

## JEREMY ROUSSAK

Year of call: 1996

Qualifications: BA 1980 (medical sciences); BChir 1983; MA, MB 1984, Diploma in Law 1995

Clerked by: Stephen Loxton Paul Clarke

AREAS OF EXPERTISE:  
Clinical Negligence & Healthcare  
Inquests Occupational Disease  
Serious Injury



### Profile

Jeremy practices almost exclusively in the fields of personal injury and clinical negligence. He qualified as a doctor in 1983 and worked in hospital medicine for more than ten years before being called to the Bar. He underwent training in general surgery, becoming a Fellow of the Royal College of Surgeons of Edinburgh, and then specialised in surgery of the heart and chest.

Jeremy is instructed on cases of all values, including very high value claims involving catastrophic injury at birth or in road traffic accidents. He is particularly interested in cases arising out of fatal accidents, in which damages are claimed for dependency, and those involving analysis of future loss where career progress was uncertain.

From February 2008 to April 2010 Jeremy was Counsel to the Redfern Inquiry into human tissue analysis in UK nuclear facilities. This was a government inquiry into "body snatching" by the nuclear industry. The report was presented to the House of Commons on 16th November 2010.

Jeremy was appointed to the Attorney-General's provincial panel of Counsel in 2002 and re-appointed in 2007 and 2012. He has appeared on behalf of government departments, including the Ministry of Defence and the Ministry of Justice, in personal injury and clinical negligence cases and at inquests.

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### Areas of Expertise

#### Clinical Negligence & Healthcare

Jeremy's experience of clinical negligence law extends to over 900 cases, in which he has acted mainly for claimants. These have involved nearly all major medical specialities, including orthopaedics (adult and child), obstetrics and gynaecology, urology, ophthalmology, general surgery, hepatobiliary surgery, infectious disease, cosmetic and reconstructive surgery and, of course, cardiothoracic surgery.

#### Significant and Reported Cases

***Worrall v Antoniadou*** [2016] EWCA Civ 1219

Appeared for defendant plastic surgeon in successful appeal against finding of negligence made against her at first instance. Trial judge's findings of primary fact were reversed, as was his finding of breach of duty.

***TN v Salford Royal NHS Foundation Trust*** (2015)

Acted for young (29-year-old) claimant rendered hemiplegic by negligently-conducted neurosurgical procedure. Liability was admitted. The claim

was compromised for a lump sum payment of £1.3m with a periodical payments order of £55,000 per year to age 55 and £80,000 per year for life thereafter.

### ***Royal Wolverhampton Hospitals NHS Trust v Evans* [2015] EWCA Civ 1059**

Secured dismissal of appeal by defendant NHS Trust against a finding of liability arising out of their negligent conduct of a total hip replacement, causing a sciatic nerve palsy. The case now continues on the issue of quantum of damages.

### ***Davenport v Ministry of Justice* High Court, Shrewsbury District Registry, 2011**

Successful defence of clinical negligence action arising out of a suicide in prison.

## **Inquests**

Jeremy has appeared at numerous inquests. Where the death has arisen out of possible clinical negligence, industrial accident or exposure to asbestos, he has usually been instructed by the family of the deceased. Where the death has occurred in custody, he has generally been instructed by the Ministry of Justice.

### **Significant Reported Cases**

#### ***M v Ministry of Justice* [2009] EWCA Civ 419**

**Successful limitation-based defence of claim brought under the Human Rights Act, arising out of a suicide in prison.**

## **Occupational Disease**

Jeremy is frequently instructed, by both claimants and defendants, in cases in which illness is alleged to have arisen as a result of exposure to asbestos.

### **Significant Reported Cases**

#### ***Matthews v Collins & ors* [2013] EWHC 2952 (QB)**

Successfully resisted an application to strike out an asbestos-related claim where the claimant widow had allowed the coroner to destroy lung tissue samples taken from her late husband.

#### ***Shaw v Stead McAlpin & Co Ltd*, Carlisle County Court 2012**

**Recovered nearly £200,000 for widow of man who had been awarded provisional damages in 1998 for pleural plaques and had subsequently died from asbestosis.**

## **Serious Injury**

Jeremy's personal injury practice is split roughly equally between claimant and defendant work and includes cases arising out of road traffic accidents, industrial accidents and disease.

### **Significant Reported Cases**

#### ***M v Ministry of Justice* [2009] EWCA Civ 419**

Successful limitation-based defence of claim brought under the Human Rights Act, arising out of a suicide in prison.

#### ***Lewis v Secretary of State for Health & anor* [2008] EWHC 2196 (QB), [2008] LS Law Med 559**

Declaration that disclosure by the Atomic Weapons Establishment to the Redfern Inquiry of medical records of deceased employees would be lawful.

#### ***Lahey v Pirelli Tyres Ltd* [2007] EWCA Civ 91, [2007] 1 WLR 998**

District Judge's options when assessing costs after acceptance of Part 36 offer.

#### ***Brown v Ministry of Defence* [2006] EWCA Civ 546, [2006] PIQR Q9**

Assessment of future loss when career in Army cut short by injury just after start of basic training.

#### ***McCrae v Chase International PLC* [2003] EWCA Civ 505, [2004] PIQR P21**

## Basis of assessment of future loss of earnings.

### Memberships

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Personal Injuries Bar Association (PIBA)

Professional Negligence Bar Association (PNBA)

Treasurer, Northern Circuit Medical Law Association (NCMLA)

### Qualifications

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St John's College, Cambridge: BA 1980 (medical sciences); BChir 1983; MA, MB 1984

Royal College of Surgeons of Edinburgh: Fellow 1988

City University: Diploma in Law 1995

### Recommendations

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#### Chambers UK 2022

"A good performer - he is perfectly sensible and good with clients."

#### Chambers UK 2021

"He's pragmatic and straightforward."

#### Legal 500 2021

"Few are more fierce in a court room."

#### Legal 500 2020

"He has forgotten more about the law than many will ever learn"

#### Chambers UK 2020

"He is ruthlessly effective and his sheer mental horsepower is staggering." "His advice is refreshingly detailed and thorough."

#### Chambers UK 2019

"He was a cardiothoracic surgeon, so he brings a certain inside knowledge to the cases and is able to relate to medics, who feel he really understands them. He gets really good results and hasn't failed to impress." "Incredible intellect and no one knows more about procedure and the more esoteric areas of case law. His abilities with complex medical evidence are phenomenal."

#### Legal 500 2019

"Very accessible and th

orough."

#### Chambers UK 2018

"He's a former surgeon so is really suited to the work. He has inherently good knowledge of the field." "He's very responsive and always happy to chat about an issue over the phone. Definitely someone you want on your side rather than being against him." "He puts his medical qualifications to good use when cross-examining experts and grasps the central issues quickly."

#### Legal 500 2018

'He has a sharp mind and loves detail.'

#### Legal 500 2017

'Organised and responsive, he is comfortable with the medical expert evidence.'

#### Chambers UK 2017

"He provides a very detail

ed analysis" and is "very robust and straight to the point."

#### Chambers UK 2016

"He is instructed on the most tricky and complex cases. He is fantastic and his medical knowledge is second to none."

