

Gerard McDermott KC

Year of call 1978 | Year of silk 199

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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 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.

Expertise

Clinical Negligence

Notable Clinical Negligence 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.

Employment

Serious Injury

Memberships

- PIBA
- American Bar Association
 - (Presidential Citation 2015)
 - Co-Chair International Litigation Committee Section of Litigation
 - Bar European Group
 - European Circuit (Former Leader)

Qualifications

- LLB (Hons) Manchester University 1977
- Attorney at Law (non-practising) New York 1990

Appointments

- Deputy High Court Judge 2008
- Recorder (1999 – 2014)
- Bencher Middle Temple (2005)
- Vice President Spinal Injuries Association

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.

Recommendations

Chambers UK 2022

“You can trust his judgement completely and know that when he comes to a conclusion it is backed up by logic and experience. He is also excellent with people.” “A fierce negotiator.”

Legal 500 2022

“Gerard is a fierce negotiator who is happy to walk away from the negotiations without a deal if that is not in the best interests of his client.”

Legal 500 2021

Personal Injury

“Gerard is my go-to silk for catastrophic injury cases. He leads on domestic and international injury (including medical negligence) cases with aplomb. His client handling skills are second to none. He has a real empathy for and understanding of the consequences of life changing injuries.”

Accreditations

