



# Gemma Ralph

**Year of Call:** 2016

**Email Address:** [gemma.ralph@3pb.co.uk](mailto:gemma.ralph@3pb.co.uk)

**Telephone:** 0330 332 2633

## Overview

Gemma Ralph has a busy practice in civil and public law, specialising in clinical negligence and personal injury law, commercial and property disputes and public law. An established practitioner, Gemma acts for both Claimants and Defendants and combines meticulous advisory work with robust advocacy.

Frequently instructed in high-value, complex clinical negligence and personal injury cases, Gemma is experienced with claims across all medical specialties, including brain injuries, spinal injuries, amputation, chronic pain, fatal accidents, optical, hearing loss, obstetric and gynaecological cases.

Gemma has also appeared in the County and High Courts on commercial and property matters, including freezing orders, breach of contract, rental arrears and possession and forfeiture of property. Before coming to the Bar, she worked as Business Manager to the CEO of Coutts Bank, and has a particular interest in high-value, cross-border matters.

Gemma has particular expertise in public law and public international law. Before being called to the Bar, she spent ten years as a British Diplomat, serving both overseas and as Legal Researcher at the Foreign, Commonwealth and Development Office (FCDO), where her work spanned the gamut of UK foreign policy, including Brexit and the Kenya Emergency Group Litigation. Gemma is instructed by GLD in several Afghan Resettlement claims.

Gemma speaks English and Spanish.

## Personal Injury

Gemma Ralph is frequently instructed in high-value, complex personal injury cases for both Claimants and Defendants. Gemma has experience of a broad spectrum of cases, including:

- Animals Act claims
- Criminal Injuries Compensation Authority (CICA) claims and CICA appeals
- Cross-border/international accidents including Athens Convention
- Employers' liability
- Fatal accident claims
- Fraud/fundamental dishonesty
- Highways Act claims
- Noise induced hearing loss and disease claims
- Occupiers' liability

- Product liability
- Public liability
- RTA litigation including all aspects of credit hire and fundamental dishonesty
- Trips and slips
- Secondary victim cases
- Sexual offences and abuse claims
- Sports claims

Gemma has a particular interest in international claims and has been instructed on both accidents abroad and accidents in the UK involving international parties and is asked to advise on cases in Jersey.

Gemma is adept at handling sensitive procedural and factual matters. She has advised the Secretary of State for Justice on cases including a discrimination claim by a transgender prisoner and an historical sexual abuse claim with an international dimension. Gemma also appeared for a high street retailer defending a product liability claim against a Claimant who had a general civil restraint order issued by the Royal Courts of Justice to stop them from bringing certain cases to court.

#### **Examples of recent cases include:**

- **J v R** – Acting as junior counsel, led by senior counsel, for Claimant who suffered serious spinal injury following fall from indoor play equipment at trampoline and adventure park.
- **E v I** – Advised Claimant who suffered unstable fracture to back resulting in chronic pain, kyphosis, foot drop and risk of syringomyelia. Drafted particulars of claim and schedule of damages and advised on quantum, including provisional damages. Advised on applicability of Athens Convention.
- **G v C (Admiralty Court)** – Advised on liability, quantum and offers and drafted particulars of claim for a Claimant with limited mobility who was knocked to the floor whilst using rollator on a cruise ship in Spanish waters. Advised on applicability of Athens Convention.
- **B v H** – Advised family on quantum in fatal accident claim where the Deceased, a pedestrian, suffered life-changing injuries including amputation of leg and ultimately died of covid-19 after being struck by a speeding car.
- **S v MOJ** – Advised Claimant, a female prisoner, in claim for unlawful use of force by a prison officer, leading to injuries requiring popliteal artery bypass and including foot drop with long term risk of leg amputation.
- **F v M** – Advised Claimant on quantum and offers in relation to a claim for polytrauma injuries sustained in a severe RTA.
- **D v A** – Represented Claimant who suffered severe physical and psychological injuries following RTA with international lorry.
- **B v M** – Represented Claimant who suffered permanent tinnitus, symptoms of deafness and PTSD following RTA.
- **H v M** – Represented Defendant including drafting Part 35 questions to an Expert about a diagnosis of tinnitus.
- **V v a Police Commissioner** – Instructed by Claimant, a pedestrian, who was struck by a car following a collision between a car and a police car. Drafted particulars of claim and schedule of damages.
- **B v a Government Department** – Advised Claimant on quantum having been struck in eye by part of an airbag deployed during training at a fire station.
- **W v Y and Y** – Instructed by Claimant in civil claim following criminal proceedings for serious assault.
- **L v an Insurance Company** – Represented Defendant at trial, succeeded in striking out the Claimant's claim valued in excess of £30,000.00 due to late service of expert evidence and medical records.
- **L v a Tennis Club** – Advised Claimant on liability and evidence following slip during tennis tournament.
- **M v Lawn Tennis Association** – Advised Claimant following slip during tennis tournament.
- **M v a Water Sports Provider** – Advised Claimant on liability and merits in personal injury claim for alleged negligent water sports (paddleboard) instruction.

- **K v M** – Advised Claimant about liability and merits in personal injury claim for alleged negligent hairdressing leading to burnt scalp and loss of hair.

## Fraudulent Insurance Claims

Gemma Ralph represents Claimants and Defendants at trials involving allegations of fraud and fundamental dishonesty. She is thorough and robust in cross examination.

### Examples of recent cases include:

- **M v L** – Represented Claimant. Secured award for whiplash. Successfully defended against a finding of fundamental dishonesty, the pleading of which was based on social media intelligence of extreme sports during prognosis period.
- **L v C** – Represented Defendant. Secured finding of fundamental dishonesty and an enforceable costs order against a professional person.
- **R v A** – Represented Defendant. Successfully defended a £20,000.00 claim for tinnitus.
- **C&C v K** – Represented Defendant. Following trial, successfully applied to re-allocate multi-track case of multiple Claimants to the fast-track, significantly limiting costs.

## Articles

Gemma Ralph looks at The Court of Appeal decision in *R (Peiris) v First-tier Tribunal, CICA & Secretary of State for Justice* [2023] EWCA Civ 1527, in which Mr Peiris was refused a bereavement payment from the Criminal Injuries Compensation Authority as he didn't satisfy the eligibility criteria. Mr Peiris appealed to the First-tier Tribunal.

[View Article](#)

## Academic qualifications

- MA (Oxon) Jurisprudence (Law), University of Oxford
- BPTC The University of Law

## Scholarships

- Astbury Scholar, Major Award, Middle Temple
- Winner, Middle Temple Young Barristers Association Moot (2017)

## Professional bodies

- Personal Injury Bar Association
- The Honourable Society of the Middle Temple
- Western Circuit