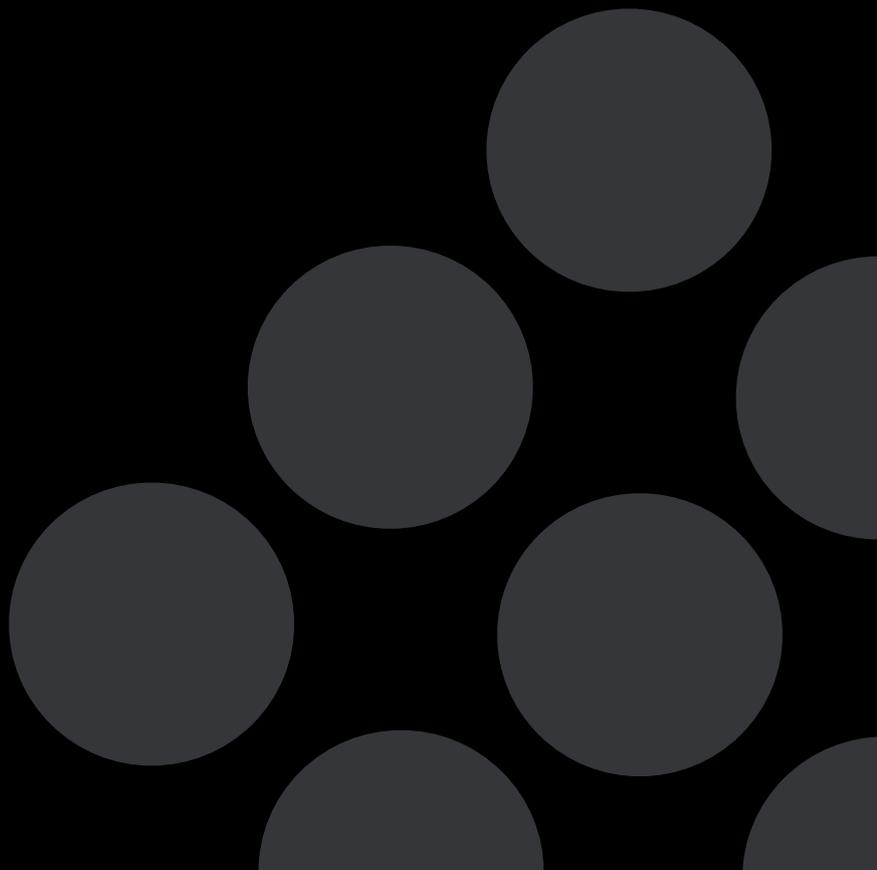


NINESTJOHNSTREET

TRAVEL LAW AND
INTERNATIONAL PERSONAL INJURY



Travel Law

Our specialist travel law team has been set up due to the increasing amount of high profile work which has been undertaken by members of chambers in this area and the demand for this specialism in the North West. We have drawn on our significant experience as a leading set of personal injury practitioners and our knowledge of cross border issues to create a dedicated group of practitioners who are able to service all areas of travel litigation.

Members of chambers have a proven track record in cases involving jurisdiction and choice of law disputes and have the benefit of experience of legal systems in other jurisdictions, most notably the US, Canada, the Middle East and Europe. Significant recent cases undertaken by members of chambers include *Bacon v National Suiza Seguros* and *Farraj v Kings College Hospital*.

We have good links with lawyers in the European Union and first class links with US lawyers in all the largest states and are well placed to identify as well as work with foreign lawyers.

The types of matters which members of chambers have been instructed on include:

- high value spinal cord, brain and fatal injury cases involving UK citizens working or holidaying abroad
- acting for foreign nationals who have been injured in the UK, including assisting overseas lawyers on UK legal issues
- assisting foreign lawyers conducting claims overseas for UK citizens injured aboard who pursue claims in the locality where they were injured

- choice of law and applicable law issues, including the application of Rome I and Rome II
- product liability abroad
- the Athens, Warsaw and Montreal Conventions
- claims brought under the Package Travel Regulations, including accidents at hotels, and applicable local safety standards
- ruined holidays and weddings booked in the UK
- contractual issues arising out of contracts between consumers and tour operators
- indemnity claims and contractual indemnity issues with foreign suppliers
- jurisdiction and enforcement issues, including contesting jurisdiction on procedural and substantive grounds
- large group injury actions resulting from food poisoning and infections whilst on holiday abroad, acting for Claimants and foreign suppliers
- injuries caused on excursions booked in the UK prior going on holiday and whilst on holiday

Please contact the dedicated Travel Law clerk, Ped McKinstry, for more details of how we can assist you service your clients' needs better on 0161 955 5104 or ped.mckinstry@9sjs.com.

Gerard McDermott QC
Head of Travel Law Group



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Manchester M3 4DN
T 0161 955 9000
F 0161 955 9001
civilclerks@9sjs.com
www.9sjs.com



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. Deputy High Court judge.

PROFILE

Gerard 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 long been involved in dealing with conflicts of laws in personal injury and clinical negligence.

Recently, Gerard acted for the Claimant in *Vann & Others v Ocidental Companhia de Seguros S.A.* [2014] EWHC 545 (QB). The claim was a complex matter brought on behalf of four members of the same family following a road traffic accident in Portugal. Liability was established and allegations of contributory negligence made against the Claimants were defeated following a trial in February 2014.

Gerard led Sarah Crowther from 3 Hare Court in *Bacon v Nacional Suiza Cia Seguros Y Reseguro SA* [2010] EWHC 2017, in which the Court was required to determine liability according to Spanish Law and the Judge commented on the temporal application of the Rome II Regulation. Gerard acted in the case of *Farraj v Kings College Hospital* that involved consideration of the conflict of English and Jordanian Law and the interplay of Jordanian Civil and Criminal Law and Sharia Law in relation to termination of pregnancy. Gerard has achieved notable settlements in his cross-border work including a claim by a US citizen for a catastrophic injury sustained in the UK who employed by a Merchant Bank. He has also settled a claim for a client injured in a Belgian RTA but chose to bring the claim in the UK Courts. In that settlement, the Court considered a number of novel points including the availability of periodical payments in these circumstances.

Gerard receives a number of personal injury instructions involving cross-jurisdictional issues, and is well-recognised as a leader with a significant international practice for a

number of years. He is currently advising in a number matters where accidents occurred in Spain, Portugal, Dubai, Slovakia, the USA and Switzerland. Recently, Gerard has also accepted instructions to act on behalf those injured whilst visiting the UK and who will bring their claim in the English Courts.

In addition to his case work, Gerard speaks at UK and international conferences on a range of subjects, many of which address the complexities of cross-border personal injury claims. 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 is also Chair of the Northern Circuit International Committee.

NOTABLE CASES

- *Vann & Others v Ocidental Companhia de Seguros S.A.* [2014] EWHC 545 (QB)
- *Bacon v Nacional Suiza Cia Seguros Y Reseguro SA* [2010] EWHC 2017
- *Farraj v Kings College Hospital* [2008] EWHC 2468 (QB)

SETTLEMENTS

- *DW* – injured in a taxi in Belgium, novel issues as to PPs against Belgium insurer – £6.5m
- *DM* – USA citizen injured in RTA whilst working in England – £1.1m



Manchester M3 4DN
T 0161 955 9000
F 0161 955 9001
civil.clerks@9sjs.com
www.9sjs.com



BOYD MORWOOD



YEAR OF CALL

1996 Middle Temple

EDUCATION

Dual Honours Law & Criminology (First Class)

AWARDS & SCHOLARSHIPS

Wansboroughs Willey Hargrave Award,
Middle Temple Blackstone Entrance
Exhibitioner Award

ASSOCIATIONS

Personal Injury Bar Association, Pan
European Personal Injury Lawyers
Association, Centre for Counter Fraud
Studies, Bar Pro Bono Unit, Pegasus Club

PROFESSIONAL POSITIONS

Bar Council Member Social Mobility
Committee (2012)
Northern Circuit of the Bar Neuberger Liaison
Officer
Legal Assistant to Lord Justices of Appeal (1997)
Treasury Solicitors Department (1997)
Pupil of Sir James Dingemans Q.C. & Peter
Knox Q.C.

PROFILE

Since first commencing in practice Boyd has dealt with a broad range of claims in public and private law involving a European and international dimension and his considerable experience includes:

- assisting in Privy Council capital appeals for appellants and governments
- acting for claimants and defendants in claims involving jurisdiction and applicable law issues including accidents abroad
- acting in motor claims involving foreign state motor insurers' bureaux
- acting in accidents involving extreme sports injuries including parachuting, ballooning or diving
- acting in accidents involving aviation, maritime and rail conventions
- advising in issues connected with foreign banking systems.

Boyd was seconded to the Treasury Solicitors Department at the beginning of his career and there developed expertise in claims with a military dimension.

Over the years Boyd has also been involved in advising in a number of esoteric areas connected with private international law including a million pound Russian banking instruments dispute and undertaking a comparison of Canadian and UK tortious claims relating to contractual economic loss in his undergraduate years.



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ZOË THOMPSON



YEAR OF CALL

1999, Middle Temple

EDUCATION

LLB (Hons), London School of Economics (1st Class)

PROFILE

Zoe is described by The Legal 500 2011 as being 'tenacious on her feet and understanding of her clients' and by Chambers and Partners 2011 as 'conscientious and direct'. She has substantial experience of advocacy in the High Court as well as in the appellate courts, including the Court of Appeal and the House of Lords.

Zoe lived in Canada for 15 years where she developed a strong interest in North American legal systems. She also lectured part time in European law during her early career at the Bar. This background has helped her develop a practice focusing on claims that involve cross border issues.

Zoe has substantial experience of all areas of travel law, including: advising local authorities on school ski trips to North America and the enforceability of exclusion clauses; representing a foreign hotelier in a claim brought in the High Court under the Package Travel Regulations by over 50 Claimants for cryptosporidium infection spread in a swimming pool in Spain; advising as to the terms of contractual indemnities between tour operators and foreign suppliers; representing Claimants and Defendants in claims arising out of road traffic accidents abroad involving UK nationals; and advising Claimants on injuries arising out of excursions booked whilst on holiday abroad.



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www.9sjs.com



LUCINDA LEEMING



YEAR OF CALL

1999, Middle Temple

EDUCATION

BA (Hons), Oxford Brookes

Lucy has a loyal following of solicitors whom she advises on all aspects of travel law. She firmly believes that the counsel/solicitor relationship is the key to ensuring the best possible outcome and encourages a close working relationship with her solicitors.

Tactically skilled, an able advocate, robust yet pragmatic are ways in which Lucy is frequently described.

Lucy accepts instructions on the full range of issues arising out of foreign travel including:

- Illness and gastric claims arising from poor hygienic standards including food poisoning and/or a failure to comply with local health and safety standards;
- Personal injury arising from accidents including RTA, slips and trips, local health and safety standards failings;
- Illness and accidents occurring on cruises;
- Application of the Package Holidays and Package Tours Regulations 1992, the Athens Convention and the Montreal Convention;
- Contractual issues between consumers and tour operators;
- Jurisdictional issues.

Lucy is regularly asked to lecture on these topics and is well known for her approachability.



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www.9sjs.com

KIRSTY MCKINLAY



YEAR OF CALL

2001, Lincoln's Inn

EDUCATION

LL.B (Hons), University of Newcastle
Upon Tyne
Hardwicke Entrance Award
(Lincoln's Inn)

ASSOCIATIONS

Personal Injury Bar Association

PROFILE

Kirsty has experience of dealing with travel litigation claims for breach of contractual duty and breach of the Package Holidays and Package Tours Regulations 1992.

Kirsty has been instructed by a number of tour operators in relation to claims brought by customers with the benefit that this has given her an overview of defending travel litigation claims.

Kirsty has also advised claimants in relation to jurisdictional issues arising out of personal injury claims abroad.

Kirsty has significant experience of personal injury and clinical negligence along with dealing with costs litigation. She also has experience of dealing with the costs of travel litigation claims.

Kirsty gives seminars for both claimants and defendants in relation to various areas of travel litigation.



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F 0161 955 9001
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www.9sjs.com

RUSSELL DICKINSON



YEAR OF CALL

2002 (Lincoln's Inn)

EDUCATION

BA (Hons) Economics, Durham University, (Hatfield College)
Post Graduate Diploma in Law, Nottingham Law School
BVC, Nottingham Law School

ASSOCIATIONS

Personal Injury Bar Association

PROFILE

In recent years Russell has developed, as part of his significant personal injury practice, expertise and experience in the quickly developing field of personal injuries sustained abroad. He regularly acts for both Claimants and Defendants and is able to advise on all aspects of general travel law. He is very much a "trial lawyer" and attends court on a regular basis, which gives him an invaluable insight into the current court approach to various issues in this area of practice.

With a background in economics and finance, (including a stint working in the City in corporate finance), Russell is adept at working with figures. He combines a friendly and approachable manner with a keen eye for detail and appreciation of commercial considerations, which is regarded as a key asset by his clients. He is regularly complimented on his ability to "get on" with his lay clients and to work within a team to secure the best possible outcome for his client. This approach has led to regular instructions from a broad range of loyal clients, including many of the country's leading insurers and national firms of solicitors.

Areas of particular expertise in travel law include:

- Serious road traffic accidents abroad, including catastrophic and fatal accidents
- Injuries arising out of serious accidents abroad, including accidents on airplanes and ships, skiing accidents, cycling accidents and swimming pool accidents
- Choice of law and applicable law issues, including Rome II
- Package Travel Regulation claims, including consideration of local safety standards
- Accidents whilst working abroad

- Food poisoning and other types of illness claims

SAMPLE OF RECENT INTERESTING CASES

- Instructed on behalf of a child claimant who sustained a significant laceration injury as a result of a defective swimming pool whilst on holiday in the Dominican Republic. Issues arose as to the applicable local safety standards.
- Instructed on behalf of a dependent child of a father who was killed in a road traffic accident whilst working in Poland. Issues arose as to the applicable law.
- Instructed by a claimant who suffered a serious foot injury when run over by a car whilst on holiday in Cyprus.
- Instructed by a claimant who suffered injury when tripping over a badly designed step in a hotel lobby in Spain. Issues arose as to the applicable local safety standards.



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www.9sjs.com

IAN DENHAM



YEAR OF CALL

2003, Middle Temple

EDUCATION

MA (Oxon), St Hugh's College, University of Oxford

ASSOCIATIONS

Pan European Association of Personal Injury Lawyers (PEOPIL)

Personal Injury Bar Association (PIBA)

Association of Personal Injury Lawyers (APIL)

Professional Negligence Bar Association (PNBA)

European Circuit of the Bar Northern Circuit

PROFILE

Ian Denham is a personal injury specialist with a particular focus on claims involving serious injury, claims with a cross-border dimension, and fatal accidents.

Ian is the Head of Chamber's Travel & International Personal Injury Law Group. He is also an active member of the Pan European Association of Personal Injury Lawyers (PEOPIL), serving as Secretary to the RTA & Whiplash European Exchange Group and a committee member of the PEOPIL Young Lawyers Group.

His cross-border practice covers advising on jurisdiction, applicable law, direct rights of action against insurers (in the RTA and non-RTA context), claims against the MIB, holiday claims including claims under the Package Travel Regulations including, local standards, accidents in the air and on sea, and claims involving a cross-border employment aspect. Ian regularly advises European insurers on cross-border issues.

Ian has spoken extensively on cross-border personal injury law topics and is happy to provide bespoke training. He has recently spoken at the PEOPIL Conference in Athens, an APIL Travel Law Conference in Manchester and the Annual Chamber's Seminar at The Bridgewater Hall.

Ian is adept at dealing with high value claims, and he is currently instructed on a fatal accident claim pleaded in excess of £2 million. Recently he was led on a matter involving catastrophic injuries that followed from a motorcycle collision in Switzerland, that settled for a value of over £1.3 million.

Through his involvement with PEOPIL, Ian has built up a strong relationship with other European personal injury lawyers who are able to provide advice as to liability and quantum issues from their own jurisdiction.

Ian has experience in the following areas:

- Personal injury arising from accidents abroad, including road traffic accidents, accidents on airplanes and ships;
- Claims against motor insurers and the MIB;
- Fatal accidents abroad;
- Choice of law and applicable law issues, including Rome II, 1995 Act and the Hague Convention;
- The Package Travel Regulations, including applicable local safety standards;
- Food poisoning and other types of illness claims;
- Ruined holidays and weddings;
- Accidents on excursions booked in the UK and abroad;
- Contractual and consumer credit issues arising out of contracts between consumers and tour operators; and
- Accidents whilst working abroad.

APPOINTMENTS

Head of 9 St John Street's Travel Law & International Personal Injury team.

Secretary to the RTA & Whiplash European Exchange Group of the Pan European Association of Personal injury Lawyers (PEOPIL)

Committee Member of the PEOPIL Young Lawyers' Group.

Legal Professional Advisory Panel Member, Edge Hill University Department of Law and Criminology.



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LECTURES AND SEMINARS

- 2015 – RTA Claims from an Insurer's perspective
- 2015 –Pursuing and valuing a Holiday Claim
- 2015 –How to pursue a successful gastric illness claim
- 2015 – Recent developments in cross-border tort claims
- 2015 – Liability of the State for road infrastructure from and English and Greek perspective
- 2015 – A review of Brussels Recast
- 2014 – *Cox v Ergo Versicherung AG, Wall v Mutuelle de Poitier Assurances* & Recital 33 arguments
- 2014 – Delayed flights: a review of *Jet2 v Huzar* and *Dawson v Thomson Airlines*
- 2014 – Jurisdiction and Applicable law in Travel Law Claims
- 2014 – Rome II update

Ian is available to provide any of the above seminars upon request and would be glad to discuss any other specific requests.



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BENJAMIN MORRIS



YEAR OF CALL

2004, Lincoln's Inn

EDUCATION

Postgraduate Diploma in Law – Inns of Court School of Law
BA (Hons), King's College, Cambridge University

PROFILE

Ben is a member of the 9 St John Street Travel Law and International Personal Injury Group. He regularly acts for both Claimants and Defendants and is able to advise on all aspects of general travel law. He has a particular knowledge and interest in the following:

- All claims brought under the Package Travel Regulations.
- Jurisdiction under the Brussels I Regulation and the common law rules.
- Road traffic accidents abroad.
- Claims against tour operators and hoteliers.
- All personal injury claims involving a foreign element (whether under the Rome II Regulation or the Private International Law (Miscellaneous Provisions) Act 1995).
- Accidents arising out of leisure activities abroad, in particular accidents occurring during the course of dangerous activities undertaken on holiday.
- Accidents involving international transport including airline travel and cruise ship accidents (the Warsaw Convention, Montreal Convention and Athens Convention).

Ben draws on his in-depth knowledge of personal injury and professional negligence litigation to assist in providing specialist and incisive advocacy and advice. He regularly deals with high-level multi track litigation and is often instructed in cases worth in excess of £100,000.

Ben offers a fast and high quality service and prides himself on his prompt attention to paper work. He considers his relationship with his instructing solicitor, lay client and/or insurer client to be a symbiotic one and appreciates an open dialogue to ensure that the team as a whole achieves the right result.



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F 0161 955 9001
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RACHAEL LEVENE



YEAR OF CALL

2006, Gray's Inn

EDUCATION

LLM, University of British Columbia
(First Class)
MA, Gonville and Caius College,
Cambridge University (Exhibitioner)

AWARDS AND SCHOLARSHIPS

Cynthia Terry Award, Gray's Inn (2006),
Commonwealth Scholar (2003–2005);
scholarship awarded to study at the
University of British Columbia

PROFILE

Rachael is able to advise on a wide range of travel law issues.

She accepts instructions in all of the following areas:

- Personal Injury abroad arising from road traffic accidents, skiing and accidents in foreign resorts
- The Package Travel Regulations, including applicable local safety standards
- Food Poisoning and other types of illness claims
- Ruined Holidays and Weddings
- Accidents excursions booked in the UK and abroad
- Contractual Issues as between consumers and tour operators

Rachael is robust in court and efficient with paperwork.



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WILLIAM HAMILTON



YEAR OF CALL
2008, Lincoln's Inn

EDUCATION
LLB (Hons), First Class, University of Manchester

ASSOCIATIONS
Personal Injury Bar Association

SCHOLARSHIPS
Hardwicke Entrance Award

PROFILE

William is a keen member of the 9 St John Street Travel Law Group. He regularly acts for both Claimants and Defendants and is able to advise on all aspects of travel law and jurisdictional issues. He has a particular knowledge and interest in the following:

- Jurisdictional issues under the Brussels I Regulation and the common law rules.
- Personal injury claims involving a foreign element (including consideration of the Rome II Regulation or the Private International Law (Miscellaneous Provisions) Act 1995).
- Claims arising out of road traffic accidents with a foreign element, including jurisdictional and procedural issues arising therefrom.
- Claims involving international transport conventions (including the Warsaw Convention, Montreal Convention and Athens Convention, amongst others).
- Claims brought under EC Regulation 261/2004 in respect of denied boarding, cancellation and flight delay.
- Claims brought under the Package Travel Regulations, including claims against tour operators and hoteliers and consideration of local safety standards.
- Accidents arising out of leisure activities abroad, including accidents occurring during the course of dangerous activities undertaken on holiday.
- Food poisoning and other types of illness claims.

William is dedicated to providing a high quality service and prides himself on his prompt attention to paper work. He is happy to provide seminars on any aspect of travel law.



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JASMINE SKANDER



YEAR OF CALL

2011

EDUCATION

LLB (Hons) 2.1 University of London
Queen Mary College 2009
Very Competent Nottingham Law School
2011

PROFILE

Jasmine accepts instructions in all matters relating to accidents abroad, including accidents that engage the Montreal/Athens conventions, the package regulations, and cases where quantum, jurisdictional and applicable law issues are live.

Jasmine also has a particular interest in matters relating to the MIB and insurance fraud relating to accidents abroad.



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Manchester M3 4DN
T 0161 955 9000
F 0161 955 9001
civil.clerks@9sjs.com
www.9sjs.com

AMY ROLLINGS



YEAR OF CALL

2012

EDUCATION

MPhil (Medical Law) University of Manchester
LLB, University of Manchester
BPTC, Nottingham Law School

SCHOLARSHIPS

Middle Temple Harmsworth Scholar (2012)
Zhejiang University, Study China Scholarship

ASSOCIATIONS

Pan European Association of Personal Injury Lawyers (PEOPIL)

PROFILE

Amy began her pupillage in September 2013 under the supervision of Matthew Snarr. She studied Law (LLB, MPhil) at the University of Manchester and was awarded a Harmsworth Scholarship from Middle Temple for the BPTC, which she went on to complete at Nottingham Law School.

In pupillage, Amy has seen a wide variety of complex personal injury and employment matters, including clinical negligence, personal injury fraud, health and safety, industrial disease, unfair dismissal (including constructive dismissal) and discrimination law.

BACKGROUND

Prior to and upon graduation, Amy worked for Gerard McDermott QC assisting in catastrophic personal injury and employment law. This involved, amongst other cases, assisting in the following:

- *Farraj v Kings Healthcare* [2009] EWCA Civ 1203 (Court of Appeal)
- *Bacon v Nacional Suiza Seguros* (2010) (Claimant spinally injured in Spain)
- *The McAleese Inquest*, May 2010 (inquest into the death of Sergeant McAleese in Afghanistan.)
- Employment advice regarding restrictive covenants, Working Time Regulations and equal pay.

Alongside this role, Amy completed an MPhil under the supervision of Professor Margot Brazier. Her research concerned the legal regulation of emerging reproductive technologies. She also enjoyed teaching Law at the University of Central Lancashire from 2011–12 and guest lecturing at the University of Manchester in her research fields.

Amy has a particular interest in coronial matters, having spent a month shadowing coroner Nigel Meadows at Manchester Coroner's Court.

Outside of work, Amy is a keen traveller and sportswoman. In April 2014 she is running the London marathon to raise money for the Spinal Injuries Association. In 2008, she obtained a scholarship to learn Mandarin at Zhejiang University, China.



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T 0161 955 9000
F 0161 955 9001
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www.9sjs.com



NINESTJOHNSTREET

TRAVEL LAW CLERKS



Tony Morrissey
Senior Civil Clerk
tony.morrissey@9sjs.com
0161 955 5176



Joe Gibson
Team Leader
joe.gibson@9sjs.com
0161 955 5161



Peadar McKinstry
Diary Manager
ped.mckinstry@9sjs.com
0161 955 5104

Ped was instrumental in setting up the Travel Law Team within chambers following the increased demand for local counsel within this area and a paucity of specialists outside of London. He is the main point of contact in regards to this niche area of law and is able to offer Counsel with the requisite experience and knowledge to cover the varying degrees of complexity involved in each case. The team is also available to offer bespoke seminars both within Chambers and at the offices of clients.

Ped completed the BTEC Advanced Award in Chambers Administration in November 2011 passing with a Distinction mark.



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