

GERARD MCDERMOTT QC



YEAR OF CALL

1978, Middle Temple
QUEEN'S COUNSEL 1999

ADDITIONAL QUALIFICATIONS

Attorney-at-law (New York)

MEMBERSHIPS AND OFFICES

Recorder. Past Leader, European Circuit of the Bar. Past President, American Counsel Association. Personal Injuries Bar Association. American Bar Association. International Association of Defense Counsel. Bar European Group

“Savvy, wily and long-standing campaigner’ Gerard McDermott QC is a popular choice with clients due to his knowledge of catastrophic injury cases, his expertise in aviation claims and his track record of handling road traffic accidents abroad. He recently advised a claimant injured in an accident in Portugal.”

Chambers & Partners 2012

“a first choice leader for many”

Legal 500 2011

“Gerard McDermott QC handles high-value claims and has extensive cross-border experience”

Legal 500 2011

Gerard McDermott QC, who has supreme interpersonal skills. He displays “a good manner with judges, due respect for opponents and great empathy with clients.” His formidable capacity for hard work was recently brought to bear in a series of multimillion-pound brain injury and tetraplegia cases.

Chambers & Partners 2011



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PROFILE

Gerard McDermott QC practises from England. He is based in London and Manchester, with associated offices in Abu Dhabi and New York. His main areas of practice are Personal Injury and Employment Law at all levels, although he maintains a diverse practice across the Common Law and Commercial fields.

Gerard was called as a Barrister in England and Wales in 1978 and was made Queen's Counsel in 1999. He has been admitted as Attorney-at-Law in New York for nearly 20 years.

Gerard acts for both Claimants and Defendants. He represents clients with a whole range of injuries arising from medical malpractice, product defects or road traffic accidents. Much of his caseload involves catastrophic personal injury such as spinal cord injury or brain injury.

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. 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.

Gerard also has experience in Inquests and Inquiries having recently (October 2009) represented an RAF Pilot during the Inquest into a 2007 Puma crash and having been Lead Counsel for the Health Authority in the high profile Inquiry into the numerous deaths of patients under the care of Dr Harold Shipman.

Chambers and Partners UK 2010, states, “hugely respected, Gerard McDermott QC is “extraordinarily good at catastrophic brain injury cases.” Interviewees were particularly effusive in describing him, applauding his “attention to detail and excellent judgement.”

OTHER PROFESSIONAL ACHIEVEMENTS

Gerard is a former President of the American Counsel Association, former Leader of the European Circuit of the Bar and a long time active member of the American Bar Association and in particular the Section of Litigation.

He sits as a Recorder (a part time Judge) of the Crown Court and is authorised to sit as a Deputy High Court Judge in the Queen's Bench Division.

Gerard is frequently invited to lecture on his areas of specialism, both in the UK and abroad. Most recently he has travelled overseas to give talks to the International Association of Defense Counsel on Civil Litigation Costs in the UK in Paris in September 2009 and to the European Circuit of the Bar on the new European regulation, Rome II, in Warsaw in October 2009.

SAMPLE CASES SINCE 2007

Trials

- *Bacon v Nacional Suiza Seguros* (2010)
Claimant spinally injured in Spain, application of Rome II
- *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 and 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 without consulting parties. Retrial ordered settled at £1.4million
- *Noble v Owens* [2008] EWHC 359 (QB) Serious pelvic injuries
£3.4 million
- *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 of 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
- *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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