

## Claire Gourley

Call 1996



### Clerks' Details

 Ben Kierman  
 0151 242 8855

### Appointments

- Deputy District Judge (2015)

### Memberships

- Personal Injury Bar Association

### Education

- MA (Cantab) Law, Magdalene College, University of Cambridge Bar Vocational Course (Very Competent, 1996)
- Harmsworth Major Entrance Exhibition, Middle Temple (1995)

### Beyond the Bar

Claire grew up in Belfast but came to England when she was 18. Surprisingly for an Irish woman, Liverpool was not her first port of call and she undertook pupillage and then became a tenant in 3 Paper Buildings. She came to Exchange Chambers in 1998, is married with two children and is actively involved as a parent governor in her daughter's school. In her spare time she plays the ukulele and is slowly learning Taekwon-do, although not at the same time.

### Personal Injury CV

#### Overview

Claire practises exclusively in personal injury, education and highways law and mainly acts for defendants. She offers frank, practical advice to her clients with a view on financial implications on all cases. Able to communicate with clarity with both solicitor and lay client, Claire prides herself on being an approachable and understanding advocate who works hard to achieve the best possible result.

Her personal injury practice covers a wide range of areas, including:

- Occupiers' liability
- Public liability claims
- School accidents
- Employers' liability
- Highways law including issues relating to non-maintainable highways and Gulliksen arguments
- Drains and subsidence claims
- Housing disrepair claims
- Defective Premises Act claims

Claire was appointed as a Deputy District Judge in 2015.

## Cases

Spinal injury caused by an accident at work resulting in paralysis; claim included an extensive care package and substantial loss of earnings claim; settled for c £1 million.

Bike accident resulting in severe shoulder injury; claim pleaded at £825,000, settled for £187,500.

Employer's liability claim arising out of provision of allegedly inappropriate work seating; experts for the Claimant only (no experts having been sought by the Defendant prior to my involvement); 5 day trial, defendant successful.

Employer's liability claim arising out of significant arm injury at work with associated nerve damage; claim included £100,000 for future care and handicap on the labour market; settled for £45,000 inclusive (approximately £12,000 for all future losses).

Tripping claim by an already disabled claimant who claimed to require 3 times the amount of care previously provided as a result of the injuries; a Part 36 offer of £130,000 was made by the claimant prior to proceedings being issued; DWP records were obtained and following judicious questioning of the experts, the claimant accepted £15,000 in full settlement.

Snow and ice claim against a local highway authority; 3 day liability only trial (significant injuries to an already disabled claimant, including the need for a replacement hip); claimant discontinued after service of a statement drafted following a conference.

NIHL claim defended pre-proceedings on limitation following receipt of the medical records; claim not issued.

Claim against highway authority for inadequate road signage and inappropriate road conditions following an HGV coming off the road; claim defended pre- proceedings, never issued;

Claim against a school for defective playground surfacing; successfully defended at trial on basis of the interpretation of the relevant British Standards.

Claim for defective drainage contributing to the presence of ice on a pavement; defence of no breach of duty successful at trial.

Employer's liability claim following an accident at a service user's home as a result of a defective ramp; claim successfully defended at trial on the basis that the employer owed no duty in the circumstances.

Numerous cases which have been discontinued by the claimant after issues have been raised on credibility including:

Law student who claimed to have fallen on a defect in a kerb, supported by witness evidence from his friend; a specific disclosure application resulted in medical records being provided showing that he had initially complained of suffering a dislocated shoulder in a play fight with his girlfriend. Claim discontinued by the claimant shortly thereafter.

Student who claimed to require 24 hour a day care after a fall; claim discontinued following service of defence detailing the massive inconsistencies within the medical record.

Tripping claim by a young woman where the solicitors came off record within days of service of witness statements setting out contradictory Facebook entries.