vicarious liability of the MoD.

### Legal 500

Personal Injury

Band 1

He is first class, superb on his feet, great at analysing problems.'

Travel Law

His client handling skills are second to none and is the go to Leader for travel law claims