

## JEREMY ROUSSAK

Year of call: 1996

Year of silk:

Clerked by: Stephen Loxton Paul Clarke

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.

### 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

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Clinical Negligence & Healthcare

Inquests

Occupational Disease

Personal Injury

## 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 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 thorough."

### 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 detailed 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."

