



Gerard McDermott QC

Year of call	Silk	Email
1978	1999	gerard.mcdermottqc@outertemple.com

Gerard McDermott QC practises from England and is based in London and Manchester, with associated offices in Abu Dhabi and New York.

His main areas of practice are Personal Injury, Medical Malpractice and Employment Law at all levels, although he maintains a diverse practice across the Common Law and Commercial fields. Gerard acts for both Claimants and Defendants.

He represents clients with a vast range of injuries arising from negligence, including medical malpractice and road traffic accidents. The majority of his caseload involves catastrophic personal injury such as spinal cord injury and brain injury, and he has over thirty years' experience of the same.

He was ranked as a Star Individual in Chambers and Partners 2020 and a testimonial in the same noted:

"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 has a very busy trial practice across the United Kingdom, generally in the High Court, as well as reaching impressive out of court settlements through negotiation, and in mediations. An increasing number of his cases have a cross border element to them, with particular emphasis on US issues, but also with cases that have involved Europe and the Middle East.

He has a real understanding of the legal systems of a number of different countries, reflecting his interest and experience in numerous cross border cases. It also reflects his long-standing interest in and knowledge of comparative as well as private international and European law. In Chambers and

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

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

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Dubai

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Partners 2019, he was noted for his travel law expertise and described as “exceptionally strong in his handling of foreign claims.” Gerard was involved in one of the first cases relating to the implementation of Rome II (EC) No 864/2007 (Bacon v Nacional Suiza [2010] EWHC 2017 (QB)). He also has significant expertise on the implementation of the insurance directive in to domestic case law, and presently has a number of cases involving this, some of which are likely to lead to Francovich claims against the Government.

Gerard has significant experience in Inquests and Inquiries. Gerard was Lead Counsel for the Health Authority in the high profile Inquiry into the deaths of patients under the care of Dr Harold Shipman. He also represented an RAF Pilot during the Inquest of a Puma helicopter crash. He has experience of a number of aviation claims, both fixed-wing and helicopters.

Gerard sits as a Deputy High Court Judge in the Queen’s Bench Division. He is also a former President of the American Counsel Association and former Leader of the European Circuit of the Bar.

In addition, and in recognition of his long time involvement with the American Bar Association, Gerard was the first recipient of a Presidential Citation in 2015 and currently co-chairs the International Litigation Committee of the same.

He has an unrivalled network of legal contacts in states across America.

Gerard has frequently travelled overseas to provide talks and training including presentations on Civil Litigation Costs in the UK, Rome II, managing catastrophic personal injury cases and most recently on Brexit Negotiations.

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Personal Injury

Cases

Noble v Owens

The Defendant appealed against the award of damages, seeking an order for a retrial, on the grounds that surveillance evidence demonstrated that the judgment had been obtained by fraud. The Defendant failed to prove the allegation of fraud. The expert views were accepted that improvement was multi-factorial and it was held that the Claimant did not dishonestly conceal from the court or the expert witnesses his then true state of disability or dishonestly emphasise his disability. Landmark case in insurance fraud for Claimants.

Tafa v Matsim Properties

The Claimant was rendered paraplegic when he fell through a suspended ceiling whilst working as a general labourer. Issues as to whether the Defendants were aware of his presence as a worker and whether there were instructions to carry out the work in the ceiling. Judgment entered against the second Defendant, the director personally, and the third Defendant, the clinic. They were liable for negligence and breach of statutory duty under the Construction (Health, Safety and Welfare) Regulations 1996 and the Work at Height Regulations 2005. Quantum to be determined.

G v MIB

Tetraplegic Claimant badly injured in cycling accident. Liability compromised at 90% Quantum settled including periodical payment at £ 270,000pa (reduced from £ 300k by contributory negligence).

FG

The Claimant was born in August 2004. As a result of the admitted negligence of staff at hospital, he suffered very severe brain damage which has led to cerebral palsy. The Claimant is a severely handicapped young man who will require a high degree of lifelong care and support. Case settled with a Capitalised value of over £ 6m.

SB

This was a claim for personal injury arising out of a road traffic accident. The Claimant was injured

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when the Defendant collided with his motorcycle. He suffered multiple injuries, the most severe of which was a fracture of C5 which required surgical fixation at C4-5, as a result of which he was rendered tetraplegic at that level. His care needs were complex and substantial and resulted in 24 hour care – C’s valuation conceded at £8m days before trial.

The Shipman Inquiry Farraj v King’s Healthcare Trust [2008] EWHC 1228 (QB)

Wrongful birth, economic loss, third party laboratory’s liability for DNA sample.

Allen v Burne [2007] EWCH 1639 (QB)

Application of Bolitho rider to Bolam test.

R v Pennine Acute NHS Trust [2003] EWCA Crim 3436

Health and safety, transfer of criminal liability.

Bacon v Nacional Suiza Seguros (2010)

Claimant spinally injured in Spain, application of Rome II Liability trial, judgment awaited.

James Pankhurst v MIB [2009] EWHC 1117 (QB)

Quantum trial following trial on liability – cyclist on country lane hit by driver travelling round blind bend. 100% successful – client with grievous spinal injuries £6.2 million.

Eyres v Atkinson Kitchens [2007] EWCA Civ 365

Quantum settlement following liability trial and successful appeal – company in breach of working time regulations – employee falling asleep at wheel. Paraplegia. Lost trial at first instance – Appeal successful £3.7 million.

Farraj v Kings College Hospital & CSL [2008] EWHC 2468 (QB)

Wrongful birth claim – Jordanian clients. Issues included conflict of laws, Sharia Law, Jordanian Law, Causation and Wrongful Birth. Successful on liability; quantum recently settled.

A v B [2007] EWHC 1639 (QB)

Court of Appeal (Settled 2008) Alleged Negligence of GP in failure to diagnose blocked shunt in child – leading to brain damage. Retrial ordered where Judge applied “Bolitho” rider to the “Bolam” test

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without consulting parties. Retrial ordered settled at £1.4million.

Noble v Owens [2008] EWHC 359 (QB)

Serious pelvic injuries £3.4 million (subject to Appeal).

Davies v Bradshaw [2008] EWHC 740 (QB)

Allegations of exaggeration defeated. Award for incomplete tetraplegia, with Brown Sequard Syndrome £1.7 million Settlements.

Mr Mohammed v Muminal Islam (2010)

Serious spinal injury in young man £11 million.

Gregory v MoD

Settlement for Doctor in Armed Forces rendered tetraplegic in Helicopter Crash £6.2 million.

LK

Settlement at confidential figure (significant 7 figure sum) for client with stroke following accident in pub and thereafter treatment by osteopath.

Garcia v Serfilco

Advised on cross border and EU aspects product liability claim brought in Spain by injured party.

Sedyakin

Trial on liability for Russian Sailor injured at sea when fell through hatch – Liability settled at 66% part way through trial (June 2005) Quantum settled 2 weeks before trial – Jan 2007 £1.7 million. **Lovell**
Serious brain damage – settlement £3.1 million.

CRE

Serious brain damage – settlement.£9.3 million.

Fox

Paraplegia £3.1 million.

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S v Portsmouth Area Health Authority

Quantum trial in Cerebral Palsy case £4.3 million.

Hosking

Paraplegia with brachial plexus injury £3.1 million.

CC

Quantum in Cerebral Palsy case £5.4 million.

CI

Settlement for a young man following a serious head injury £4.75 million.

JP

November 2009 Serious brain injury – settlement £2.55 million.

Hunt

Settlement – £2.55 million.

Taylor

Settlement – £1.8 million.

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Appointments & Memberships

- American Bar Association
- American Counsel Association
- Bar European Group
- European Circuit of the Bar
- Personal Injuries Bar Association
- International Association of Defense Counsel
- Recorder

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Recommendations



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Testimonials

“An experienced QC and an excellent trial lawyer.” **Travel, Chambers and Partners 2021**

“Pre-eminent silk who is one of the finest personal injury barristers on the circuit.” **Personal Injury, Chambers and Partners 2021**

“His instinct and insight on complex matters is very impressive.” **Personal Injury, Chambers and Partners 2021**

“He is fantastic with clients, quick with decisive advice, and unsurpassed in his ability to work as a team with solicitors and paralegals.” **Personal Injury, Chambers and Partners 2021**

“Able to put the client completely at ease, while addressing difficult issues and showing exceptional skill and aplomb in negotiation.” **Personal Injury, Legal 500 2021**

“A great team leader who fully understands the implications of catastrophic injuries upon every aspect of clients’ lives.” **Travel Law, Legal 500 2021**

“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.” **Personal Injury, Chambers and Partners 2020**

“One of the very best personal injury silks around.” **Personal Injury, Chambers and Partners 2020**

“He is outstanding on his feet and is just an all-around excellent silk.” **Personal Injury, Chambers and Partners 2020**

“He is a fantastic team player and he is really insightful into the needs of the clients. He’s also very experienced and incredibly responsive.” **Travel, Chambers and Partners 2020**

“A leader for international personal injury and travel law claims.” **Consumer, Legal 500 2020**

“He is a highly skilled advocate who invariably succeeds in securing the best outcome for clients.” **Travel, Legal 500 2020**

“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.” **Travel,**

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Chambers & Partners 2019

"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." **Personal Injury, Chambers & Partners 2019**

"His client handling skills are second to none and is the go-to leader for travel law claims." **Travel, Legal 500 2019**

"He is first class, superb on his feet, great at analysing problems." **Personal Injury, Legal 500 2019**

"Renowned for personal injury work." **Consumer, Legal 500 2019**

"A master with difficult cases. He has good judgement and good delivery." **Personal Injury, Chambers & Partners 2018**

"One of the best advocates for catastrophically injured clients. Extremely down-to-earth and approachable with an incredible, sharp brain. He is a no-nonsense silk who cuts right to the key issues." **Personal Injury, Chambers & Partners 2018**

"He has an excellent manner with clients and engenders a great deal of trust." **Travel, Chambers & Partners 2018**

"He is extremely thorough and knows how to present the best possible case in court." **Travel, Chambers & Partners 2018**

"He is incredibly personable and has excellent client care skills. He has an encyclopaedic knowledge." **Travel, Chambers & Partners 2018**

"He has strong experience in cross-border cases." **Travel, Legal 500 2017**

"He has a level of gravitas and knowledge that is unsurpassed." **Personal Injury, Legal 500 2017**

"He has excellent interpersonal skills and takes the time to fully understand the issues in a case." **Consumer, Legal 500 2017**

"Gerard has a real zeal for international law issues and a great understanding of the needs of catastrophically injured claimants." **Travel, Chambers & Partners 2017**

"He is very experienced, always well prepared and excellent on his feet." **Travel, Chambers & Partners**

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2017

“He’s one of the top barristers for catastrophic injury; he’s very good at mediating and settling high-value cases because he knows how much money someone should get.” **Travel, Chambers & Partners 2017**

“He’s excellent. I don’t think I’ve ever seen a better barrister on his feet.” **Personal Injury, Chambers & Partners 2017**

“He has the most incredible people skills, everyone loves him.” **Personal Injury, Chambers & Partners 2017**

“He’s a top operator. His judgement is excellent, he always makes sure he gets the best result for clients.” **Personal Injury, Chambers & Partners 2017**

“A master tactician, and his people skills are unparalleled.” **Personal Injury, Legal 500 2016**

“He has a zeal for travel law claims and is always ready to go the extra mile for his clients.” **Consumer, Legal 500 2016**

“His client care skills are just incomparable. He is also incredibly well connected and amazingly well respected on all sides.” **Travel, Chambers & Partners 2016**

“He works very hard to ensure he has a complete command of all evidence before the trial.” **Travel, Chambers & Partners 2016**

“He’s a great leader who has excellent overall judgement on a case.” **Personal Injury, Chambers & Partners 2016**

“On foreign cases, he is nothing short of excellent.” **Personal Injury, Chambers & Partners 2016**

“He is very approachable, has a rapier-fast intellect and is always thinking about what the judge is going to do at trial.” **Personal Injury, Chambers & Partners 2016**

“His client-handling skills are legendary, and he has sound judgement.” **Personal Injury, Legal 500 2015**

“He has a good reputation for travel claims, and is great on his feet.” **Consumer, Legal 500 2015**

“A very high-calibre practitioner, who fights very hard for his clients. He is very dedicated, very

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approachable and a real grafter." "He is one of the best PI silks I have worked with – he lives and breathes the case, will immerse himself in it and has all the facts at his fingertips." **Personal Injury, Chambers & Partners 2015**

"Incredibly clever, he's very good with clients and a great team player." "He is charm itself; his advocacy is disarming, and he presents everything in a succinct, simple and crisp fashion." **Travel, Chambers & Partners 2015**

"He's a fantastic advocate; he can devour large amounts of material and process them in short order, and he establishes a rapport with severely injured clients. He's the best personal injury silk out there." "He's really easy to deal with, incredibly client-focused, understands what he's doing, and has excellent insight." **Personal Injury, Chambers & Partners 2014**

"He really understands trials and how judges think. He's thorough, an extremely good advocate and imaginative in the way he approaches cases." **Travel, Chambers & Partners 2014**

"Clients love him, and he has a great way with opponents and judges." **Personal Injury, Legal 500 2014**

Gerard McDermott QC is "outstandingly good" and "knows how to get to the heart of a case instantly and win." Top solicitors greatly appreciate his "excellent judgement, formidable advocacy" and "ability to look forward and move with the times." **Personal Injury, Chambers & Partners 2013**

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