



Daniel Clarke

Year of Call: 2005

Direct Access: No

	daniel.clarke@outertemple.com
	+44 (0)20 7353 6381



Dan Clarke practises in **personal injury**.

He has a particular specialism in cases with an **international element**, including claims raising conflicts and jurisdictional issues. He was junior counsel in the Court of Appeal and Supreme Court in the leading case of *Brownlie (No. 2)*. He is ranked as a Tier 1 leading junior for Travel Law in the *Legal 500* and a leading junior in *Chambers & Partners*. He also has experience of acting in claims in other jurisdictions, including in the Privy Council and in Jersey.

He undertakes **clinical negligence** work for both claimants and defendants and receives regular instructions from NHS Trusts. His clinical negligence work includes birth injury, spinal cord injury, fatal claims, claims concerning consent to treatment following the *Montgomery* decision and psychiatric injuries (especially secondary victim claims).

He has recently acted in a claim concerning a young woman who had to have bilateral above knee amputations and bilateral amputations of her fingers following sepsis and in a claim on behalf of a man in his 50s rendered tetraplegic by an undiagnosed and untreated spinal abscess. He has acted in a number of claims involving negligently performed breast surgery.

He also appears at medical inquests, representing both families and NHS trusts.

His practice also includes industrial disease, claims for historic sex abuse (including group actions), RTAs, and employers' liability.

His broader personal injury practice encompasses catastrophic injury, road traffic, employer's liability, and historic sexual abuse claims. Dan is recommended in *Legal 500* for his expertise in personal injury.

He frequently writes and speaks on personal injury topics. He is a contributor to the *APIL Guide to Accidents Abroad*, a comprehensive practitioners' text on all aspects of personal injury and illness claims with an international element. He has written for the *Journal of Patient Safety and Risk Management*. He is often invited to speak on legal topics in personal injury law. He has spoken at the APIL Accidents Abroad Conference.

He is a CEDR accredited **mediator**.

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

Areas of Expertise

Travel Law

Daniel is ranked as a leading junior in Travel in Legal 500 and is ranked in Chambers & Partners

Notable Travel Law cases

Brownlie v FS Cairo (Nile Plaza) LLC [2021] UKSC 45 (led by Sarah Crowther KC)

The leading authority on the interpretation of the “tort gateway” and the “default rule” in cases where a foreign law applies.

MXD (led by Sarah Crowther KC)

A claim on behalf of Polish man who suffered catastrophic injuries in head-on car crash in England.

Whitehead v Clarity and ors (led by Howard Stevens KC)

A large head injury claim brought under the Package Travel Regulations by a couple whose minibus turned over on a motorway while on their honeymoon in Mexico.

BH v AIG Europe

A claim by a man who broke his neck bungee trampolining on a work away day in Belgium.

Personal Injury

Daniel is ranked as a leading junior in Personal Injury in Legal 500

Notable Personal Injury cases

MU

Acting for a Romanian carpenter in a large claim arising out of an accident at work. The claimant was working alongside a colleague when a saw, operated by his colleague cut through his thumb resulting in an amputation. Large claim for prosthetics with expert evidence from experts in prosthetics, as well as in occupational therapy, hand surgery and plastic surgery. Settled in early 2022 (confidential figure).

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

LXP (led by Sarah Crowther KC)

Complex, multi-party case arising out of an accident on the front drive of a house when a family car rolled back over a young child, leaving her with catastrophic brain and orthopaedic injuries. Settled (for several million pounds) and approved on first day of trial.

LXC

A claim on behalf of a victim of child sex abuse in 1970s against estate of perpetrator (settled for £300,000).

KDR

A claim on behalf of a woman left with permanent foot pain following RTA (settled for £550,000).

MA

An employer's liability claim arising from fall down some stairs (settled for £600,000).

MX

Acted for victim of child sex abuse in 1970s and 1980s (settled at mediation for £100,000).

Clinical Negligence

Daniel does a balance of claimant and defendant work. His clients include patients, their families and NHS hospital trusts.

Notable Clinical Negligence cases

RC (led by Sarah Crowther KC)

Acting for a US citizen in his 50s on holiday in England who developed an abscess in his upper spine leading to tetraplegia.

HW and ors

Acted for family in Fatal Accident Act claim arising from negligent treatment of a man's heart condition 15 years earlier (settled for £160,000).

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

SN

Acted for Trust in claim arising from alleged failure to diagnose and treat cauda equina syndrome (settled for £150,000).

TE

Acted for Trust in clinical negligence claim by family of woman who died suddenly aged 43 from undifferentiated connective tissue disorder.

HH

Acted for Trust in claim by psychiatrist against employer for head injury caused by assault by patient with iron bar.

Commercial & Chancery

Notable Commercial & Chancery cases

Noble Caledonia v Air Niugini

A claim by a tour operator against a national airline for 43 cancelled cruises caused by the late arrival of a flight in Singapore (settled at mediation in Singapore)

Hall v Maritek [2015] UKPC 23

An appeal to the Privy Council from the Bahamas in a claim for the sale of land worth US\$11m (junior).

Anguilla Business Services Ltd v St Kitts Scenic Railway Ltd

A claim in Eastern Caribbean Supreme Court against company directors for US\$3m (junior).

Memberships

- Accredited Mediator, **CEDR**

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

- **PEOPIL**
- **EAPIL**
- **PIBA**
- **APIL**
- JA, Court of Appeal (2008)
- Tutor in Criminal Law, UCL (2004/5)
- Research Assistant, Centre for Socio-Legal Studies, University of Oxford (2004/5)
- Research Assistant, Law Commission (2002/3)

Languages

- French

Publications

- Stopping the Clock – Limitation in Foreign Law Claims (June 2020)
- Chapter on Remedies, APIL Guide to Accidents Abroad (July 2018)
- Case note on RE v Calderdale & Huddersfield NHSFT, Journal of Patient Safety and Risk Management (January 2018)
- Reform of the Gateways for Service Out, LexisNexis (April 2017)
- Joining a Foreign Tortfeasor to an Odenbreit Claim, LexisNexis (July 2015)
- The Limitations of Odenbreit, LexisNexis (June 2015)
- The Brussels I Regulation Recast, LexisNexis (November 2014)
- QOCS and Third Party Claims, LexisNexis (August 2014)

Awards

- LLB (1st), Law with French Law, UCL
- BCL, University of Oxford
- CS en Droit Français, Université de Panthéon-Assas, Paris II
- Prince of Wales Scholarship, Gray's Inn

Recommendations

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com



Chambers
RANKED IN
UK
Bar
2024

Outer Temple Chambers

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com



Outer Temple Chambers

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

**London (Main Office)**

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com