



Tom Gibson

Year of Call: 2010

Direct Access: No

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Tom specialises in **Clinical Negligence** and **Personal Injury** – and has done so since joining Outer Temple Chambers in 2011. He does a good balance of claimant and defendant work.

Tom is a former solicitor, having qualified at Magic Circle firm Slaughter and May in 2010 before transferring to the Bar.

Before joining Outer Temple Tom was a Judicial Assistant to Arden LJ (as she then was) at the Court of Appeal during 2010-11.

Tom has undertaken pro bono work for AvMA, the Bar Pro Bono Unit, the Law Society's LawWorks Mediation Scheme, and the FRU. He appeared pro bono in the Court of Appeal, as sole counsel, for the successful appellant in **Duffy v George [2013] EWCA Civ 908**.

Tom has a First Class Maths degree from Lady Margaret Hall, Oxford University. He completed his GDL and LPC at BPP Law School in London.

Away from the law Tom enjoys spending time with his young family, running, and watching the mighty Carlisle United FC.

Areas of Expertise

Clinical Negligence

Tom acts on a wide range of clinical negligence cases, up to and including trial (see e.g. **Tom Gibson in unusual 'non-Bolam' clinical negligence trial**). Topics covered in recent cases have included, amongst others:

- Delayed diagnoses of cancer
- Spinal injuries
- Injuries at birth and neonatal deaths
- Psychiatric injuries, especially secondary victim claims
- Orthopaedic surgery

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- General surgery
- Ophthalmology
- Neurosurgery
- GP treatment
- Physiotherapy treatment (see also Sports Law, below)

Tom does a good balance of claimant and defendant work. His clients include patients, their families, NHS hospital trusts, individual doctors, and other clinicians.

Tom has a particular interest in appeals (as a former judicial assistant to Arden LJ).

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

Notable Clinical Negligence cases

Purchase v Dr Ahmed (Birmingham County Court, 6 May 2020)

One of the three clinical negligence secondary victim cases heard by the Court of Appeal in December 2021, along with Paul v Wolverhampton [2020] EWHC 1415 (QB) and Polmear v Cornwall [2021] EWHC 196 (QB).

Tom acted for the defendant GP and was successful, at first instance, in striking out the claimant's secondary victim psychiatric injury claim. The claimant witnessed the aftermath of her daughter's death 3 days after an out of hours GP consultation.

Ongoing, 2022

Acting for the claimant, who became paraplegic after a thoracic vertebral fracture was not immobilised and operated on while she was an in-patient in hospital.

Ongoing, 2022

Acting for the claimant, a young lady who developed cauda equina syndrome, after a physiotherapist failed to refer her to hospital.

Woolhouse v Spire Healthcare (Blackpool County Court, 25 February 2020, HHJ Beech)

Successful defence at trial of a claim about arthroscopic hip surgery. The defendant's surgical witness was found to be "credible, understated and compelling" while the claimant's orthopaedic expert was found to be "blinkered" and "unimpressive". On costs, the judge also ruled (under CPR 44.15(1)(a)) that QOCS still applies even where part (but not all) of a case is struck out.

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Muller v King's College Hospital NHS Foundation Trust ([2017] EWHC 128 (QB))

Unusual 'non-Bolam' trial on liability and quantum involving a delayed diagnosis of cancer (see <http://www.outertemple.com/2017/02/tom-gibson-represents-nhs-hospital-trust-unusual-non-bolam-clinical-negligence-trial/>).

Jacobs v King's College Hospital NHS Foundation Trust ([2016] EWHC 121 (QB))

High Court trial on liability and quantum involving hernia surgery. (Acting for the defendant)

Gardner v Northampton General Hospital ([2014] EWHC 4217 (QB))

High Court liability trial involving expert A&E and surgical evidence. (Acting for the defendant).

Settlement, 2020

claim featuring a wrong diagnosis of cancer which led to the claimant having major surgery, suffering fatigue and having to retire early. Settled at a 'virtual JSM' with significant disputes on causation, life expectancy, and loss of earnings and pension. (Acting for the claimant).

Settlement, 2020

Claim featuring a wrong diagnosis of cancer which led to the claimant having major surgery, suffering fatigue and having to retire early. Settled at a JSM with significant disputes on causation, life expectancy, and loss of earnings and pension. (Acting for the claimant).

Settlement, 2019

Acting for the successful claimant in an unusual 'misinformation' psychiatric injury claim, who was told wrongly by his local hospital that he had "incurable" lung cancer and was likely to die within a year.

Settlements, 2017-2018

Two secondary victim psychiatric injury claims, acting for the bereaved parents of two patients – a newborn baby and an adult daughter – who died in hospital following negligent treatment.

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Settlement, 2018

Orthopaedic surgery and GP treatment claim, where a lady needed an above-knee amputation after a fracture operation and subsequent GP treatment. Settled for a total of over £1 million against both defendants, concluded at a JSM shortly before the trial (acting for the claimant).

Settlement, 2018

Cerebral palsy claim, settled for a capitalised value of approximately £15million, featuring significant issues regarding accommodation and lost years claims in light of JR v Sheffield. (Led by Gerard McDermott QC, acting for the claimant).

Green (Deceased) v Mid Essex Hospital Services NHS Trust (case management appeal, County Court at Central London, HHJ Baucher, 28 April 2016)

(Case management appeal, County Court at Central London, HHJ Baucher, 28 April 2016): acting for the defendant in successfully resisting a case management appeal about single joint experts, in a low-value Fatal Accidents Act claim.

Settlement, 2015

Unusual psychiatric injury 'misinformation' claim, where a lady claimed she had suffered psychiatric injury after being shown the wrong body to grieve over, 4 days after the death of her father, in a hospital mortuary. The claim involved consideration of whether the 'miscellaneous' victim cases of Allin v City & Hackney and Farrell v Avon could be extended. (Acting for the defendant).

Personal Injury

Tom acts on a range of personal injury cases, for claimants and defendants.

He has a particular interest in quantum on catastrophic injury claims (Tom admits to liking quantum and spreadsheets – he did do a Maths degree).

Notable Personal Injury cases

Settlement, 2021

International injury claim, featuring a young man who sustained a severe brain injury after falling several stories on a construction site while on a work assignment abroad. Settled for a seven-figure sum at a JSM in spring 2021 (Led by Sarah Crowther KC, acting for the claimant).

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Ongoing, 2022

Acting for the claimant, a young man who needed a below knee amputation following a motorcycle accident. (Led by Christopher Wilson-Smith KC).

Ongoing, 2022

Acting for the claimant, who suffered catastrophic brain and orthopaedic injuries after a hit and run car accident. (Led by Matthew Phillips KC).

Settlement, 2020

Acting for the claimant who sustained severe brain injuries after being knocked off his bicycle by the defendant car driver. Settled for an eight-figure capitalised sum at a JSM in summer 2020. (Led by Matthew Phillips KC).

Settlement, 2020

Seven-figure settlement (capitalised) for a young lady who suffered a brain injury and incomplete spinal cord injury in a cycling accident. (Led by Matthew Phillips QC, acting for the claimant).

Settlement, 2019

Occupiers' Liability Act 1984 claim, featuring a young man who suffered catastrophic injuries after a fall through a ground-level skylight. (Led by Christopher Wilson-Smith QC, acting for the claimant).

Settlement, 2018

Employer's liability claim, featuring a career loss of earnings claim after a healthcare assistant developed an alleged chronic pain condition after falling off a chair. (Acting for the defendant).

Settlement, 2016

an unusual employer's liability claim, featuring two separate manual handling/work equipment accidents at work in successive years, sustained by a pet cemetery worker while lifting very heavy frozen dead dogs. (Acting for the claimant).

Appeal, 2016 (County Court at Liverpool, HHJ Wood QC)

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Acting for the claimant, in a noise-induced hearing loss claim, in successfully appealing a district judge's strike out of the claim (following *Joddrell v Peakstone Ltd* [2012] EWCA Civ 1035). The claim was originally struck out after the claimant's company restoration application had been listed, but not determined, by the date of the defend-ant's strike out hearing.

Sports Law

Tom has developed a niche practice in 'cross-over' clinical negligence claims involving sportspeople, both professionals and amateurs. Several cases have involved allegedly negligent orthopaedic or physiotherapy treatment.

Notable Sports Law cases

Fryatt v Nottingham Forest FC (2020)

acting for the claimant, a former Premier League striker, who alleged that the club's mismanagement of his Achilles Tendon injury led to his career ending prematurely at age 28. Tom was led by Satinder Hunjan QC. The claim settled at a JSM in Decem-ber 2020. See press coverage, e.g. <https://www.bbc.co.uk/sport/football/52991506.amp>.

Ongoing, 2022

Acting for the claimant, a professional footballer who played most of his career in the Premier League and Championship, whose career was effectively ended following knee surgery.

Ongoing, 2022

Acting for the claimant, an experienced professional footballer (and former England youth international), whose career was ended following an Achilles tendon injury.

Settlement, 2021

Acting for the claimant, a professional footballer, whose career was effectively ended in his mid-20s after a delay in diagnosing an infection following knee surgery. The case involved substantial claims for lost football earnings and loss of congenial em-ployment (following the principles discussed in *Appleton v El Safty* [2007] EWHC 631 (QB) and *Collett v Smith* [2009] EWCA Civ 583).

Settlement, 2020

Acting for the claimant, an american football player with a UK university team, who suffered a serious knee infection

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following cruciate ligament surgery.

Settlement, 2017

Acting for the claimant semi-professional (and former professional and youth international) rugby union player whose career was ended by a nerve injury sustained during arm fracture surgery. The claim involved consent issues following *Montgomery v Lanarkshire Health Board* [2015] UKSC 11.

Settlement, 2016

Acting for the defendant physiotherapist (and former physiotherapist to the Great Britain Olympic Team) in an unusual negligence case. A keen amateur runner and cyclist alleged that he had sustained a chronic groin injury following an apparently uneventful physiotherapy consultation. The claim involved complex causation evidence from orthopaedic surgeons, pain management consultants, and psychiatrists. The claimant had the benefit of leading counsel and QOCS protection. The claim settled for a global sum shortly before the High Court trial.

Settlement, 2016

Acting for the defendant physiotherapist who worked with a professional rugby league team. A youth team player alleged that she had failed to suspect a wrist fracture and to refer him onwards for further treatment. In addition to a significant factual dispute, the claim featured expert physiotherapy, orthopaedic, and psychiatric evidence.

Settlement, 2015

A semi-professional (and former professional youth team) footballer alleged that the defendant hospital had failed to diagnose and treat a knee fracture appropriately. Breach of duty was admitted but causation was denied. Acting for the defendant hospital trust.

Memberships

- Attorney General's C panel of Counsel to the Crown (2016-2021)
- Judicial Assistant to Arden LJ (2010-2011)
- [Professional Negligence Bar Association](#)
- [Personal Injuries Bar Association](#)

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Recommendations



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