

NAME

John Gray

EMAIL

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YEAR OF CALL

2001

AREAS OF LAW

Personal Injury, Clinical Negligence, Professional Negligence, Mediation

OVERVIEW

Legal 500 2021 – Leading Individual – Northern Circuit, Personal Injury: “John Gray is instructed in high-value litigation, including subtle brain injury cases, permanent restriction/diminution in the ability to work, industrial disease claims, and overseas accident claims.” “He is thorough, meticulous and has an eye for detail. He is a very able Barrister and his knowledge of the rules is exemplary.”

John Gray has more than 20 years experience in civil litigation. He predominantly undertakes cases involving serious injuries and clinical (medical) negligence. He also undertakes cases of professional negligence (mainly solicitors and surveyors). He was previously the co-founder and Joint Managing Director of a Legal Disciplinary Practice. Accredited mediator. He also sits part time as a Judge.

EDUCATION

- LLB(Hons), BVC/PgDip
- MA Medical Law and Healthcare Ethics

APPOINTMENTS AND AWARDS

- Recorder (authorised private and public family law)
- Tribunal Judge (authorised Mental Health Tribunal)
- Lay Member of University of Liverpool Research Ethics Committee

PROFESSIONAL MEMBERSHIPS

- Personal Injury Bar Association
- Professional Negligence Bar Association
- Merseyside Medico-Legal Society
- Lincolns Inn. Northern Circuit

RECOMMENDATIONS

"He is thorough, meticulous and has an eye for detail. He is a very able Barrister and his knowledge of the rules is exemplary." – Legal500 2021

PERSONAL INJURY

John has extensive experience in undertaking personal injury cases. Over the years, the cases he has been involved in have become more complex involving arguments over liability, causation of the injury/symptoms and/or the valuation (quantum) of the claim. Veteran in dealing with allegations of fraud. Experience of ancillary litigation – CICA, credit hire, inquests & costs. Currently instructed in a number of cases where the value is at or above £1million.

CLINICAL NEGLIGENCE AND MEDICAL LAW

John Gray is a barrister who is fascinated by and has a long professional history in cases involving the interface between law and medicine. His broad experience in medical law beginning with his MA in Medical Law and Healthcare Ethics. He began a part time PhD in Bioethics and Medical Jurisprudence but was unable to complete it due to his growing barrister practice. He is regularly instructed in clinical negligence cases involving surgical and pharmaceutical negligence, misdiagnosis and delayed diagnosis, inappropriate treatment and lack of consent. He also undertakes cases involving allied professions including nurse practitioners, dentists, etc. He has also defended before the Medical Practitioners Tribunal Service. He has lectured extensively including previously co-writing & presenting a 1 week lecture series on clinical negligence to government lawyers in Kuala Lumpur.

PROFESSIONAL NEGLIGENCE

John is regularly instructed in matters of professional negligence especially those involving solicitors and surveyors. He has successfully acted for a number of claimants where their previous solicitors mismanaged the litigation. He is currently representing 100+ householders in the 'leasehold scandal' litigation where numerous conveyancing solicitors failed to properly advise purchasers of new build homes as to the onerous terms of their leases. Many of his cases have involved complex issues of causation and limitation.

MEDIATION

John first undertook mediation training with the Academy of Experts in 2007. In 2017 he undertook further training with the University of Central Lancashire and thereafter passed the required Civil Mediation Council (CMC) assessment.

John is able to draw decades of experience in dispute resolution to aid parties in coming to a resolution. He has been a barrister for over 20 years, spent 10 years as the joint Managing Director of a law firm and has sat part time as a Judge for a number of years.

John is a member of the Society of Mediators entitling him to use the postnominals MSOM. He is a member of the Society's Mediator Panel.

COSTS

John's background as the co-founder and owner of a law firm gives him a greater experience in costs and related disputes than the vast majority of barristers. He can offer specialist advice and representation in relation to a wide variety of contentious and non-contentious costs disputes. He has experience of cost budgeting, security for costs, provisional and detailed assessments, fixed costs disputes, exceptions to QOCS, solicitor own client disputes, BTE/ATE arguments, wasted or non-party costs orders and allegations of misconduct. He acts for both paying and receiving parties.

John's heavyweight personal injury (recommended in the Legal 500 2021 and 2022), clinical negligence and professional negligence practice means he has an understanding of the underlying litigation and is an experienced trial advocate. This is useful in solicitor/own client disputes and also where cross-examination is required in matters concerning conduct, misconduct, wasted costs and non-party costs orders.

He is a Recorder and a Tribunal Judge. He is public access qualified and also litigation qualified. He is also a qualified mediator.

NOTABLE CASES

Personal injury cases recently successfully concluded or ongoing:

- DC – Accident at work. Serious ankle fracture with permanent symptoms. Liability admitted however D tried to defeat the claim on basis of C's constitutional medical problems and/or C's unrelated criminality. Medical evidence from different specialties in relation to the constitutional and the allegedly accident related symptoms and losses that flowed. Successfully resisting D's attempts at multiple hearings to utilise C's antecedent history and that C became incarcerated to defeat and derail the claim.
- AO – Accident at work. Finger amputated. Liability denied. Successful settlement.
- IF – Accident at work. Serious lower leg injuries (ankle, heel & foot) & psychological symptoms. Claim complicated over whether C would remain in this country or return to his native country & the effect that would have on future loss of earnings claim.
- MW – Accident at work, thumb amputated. Liability denied – D claimed C not employed by them. Successfully concluded in a short time.
- DT – Road traffic accident. Liability denied and also contributory negligence issues raised. Significant amount of medical evidence (fracture femur, fracture patella, fractured foot, dislocated shoulder, fracture T12, chest injury + psychological). Successfully negotiated through to settlement.
- DB – Vehicle used a weapon to run over C. The Claimant sustained multiple injuries in the index accident including a moderate-severe traumatic brain injury.
- W – Accident at work. Spinal fracture. Liability denied. Permanent restriction in ability to work. Likely value £500k+.
- KW – Complex + high value case. Objectively minor accident at work. Liability denied. C alleges accident led to development of Chronic Regional pain syndrome. Amputation of leg now likely. Causation denied. Allegations and counter allegations of interfering with witnesses. Pleaded £1 million.
- Disease – Instructed for the claimant in the 2nd appeal to the Court of Appeal in Holmes –v- S & B Concrete Limited. Argument in a nutshell was whether limitation continues to run even if Defendant Company was in liquidation before being dissolved.

Clinical negligence cases, example cases:

- GH – 2 separate complex clinical negligence claims. Pre-existing disabilities. One claim alleging failure to treat caused loss of only 'good' eye leaving C blind. Second claim alleged failure to properly treat spinal cyst lead to permanent spinal disability.
- Dental negligence (defendant) – Instructed direct access to defend a dental practice.

Professional negligence:

- Breach fiduciary duty / Solicitors negligence – instructed in on behalf of approx. 100 claimants caught up in the leasehold scandal who are now bringing professional negligence claims against their conveyancing solicitors who were 'panel' solicitors for the housebuilder.
- Breach contract / Solicitors' negligence – Claims against house builder for breach contract and previous conveyancing solicitor for losses arising out of allegedly negligent handling of the purchase of the Claimant's house.
- Dental negligence (defendant) – Instructed direct access to defend a dental practice.

Other types of work:

- Claim against former insurer and broker for avoiding 3 insurance policies and retaining the premiums paid which amounted to c. £150,000.
- Cavity wall (defendant) – Instructed by a cavity wall installation company to defend a claim for defective installation being brought against them. Defendant faces numerous identical claims.