

Gerard Martin KC

Call 1978 | Silk 2000



Clerks' Details

- Neil Wright
- 0151 242 8814

Appointments

- Accredited Mediator
- Former Recorder - Medical Law Association

Memberships

- PIBA
- PNBA

Education

- Cambridge, Law degree 2.1, 1974-1977

Beyond the Bar

Former Chair of the board of trustees at a local children's hospice.

Clinical Negligence CV

Overview

With extensive experience of clinical negligence work, Gerard worked for a number of years when he was a senior junior for defendant trusts in the North of England. Upon taking Silk, he has had vast experience leading the legal team for the claimant in many cerebral palsy cases both as to liability and quantum. He regularly achieves awards in such cases that are generally well in excess of £5 million, the largest to date being £7.5 million. He also has detailed experience of pursuing claims on behalf of those who have suffered strokes by reason of clinical negligence.

Gerard is a past chair of the Northern Circuit Medical Law Association and has presented lectures at AVMA seminars on the preparation of quantum claims in birth injuries cases. His latest clinical negligence seminars have focused on the recent topics of consent after the Supreme Court decision in Montgomery and the importance of investigating cumulative causes re causation as highlighted in the Privy Council decision of Williams v. Bermuda Hospitals.

Gerard also has a special interest in the preparation of the claim for compensation in clinical negligence cases involving brain injury both for children and adults. Indeed the largest part of his practice specialises in issues around brain injury, both as to liability and quantum. He has in-depth knowledge of the leading medical experts in the field of clinical negligence.

Gerard sits on the national board of trustees of the United Kingdom Acquired Brain Injury Forum. UKAIF is a charity which connects those with brain injury and their supporters to other like minded organisations so as to improve outcomes for those with brain injury. The charity works for all those with brain injury, the vast majority of whom have

no legal claim to pursue. Working as a trustee provides Gerard with experience and expertise of outcomes for the brain injured in many aspects of their lives, health and social care, education and the criminal justice sector. He brings that broad insight to those he represents in their claims.

He understands how stressful cases can be, and that the process may often seem daunting. With this in mind, he often prefers to see clients in their own homes where they are most at ease. With almost two decades of experience in silk, Gerard has wide ranging expertise in all matters of clinical negligence.

Recommendations

“Gerard is a highly competent barrister who quickly identifies the issues that need addressing in the case. He has excellent client care skills and deals with expert witnesses in a productive manner.”

Chambers and Partners

“He is approachable and client friendly.” **Chambers and Partners**

“He is the go-to man for amputation: so experienced and smart that he can whip the case into shape.” **Chambers and Partners**

“Gerard is extremely knowledgeable in clinical negligence cases.” **Chambers and Partners**

“He is highly experienced in the most complex of matters.” **Chambers and Partners**

“A knowledgeable silk with a wealth of clinical negligence experience, Gerard has a lovely client manner.” **Chambers and Partners**

“Gerard is an excellent leader.” **Chambers and Partners**

“Gerard is really good to work with and is an excellent leader.” **Chambers and Partners**

“He is massively experienced, unflappable and calm.” **Chambers and Partners**

“He is hugely experienced.” “There is nothing he doesn’t know about amputation cases - the extent of his knowledge is unbelievable.” **Chambers and Partners**

“He is very knowledgeable in complex medical negligence claims and is extremely thorough. He leaves no stone unturned.” **Chambers and Partners**

“He always takes a sensible approach to cases.” **Chambers and Partners**

“His excellent understanding and knowledge helped to guide us through the case. He remained

firm and supportive and is someone you want on your side.” **Chambers and Partners**

“He has excellent knowledge in the field of brain and spinal injury claims, making the complicated seem simple.” “He is a great advocate and has an exceptional client manner.” “Very impressive.” “He knows his stuff and knows his cases very well.” **Chambers and Partners**

“I find that he has the ability to crisply analyse the issues in the claim and succinctly condense expert evidence.” “A true expert in brain damage cases, both in infants and adults. Clients find him delightful, especially as he has the ability to demystify a complex area of the law.” “He has a wealth of experience in brain and spinal injury cases.” **Chambers and Partners**

“His knowledge of prosthetics and amputee injuries is phenomenal. He has taken it upon himself to know everything there is to know about prosthetics.” “He commands the respect of the court and his preparation is first-rate.” **Chambers and Partners**

“An organised and accessible QC who understands the benefits of a structured plan for cases.” “Not only reliable, but exceptional in terms of results. It’s always a positive experience for clients due to his exceptional bedside manner, and his track record speaks for itself.” **Chambers and Partners**

“His manner with clients is exceptional and his practical thinking helps everyone working on the case to achieve the relevant objectives.” “He is top-rate and particularly valued for his knowledge on amputee cases and his ability to build a strong relationship with our clients.” **Chambers and Partners**

“Much admired for his ‘robust demeanour and his ‘brilliant analysis of a case.’” **Chambers and Partners**

“His client work is second to none; he has a clear, practical attitude which the clients really appreciate.” **Chambers and Partners**

“Gerard Martin QC is particularly known for his successes in personal injury claims, but is also an excellent choice to handle high-value clinical negligence cases. He wins particular praise for his client care skills.” **Chambers and Partners**

‘Gerard is an extremely experienced and accomplished silk and a brilliant negotiator. He inspires confidence and exudes authority around the negotiating table, his cross-examination is measured and calm, yet devastating, and his judgment of the courtroom dynamics is impeccable and the judges all plainly hold him in very high regard, and rightly so.’ **The Legal 500**

‘Gerard can deal with complex, high-value cases and he is very good with clients.’ **The Legal 500**

‘Gerard is a vastly experienced barrister who has been dealing with these cases for many years. He brings a calmness and clarity to the complexity of case preparation. He also has a very clear and efficient way of explaining complex cases so that clients, experts and judges are able to easily understand.’ **The Legal 500**

“Gerard has excellent people skills helping to manage the client through a very stressful time. He is calmness personified.” **The Legal 500**

“Gerard has excellent people skills helping to manage the client through a very stressful time. He is calmness personified. Gets to grips with the salient points quickly and is a sharp negotiator. His experience and knowledge of his rivals is second to none.” **The Legal 500**

“Has an invaluable knowledge of catastrophic injury claims.” **The Legal 500**

“Very hardworking with the ability to demystify complex areas of law.” **The Legal 500**

“He is brilliant on difficult cases involving medical negligence.” **The Legal 500**

“A favourite going back many years for his decisive judgement calls that stand the test of time.” **The Legal 500**

“I have worked with Gerard Martin QC in complex and high value clinical negligence cases including those involving spinal injuries, brain injuries and amputation. He is extremely knowledgeable in such cases and able to provide clear strategies going forward to bring cases to a successful conclusion. His guidance has made significant differences to highly complex cases. He handles experts well and treats clients with sympathy, recognising the trauma they have been through and provides guidance on rehabilitation options. His detailed knowledge of cases involving amputation is particularly impressive and he leaves no stone unturned for clients.” **Christopher Noble, Head of Clinical Negligence, Atherton Godfrey LLP**

“I am indebted to Gerard Martin QC. He agreed to accept instructions, on a CFA, in one of the most complex cases I have had the pleasure of dealing with in my short career. Very early on in the case Gerard had to trust my judgment, in the absence of supportive evidence. That trust delivered when a settlement was reached in December 2011.”

**Grant Evatt, Senior Solicitor, Blake Laphorn.
Coordinator of the APIL Military Special Interest Group**

“Gerard has always proven to be an extremely approachable Silk, who consistently goes that extra mile for my catastrophically injured clients. His advice is always thorough, clear and comprehensive. Gerard is also tenacious and when it comes to fighting in relation to important issues he knows how to get it right...”

Helen Shaw, Potter Rees Solicitors

“Gerard is a first class QC and I would highly recommend him to any team. As a solicitor specialising in brain injury cases he offers everything my clients and I require. He knows the law, he has an excellent understanding of brain injury, he handles experts well, he is respected by his opposition and he has a good feel for what a judge is likely to do when presented with all the available evidence. Gerard is also friendly, approachable and excellent at putting my client’s at ease and talking to them at their level. Most importantly he will also fight when necessary to see that justice is done.”

Julie Reynolds, Julie Reynolds Solicitors

Cases

ADR

Guantanamo Bay Negotiations 2010

Acted for two of the inmates in a two week mediation against five Government departments seeking compensation for human rights violations, successfully settled.

AB 2010

Severe brain injury to a 60 year old passenger in a car, £7.5 million recovered, including annual payments for care and case management of £310,000.

CD 2010

Severe brain injury for a passenger exiting a moving taxi- successfully recovered £250,000.

EF 2011

Spinal injury tetraplegic in his early twenties, complicated by his failure to use care package, £7.3 million.

GH 2010

Young man of 16 at time of severe brain injury, passenger in car driven off Beachey Head, management of his care team made difficult by his amorous relationship with one of his carers, just under £6 million recovered.

IJ 2011

Chronic pain case for a man in his twenties, video surveillance and credibility in issue, settled for £535,000.

KL 2012

A lady in her fifties, amputee, loss of upper limb, just below shoulder, issues re use of myo electric prosthetics - £1.15 million recovered.

OP 2011

Turkish speaking man in his fifties, severe brain damage, unable to walk by reason of neurological injuries, lost ability to speak English, severely distressed by his injuries, complicated by boney

growths around his knees causing pain, £5.5 million recovered.

QR 2012

Young lady in her twenties, severe brain injuries, rendered virtually blind, 3% sight remaining in one eye, severe anxiety problems, case complicated because we were the second legal team, called in to take over the case from solicitors with whom the family had become dissatisfied, very difficult care package to manage, £5.5 million recovered.

MN 2012

Lady in her fifties, suffers severe brain injury, as a result suffers the onset of bipolar disorder, a diagnosis agreed by Defence expert to be caused by accident. The disorder not yet controlled by medication. Has reverted to her first language of Sri Lankan, profoundly deaf.

B 2018

Case settled with two days to go before trial on liability, tetraparetic client having fallen downstairs at home and broken her neck, fracture missed at hospital. Case required tough negotiation and sensitive handling of client and her expectations. We settled at 50% of full liability

DS 2019

wrongful birth claim, issues over diagnosis of Dandy Walker syndrome, causation issues, case settled 1 week before liability trial for £1m.

MB 2019

Lady in her 60s now suffered inappropriate medical examination by a consultant orthopaedic surgeon who failed to credit her as a spinal injury – causing further spinal injury, settlement £900k.

H 2018

Paraplegic case just settled for £3.3 m, good negotiated settlement and client managed well.

RA 2020

teenager given inappropriate surgery to femur and knee leading to poor function when a simpler operation would have given a better outcome, settlement £2.3m.

BB 2021

Concluded case where liability was difficult as was causation, the latter due to ongoing inflammatory process beyond the time of onset of the remedial intervention. Child client was in the care of the local authority but case brought by mother – interplay with local authority difficult because of early years history.

NH 2021

Downs Syndrome adult in his 40s when disc bulge in neck missed for 18 months causing cord contusion leading to foot drop.

BW 2022

Ongoing cerebral palsy case. Child has complex needs, as do other members of the family, which complicates the delivery of rehab. This will be a multi-million pound award when concluded.

RH 2022

Complex case of failure to diagnose purpura fulminans leading to emergency amputation of both legs in a child of three years, case ongoing on liability and causation.

DB 2022

Ongoing case of alleged negligent spinal surgery aftercare leading to paralysis. Client was a GP

with significant losses.

GF 2022

Lady in her 80s suffered an ABI in an RTA, difficult issues of managing the clients changed personality in the care home which was providing interim care, and also the management of the issue of the interplay between the PI claim was being addressed when sadly the client had a fall in the care home and passed away. Case settled for £400k.

JD 2022

man in his twenties suffered ABI in RTA, then clin negligence whilst being treated in hospital causing the need for a below knee amputation – complex arguments between Defendants over joint or inde-pendant tortfeasor liabilities, case settled for £5m.

MB

Young man aged 17 at doa, very severe brain injury, remarkable gains made during rehab, complex high value claim, grossed up value of award £19m.

SA

Consultant orthopaedic surgeon in his 60s rendered paraplegic in rta, management of the right rehabilitation which included in patient stay in a specialist rehab unit was the key to a good outcome, settlement £4m.

CUX

Cerebral palsy case – liability award approved at 25%, complex presentation of quantum claim specifically to cover an increase in hourly support worker rates given the recent recruitment crisis, settlement for £3m (full liability award would have been £12m).

International cases

Two recent cases of interest both concern the management of cases abroad. One involves a man in his sixties, living in Tehran, who suffered what we believe to be a severe brain injury when knocked down as a pedestrian in London and the brain injury was missed by the treating hospital which focussed on the orthopaedic injuries. The client speaks no English.

The other is for a young man with a severe brain injury who resides in Kuwait City, little is known as yet what systems for rehabilitation exist in his home country. Little English is spoken and reliance upon interpreters is essential.