

Colin McDevitt

Year of Call: 1995
Email Address: colin.mcdevitt@3pb.co.uk
Telephone: 01962 868 884

Overview

Colin McDevitt is a true specialist in Personal Injury, Clinical Negligence, Inquests and Employment Law.

Colin started out in a scientific career studying Biochemistry and Physiology at University and working in pharmaceuticals for a number of years before being called to the Bar in 1995. His legal practice benefits from his analytical and evidence-based approach and is complimented by a commercial insight from his time in industry. He is an expert with finances, calculations and Schedules/Counterschedules of Loss.

Lectures and Seminars
Colin is a popular and regular speaker at the many events that 3PB is involved in. He was the Judge in Mock Trials in Cardiff for a national motor insurer in a case involving disputed liability and a credit hire claim in front of an audience of several hundred lawyers and case workers. He facilitated an open workshop for a firm of solicitors in the West Midlands, whose clients benefitted from round table discussions to solve the problems their businesses were encountering. He has also been an advocate in a series of Mock Tribunals in which he demonstrated to an audience of small and medium enterprises the skills and techniques needed in a tribunal. He has presented a series of seminars to HR professionals for which he received the following feedback, "Thank you very much for your support with our seminars this year which were a great success and very well received." He also lectures on legal topics such as new legislation and recent case law developments.

Colin is an accredited mediation advocate who has represented parties in Counsel to Counsel negotiations, formal Mediations (using a Mediator), Judicial Mediations and at settlement meetings at ACAS.

Colin McDevitt is a keen cyclist and a volunteer Expedition Trainer for the Duke of Edinburgh's Award. He is a junior rugby coach and plays bass guitar.

Recommendations

'He effortlessly puts clients at ease.'

Legal 500 2018 - Employment – Leading juniors

'He has a systematic approach to complex claims.'

Legal 500 2018 - Personal Injury and Clinical Negligence – Leading juniors

'A great advocate, who is well liked by his clients.'

Legal 500 2017 - Employment – Leading juniors

'A specialist in multiple injuries claims.'

Legal 500 2017 - Personal injury and clinical negligence – Leading juniors

'Brilliant at absorbing lots of detail and cutting to the main points.'

Thomson Reuters Report 2017

'Personable experienced counsel who work with me as a team for the client.'

Legal 500 2016 - Employment – Leading juniors

'He gets results.'

Legal 500 2016 - Personal injury and clinical negligence – Leading juniors

'thorough, and has an eye for detail'

Legal 500 2015

'understands the law and the needs of the client alike'

Legal 500 2015

'an astute advocate, who will always fight your corner'

Legal 500 2014

'down to earth and personable'

Legal 500 2014

' experience in a number of complex discrimination cases'

Legal 500 2014

'excellent on his feet and on paper'

Legal 500 2013

What Judges Say:
The following comments have been made by Judges of cases in which Colin has appeared:

- Mrs Justice Slade: "Mr McDevitt's points have been put succinctly and crisply in his outline written submissions. He has been instructed at short notice but that does not detract from the cogency of his arguments to us"
- HHJ Freeland QC, Central London County Court: Colin McDevitt's client has been "excellently advised by a very competent and experienced legal representative" and "the advice from [Mr McDevitt] had been first class"
- Judge Ferris: "Mr McDevitt's advocacy has been of high quality"
- Judge Heal: Mr McDevitt is "experienced counsel using sophisticated cross-examination"

What Clients Say:

- "The opponent accepted all elements of our offer ... The client needless to say was absolutely delighted ... I thank you for your assistance in this complicated case which has resulted in a very good outcome indeed for the client", Marek Bednarczyk, Partner of Personal Injury And Clinical Negligence, Hart Brown Solicitors
- "I did want to notify you direct and to thank you for your assistance throughout. It has undoubtedly been instrumental in enabling us to achieve such a successful and satisfactory outcome for our client", David Black, Partner at Bower & Bailey Solicitors
- "Thank you again for your brilliant work", Nick Owen, Director of William Graham Law Solicitors

- "It was a pleasure to meet you last Friday and I would like to thank you very much indeed for the way in which you conducted the conference. The understanding and sympathetic approach which you displayed enabled [my daughter] to feel very much more at ease than she might have done and you were able to put across to her, in terms that she understood, the salient issues. She certainly left your Chambers feeling that she understood what had been said, had received very good, practical advice and guidance, and found the experience rather less daunting than she expected. For myself, I have been to many conferences over the 35 years of my career as a solicitor and have never attended one better, in all aspects - which is down to you. Not all lawyers (solicitors as well as barristers!) have the ability to relate to a client in an understanding way but this you did, quite in addition to the clarity of the language used and the obvious understanding of the issues (both of which can too often be taken for granted). I have spoken to one solicitor friend recommending you. ...Very many thanks once again and very best wishes for a continuing successful career." E-mail from the father of a teenage client
- "Thank you for your Advice which contains a sound analysis." Richard Fry, Senior Partner, Griffith Smith Solicitors
- "I feel I must write to express the gratitude of both myself and my wife for Mr McDevitt's endeavours on our behalf. I am indebted to Mr McDevitt for the way he was able to put my wife at ease before she gave her evidence and would be grateful if you would pass my sincere thanks to him." Mr Moroney
- "We thank Mr McDevitt for his efforts on our client's behalf and confirm that Mr [H] was extremely pleased with the result." Pinto Potts Solicitors
- "The Client was very impressed with you." Huggins & Lewis Foskett Solicitors
- "We were delighted to receive the news yesterday that the case was judged in our favour. ...We have many things to thank [our solicitor] for [m]ost of all, we have to thank him for his inspired choice of barrister. Initially extremely apprehensive on the day of the hearing, Dr [S] and Dr [B] were given great encouragement by your style and approach. ...They were equally impressed by your closing submission which left me thinking we were home and dry. This of course did not lessen the sense of delight (and relief) around the Practice yesterday as the news broke. I would like to thank you on behalf of all the Partners for the excellent job you did for us and for the result you achieved." Doctors' Surgery on the south coast
- "I just wanted to drop you a line to say thank you for your assistance and support in this matter. I know what a pain it can be when professional clients approach you direct. You did, however, manage to keep us under control and supply all of the support and guidance that was necessary. You did guide us to a satisfactory conclusion. To have kept the Tribunal in line to obtain such a strong judgment is not just a matter of happenstance - I know that it has to be worked for and directed from an early stage." Mr C, CK Solicitors
- "Thank you for your support and hard work that you have done for me" Steve Brewer, client
- "Just a short note to express my gratitude for all your hard work on my behalf and your kindness and understanding during my ordeal. Thanks to you my faith in the human race has been restored. ... Many thanks." Mr Abercrombie, client
- "Thank you for your able assistance with this case - which was by no means straightforward! Well done!" Moorhead James Solicitors
- "I am pleased to say the court found in favour of Mr [H] in all respects and I believe Mr [H] is very pleased with the Court's decision.
- [T]hank you for your efforts." McDonald Oates Solicitors
- "Really enjoyed working with Colin and looking forward to the next battle." Eric Robinson Solicitors
- "Ms [C] is very pleased with this result and I would like to thank you for your help in preparing this claim." Davies and Partners Solicitors
- "Mr [M] has been on the phone singing your praises. ...I said I would pass on his thanks (and mine) to you." Lyons Wilson Solicitors
- "A quick and heartfelt message to say thank you ever so much for all your hard work, excellent support and cheery manner that succeeded in bringing my case to an end. ...I am delighted with the outcome. ...With the very best of wishes to you and all of the team, including Colin who was so instrumental in getting the best outcome possible." Client's email to instructing solicitor

Academic qualifications

- BSc (Hons), University of Reading, 1990
- Diploma in Law, City University, 1994

Professional qualifications & appointments

- Accredited Mediation Advocate

Professional bodies

- Employment Law Bar Association (ELBA)
- Personal Injury Bar Association (PIBA)
- Professional Negligence Bar Association (PNBA)

Expertise

Employment and discrimination

Colin is recognised as a senior junior in employment, equality and related claims. He has considerable experience at all stages of litigation from pre-action advice and guidance right through to representation at the final hearing in the Tribunal, Employment Appeal Tribunal and High Court.

He is consistently ranked in the Legal 500 for his determination, success and ability to get to the heart of the matter. He works for employers and employees in claims such as restrictive covenants, all types of discrimination, unfair dismissal, PIDA, TUPE and breach of contract.

Colin has a national practice, appearing in tribunals and courts up and down the land including Preston, Leeds, Manchester, Liverpool, Nottingham, Leicester, Birmingham, London (Watford, Stratford, Croydon, Aldwych), Ashford, Bury St Edmunds, Bedford, Reading, Southampton, Bristol, Taunton and Exeter.

He receives regular instructions from Local Authorities, large transport companies and national organisations in complex and high value claims. He also represents employees, including Senior Management Teams and managers of high street retailers, universities, schools, banks and councils.

Colin is equally well regarded in his complementary practice in personal injury, clinical negligence and professional negligence. He worked in the pharmaceutical industry before training as a barrister, which gives him commercial insight. He is very strong on Schedules of Loss and Counterschedules.

Colin is:

- A strong team member who gives clear and practical advice and guidance on all legal issues, including tactical positions
- A talented and well-prepared advocate for procedural hearings as well as trial
- Experienced at settlement meetings and mediations
- Consistently regarded as a leading practitioner in the field of employment law by the Legal 500 and by his instructing solicitors

Cases – Unfair Dismissal:

- Bosworth v Northampton Borough Council [2016]: A successful multi-day claim on behalf of the claimant who had effectively been forced to take 2 pay cuts over the course of a few years. When the latest proposal for a reduction in pay resulted in the respondent conducting a dismissal and immediate re-engagement policy, the claimant attempted to comply with the draconian requirements but was dismissed. The respondent claimed that the claimant had resigned but Colin McDevitt successfully persuaded the Tribunal that the claimant had been unfairly dismissed. Colin McDevitt cross-examined the Councils' senior executives. The claim also involved TUPE-related issues.
- Spencer v Centrewest: Colin McDevitt represented the respondent which had dismissed the claimant for suspected theft of a colleague's rucksack. The claimant complained that the dismissal was unfair, a view originally upheld by the Tribunal after a multi-day claim. However, the Tribunal had gone off on a folly of its own and had misapplied the law of theft. Colin McDevitt prepared the appeal documentation and represented the respondent in the Employment Appeal Tribunal in its successful appeal (UKEAT/0481/12/DM).
- Aird v BOFA: The claimant was dismissed from the respondent's accounts department after the discovery that he had previously been convicted of 2 offences of cheque fraud. The claimant had been a book-keeper for 2 previous employers and his fraud amounted to over £170,000. He had been sentenced to 2 years' imprisonment. The claimant claimed unfair dismissal. Colin McDevitt advised and represented the respondent, initially by drafting the Defence and then by successfully applying to the Tribunal for the claim to be struck out.
- Morgan v CdMR: A very satisfying conclusion to lengthy and hard-fought litigation. Colin McDevitt advised the claimant

from the pre-claim stage throughout in proceedings that involved a successful week-long claim, a successful claimant's review (on issues of taxation), a successful opposition of the respondent's appeal in the Employment Appeal Tribunal and the securing of an award of costs for the claimant against the respondent in the EAT before HHJ

- McMullen (UKEATPA/1952/11/ZT). The claimant had been dismissed for redundancy but it was shown that the respondent's process was flawed.
- Ford v Abbycars: Colin McDevitt represented the claimant in this constructive unfair dismissal claim. The matter was appealed and Colin McDevitt represented the claimant in the Employment Appeal Tribunal (UKEAT/0472/07/DA). In the appeal, Elias P made observations about the nature of the causal connection necessary to link the resignation and the repudiatory breach when a constructive dismissal is claimed.
- Gooljary-Wright v C.K. Solicitors: Colin McDevitt represented the respondent firm of solicitors in its successful defence of a claim by a former employee solicitor.
- King v Lymington Citizens' Advice Bureau: Colin McDevitt represented the claimant in her successful claim of unfair dismissal against her employer CAB. The claimant had telephoned The Samaritans when she was concerned about the suicide risk of a person whom she was helping with her debts. The claim was reported on local TV news and in The Evening Standard.

Discrimination

Colin McDevitt is highly experienced with discrimination claims. He was part of the 3PB team which lectured extensively on the Equality Act 2010 shortly before its introduction.

Disability Discrimination

Colin has great experience with disability claims. His personal injury expertise instils great confidence when medical issues arise. Examples of the disabilities litigated are cancer, MS, overweight, the effects of stroke, diabetes, depression, PTSD, dyslexia, dyscalculia and narcolepsy.

All causes of action have also been advised upon and litigated, for example direct discrimination (s.13), indirect discrimination (s.19) failure to make reasonable adjustments (ss. 20 and 21) and discrimination arising from disability (s.15). Colin McDevitt has advised on whether or not to concede disability, knowledge of disability and the effects of disability. He has defended a County Court claim on behalf of a hotel in a compliant regarding disabled access.

Cases:

- Hitschmann v OCDP: A successful claim representing the claimant in her claim of constructive unfair dismissal and disability discrimination in relation to Multiple Sclerosis. The respondent was a charity which championed the needs of people with disabilities but, after cross-examination of a senior manager by Colin, was found to have discriminated against the claimant.
- Despard v Transalis: Colin McDevitt represented the respondent in this claim for unfair dismissal and disability discrimination arising from the claimant suffering a heart attack and a series of strokes. Decision awaited.
- Edwards v Co-Op: A successful defence representing the Co-Op in a multi-day claim arising out of the claimant's difficulty with numbers. Colin McDevitt conducted a successful Preliminary Hearing concerning multiple disability-related issues. After the trial, Colin secured an Order that the claimant pay costs to the respondent.

Race Discrimination

- Mruke v Khan: A highly complex, modern-day slavery case involving a migrant domestic worker in which Colin McDevitt represented the respondent. The 2 week trial involved detailed cross-examination by Colin McDevitt of the Tanzanian claimant, a Detective Constable and a barrister. The claimant appealed to the Employment Appeal Tribunal and, at the Preliminary Hearing in front of HHJ Peter Clark (UKEAT/0240/13/DM), Colin McDevitt successfully opposed the claimant's appeal on the race discrimination claim for reasons that were later upheld in the Supreme Court case of Taiwo v Olaigbe [2016] UKSC 31.
- Ajgarni v Vodafone: Colin McDevitt represented the respondent in this successful defence against a multi-day claim of race discrimination in circumstances where the claimant had been dismissed before he accrued enough service to allow him to bring a claim of unfair dismissal. The claimant's claim failed in its entirety when his claim of race discrimination

was dismissed.

- Kassa v Nurture Day Nursery: A multi-day claim acting for the successful respondent which terminated the claimant's employment for personality reasons very shortly after she started work. The claimant claimed that she had been discriminated against on grounds of race but a detailed analysis of the evidence, skilful cross-examination and forceful submissions from Colin resulted in the claim being dismissed.

Sex Discrimination

- Olayemi v Okoreaffia: Colin became involved in this lengthy and complex piece of litigation after liability had been established but before remedy (compensation) had been decided. The claim arose from the respondent's treatment of his former business partner. Colin McDevitt represented the respondent in the Tribunal and also the Employment Appeal Tribunal before Supperstone J (UKEAT/0221/11/MC). The main issues in the EAT were the correct application of the burden of proof in sex discrimination claims and the instances of harassment that the Tribunal was to have regard to when making determinations of harassment.
- Sardana v You At Work: A lengthy multi-day trial in which Colin represented the successful respondent in a claim of unlawful sex, race and religious discrimination. The claimant attempted a scattergun approach to her dismissal and raised claims based upon 3 protected characteristics. Colin was involved in all stages of preparation of the case leading up to and including the final hearing, including drafting a Scott Schedule of complaints which was instrumental in demonstrating the weakness of the claimant's case. The claims were all dismissed by Tribunal and Colin then later applied for costs against the claimant and secured an Order for costs and that the claimant pay Colin's client £10,000 (the maximum at the time).
- Kelly v IDPP: A factually heavy and complex claim by a female recruitment consultant who claimed sex discrimination as a result of an evening out at a West End lap dancing club. Colin represented the respondent. Through robust and determined cross examination Colin demonstrated the unreliability of the claimant's evidence. The claim was dismissed. The case attracted national press coverage and featured on the front page of London's Evening Standard.
- Dias v YMCA Training: Colin successfully defeated a claim of sex discrimination and unfair dismissal and his cross-examination demonstrated that the claimant had lied.
- Savings v Twang.net: Colin represented the claimant who had been offered a job before informing the employer of her pregnancy. The employer then rescinded the job offer. Colin succeeded in the claim of pregnancy-related discrimination and compensation and secured an Order that the respondent pay the claimant's costs.

Religious and Sex Discrimination

- H v F School: A multi-day trial representing a faith school in its defence to a claim of pregnancy and religious discrimination. There was an ongoing, but toxic, working relationship and the situation needed to be handled with great care and sensitivity. Colin managed his team of witnesses, governors, finance staff and faith leaders to achieve an excellent resolution for his client.

TUPE

Colin has significant experience of TUPE claims, examples of which are below.

- Multiple claimants v Thomson Directory: Colin represented most of the Regional Managers in a claim arising from a restructure of Thomson Directory. The business structure of the company before and after the restructure required detailed analysis and the claim resulted in a week-long Preliminary Hearing.
- Gilbert v Loomis and BDI Securities: The claimant claimed that he had been dismissed for a reason connected with a TUPE transfer. Issues in the trial included whether there had been a TUPE transfer, whether there had been a service provision change, whether there was an ETO reason entailing changes in the workforce, whether the claimant had been allocated to the undertaking immediately before the transfer, whether the dismissal was automatically unfair, whether the duties to inform and consult had been complied with, whether information had been passed from the transferor to the transferee and quantum. Colin represented the claimant in his successful claim.
- Pack v Suffolk New College: A claim in which Colin represented the College where there was an issue about the transfer of the football teaching and provision to students to a local football club. The matter was brought to a satisfactory

conclusion at the Tribunal.

- Rice v GM Rail and 5 others: Colin was involved in a group claim by 43 rail workers who were engaged in an engineering project on the London Underground. The workers had been summarily dismissed 3 days before Christmas and so they mounted a group claim against 6 respondents. The claim involved a lengthy Pre Hearing Review after which directions to prepare for trial were given. The claims were successfully compromised shortly thereafter.

Interim Relief Hearings

- *Robinson v Hampshire County Council*, June 2018, successful opposition to interim relief application.
- *Abdi v Mars Retail*, November 2025, successful opposition to interim relief application.
- *Heslop v Sport Aberdeen*, June 2026, successful opposition to interim relief application.

Restrictive covenants

A common component of this type of claim is the confidentiality to which both parties attach great importance and which they seek to maintain. For this reason, case names are not stated in this section of the web page. However, in general terms, Colin has advised and represented clients (employers and employees) in the County Court and High Court and provided advice to companies and employees on the effect and enforceability of restraint clauses, e.g. geographical restriction, non-solicitation, non-compete and so on. A great number of clients obtain Colin's advice and representation through the Direct Access (Public Access) route.

Clinical Negligence

Colin read Biochemistry and Physiology at University and then worked for a number of years in pharmaceuticals. His background in the life sciences and experience in industry gives him an invaluable understanding of the medical and commercial aspects of the claims he assists with. He specialises in personal injury, clinical negligence and fatal accident claims including those with multiple injuries and claims with experts from a number of disciplines. He receives regular instructions from his solicitors in the following areas:

- Employers' liability (workplace regulations including manual handling operations regulations)
- Industrial injuries (including HAVS)
- Defective machinery
- Occupiers' liability
- Road traffic accidents
- Clinical negligence (including cosmetic surgery, dental)
- Ancillary matters including: Extension of time for issuing a claim form; Limitation; Contribution; Causation (including medical causation); Costs; Costs-only proceedings.

Colin is a member of the Personal Injuries Bar Association (PIBA) and the Professional Negligence Bar Association (PNBA)

CLINICAL NEGLIGENCE NOTABLE CASES

- K v Dr B (GP), Walton Centre NHS Trust and Southport and Ormskirk NHS Trust [2014 and ongoing]
  A claim in which the claimant had presented with papilloedema but who went blind in both eyes at the age of 20 years. The claim is that the claimant's GP failed to refer him with sufficient urgency for specialist investigation and that the specialist centres to which he was eventually referred both negligently delayed proper treatment by way of lumbar puncture or other means to reduce his raised intracranial pressure. Causation is disputed and the claim is, naturally, of significant value given the claimant's youth and the effect of his disability.
- B v Frimley Park Hospital NHS Foundation Trust [2013 and ongoing]
  Representing the claimant who underwent a trapeziectomy operation on her wrist to relieve symptoms of arthritis. Due to

a surgical blunder the wrong bone was excised (the scaphoid instead of the trapezium). The Trust denied liability on the basis of the inherent risk of scaphoidectomy when undergoing trapeziectomy. After receiving the Particulars Of Claim which argued a lack of informed consent as well as complaining about the surgical technique, the trust conceded liability. The claimant underwent numerous pain blocks, suffered carpal collapse and was treated by way of a 4 corner fusion to stabilize her wrist. This latter procedure was unsuccessful and the claimant had to undergo wrist arthrodesis. The injury is significant with significant ongoing problems.

- A v Dartford NHS Trust [2013 and ongoing]
  Acting for the estate, infant daughter and husband of a deceased young wife and mother who was a lupus sufferer. She attended A&E complaining that her throat was "closing up" but was discharged home. Within an hour she suffered a cardiac arrest and fell into a coma. After living in a persistent vegetative state for 18 months she then passed away. Whilst breach of duty (the discharge home) was admitted, the issues of causation and quantum are being litigated. A very high value claim.
- A v Calderdale and Huddersfield NHS Foundation Trust [2013 and ongoing]
  A young woman was subjected to an over-zealous vaginal investigation shortly before giving birth which caused a third degree perineal tear, resulting in faecal and urinary incontinence. She is not likely to return to employment due to her physical injuries and resulting depression. Breach of duty, causation and quantum was initially disputed but, after pleadings, liability was admitted. The claimant has a significant risk of deterioration in her condition. Provisional damages are claimed.
- S v Southend University Hospital NHS Trust [2013 and ongoing]
  Acting for the claimant who acquired a non-negligent bacterial infection after undergoing an elective total hip replacement. There was then a negligent failure to timeously diagnose a gram negative infection followed by a further negligent delay in performing a radical debridement and exchange of components. In addition there was treatment of the E.coli infection with an antibiotic to which the organism was resistant. Causation and quantum are disputed. The claimant has a life-long need for antibiotic therapy and the prospect of completely losing her hip joint. Her business failed and there is a complex claim for loss of business, dividends and earnings.
- B v North Cumbria University Hospital NHS Trust [2013]
  The claimant was prescribed oral ciproflaxin antibiotics which caused the rupture of his Achilles tendon. The claim arose from a lack of informed consent due both to the absence of a warning of the risk of tendon damage and to the absence of advice to immediately cease taking the antibiotic if symptoms suggestive of tendinitis are experienced. The claim was successfully compromised.
- A v The Hospital Group [2012-2013]
  Acting for the claimant who underwent cosmetic surgery procedures of liposuction and abdominoplasty. There were many allegations of negligence including a breach of the heparinisation protocol by the continued prescription of the anticoagulant Clexane, a failure to review Clexane administration after substantial blood transfusion, the provision of a substandard discharge letter and a delay in re-admitting the claimant to hospital for debridement once the wound infection was suspected. The claimant was left with bilateral dog ears, extensive scarring and a loss of the claimant's belly button with a revised belly button being anatomically misplaced. The claimant required 4 remedial surgical procedures. The claim was strongly resisted but it was compromised a month before trial.
- S v Barking, Havering And Redbridge University Hospitals NHS Trust [2012]
  Representing the claimant who underwent elective total abdominal hysterectomy and bilateral salpingo-oophorectomy for the treatment of endometriosis and a large ovarian cyst. As a result of the procedure the claimant developed a vesico-vaginal fistula. During the said procedure no record was made of any adhesions or endometriosis involving either the bladder or in the region between the uterus and the bladder. Towards the end of the hysterectomy and closure of the vaginal vault there was bleeding from the bladder base and additional haemostasis was required to the bladder base. After diagnosis of the vesico-vaginal fistula, the claimant underwent laparotomy with closure of the vesico-vaginal fistula. The allegations of negligence included: poor surgical technique (the surgeon tore the claimant's bladder muscle during mobilisation of the bladder off the cervix as a result of the dissection being in the wrong tissue plane); and the surgeon used excessive electrodiathermy to stem the bleeding from the base of the bladder, causing avascular necrosis. The claim was successfully compromised.
- L v Maidstone and Tunbridge Wells NHS Trust [2012]
  A claim for alleged negligent treatment when the claimant underwent a total abdominal hysterectomy for the treatment of

uterine fibroids. The procedure was carried out via a low transverse laparotomy incision and was technically moderately difficult because of distorted anatomy, mainly due to a large fibroid on the right hand side. The operation notes made no mention of the ureters. Within a week of discharge from hospital the claimant was in severe left sided groin pain caused by damage to an ureter. The claimant developed a number of urinary tract infections. The claim was that the total abdominal hysterectomy procedure was carried out negligently because there was no attempt to identify the course of the right ureter during the surgery, resulting in the right ureter being accidentally tied. The contemporaneous operation notes made no mention of the position of the ureter or of any attempt to locate the ureter by palpation or dissection at any time during the hysterectomy. The claim was successfully compromised.

- P v Choudhuri [2012]
  Acting for the claimant who underwent a breast-enhancing injection of hyaluronic acid. She claimed she did not give informed consent due to a failure to inform of the risks of the procedure and the lack of any "cooling off" period. The claimant developed encapsulated cysts which required remedial surgery. The claim involved allegations of tampering with medical records and allegations amounting to fraudulent non-payment for the procedure. The claim was compromised 2 weeks before trial.
- C v Harley Medical Group [2009]
  Acting for the claimant who underwent a breast reduction procedure in the absence of a warning as to the risks of fat necrosis if the claimant did not lose weight. The procedure resulted in fat necrosis and infection which required 4 further operations to debride the wounds, close the wounds and cosmetically revise the scars. The claimant suffered pain, distress and anxiety.
- B v Royal Bournemouth Hospital [2009]
  An administrative failure led to a 6 month delay in the claimant undergoing a hysterectomy which resulted in an aggressive cancer significantly reducing the claimant's 5 year survival rate. The defendant disputed causation and quantum before the claim was compromised.
- A v Jersey [2007]
  Acting for the infant claimant who was born 3 months after her father's death from pituitary adenoma at the age of 29 years. The dependency claim on behalf of the child arose out of the negligence of an ophthalmologist who failed to diagnose the deceased's condition. Very high value claim.

Personal Injury

Colin read Biochemistry and Physiology at University and then worked for a number of years in pharmaceuticals. His background in the life sciences and experience in industry gives him an invaluable understanding of the medical and commercial aspects of the claims he assists with. He specialises in personal injury, clinical negligence and fatal accident claims including those with multiple injuries and claims with experts from a number of disciplines. He receives regular instructions from his solicitors in the following areas:

- Employers' liability (workplace regulations including manual handling operations regulations)
- Industrial injuries (including HAVS)
- Defective machinery
- Occupiers' liability
- Road traffic accidents
- Clinical negligence (including cosmetic surgery, dental)
- Ancillary matters including: Extension of time for issuing a claim form; Limitation; Contribution; Causation (including medical causation); Costs; Costs-only proceedings.

Colin is a member of the Personal Injuries Bar Association (PIBA) and the Professional Negligence Bar Association (PNBA)

PERSONAL INJURY NOTABLE CASES

- Z v Criminal Injuries Compensation Authority – Appeal [2014]
  A harrowing case in which a young woman's motherhood sparked a complete deterioration in her well-being due to the surfacing of her own serious and sustained sexual abuse by her own parents. The claimant was abused for 19½ years, including being raped on a nightly basis from the age of 8 years to 18 years. Her mother committed suicide shortly after she was charged. The claimant had to give evidence against her father in her father's criminal trial. The claimant made an application to the Compensation Authority as a litigant in person and was awarded £22,000. The claimant then instructed solicitors to appeal the award and Colin was instructed to assist with the appeal. The CICA defended the appeal which raised issues including the correct level of injury (the tariff), the multiplier, discounts to be applied to the multiplier, the claimant's future capacity for work, the claimant's need for future treatment and the claimant's care requirement. The appeal was overwhelmingly successful and the claimant's compensation was increased to a figure just below £¼ million.
- Various Claimants v Frimley Hall Hotel And Tylney Hall Hotel [2013 and ongoing]
  Acting for various claimants who were poisoned by campylobacter when eating chicken liver pate. One series of claims involves a wedding celebration in which almost half of the guests were infected, including the bride and groom whose honeymoon was ruined. The bride's symptoms will last many years as a result of her developing post-infectious irritable bowel syndrome. In the other series of claims the claimants were poisoned when celebrating Christmas and, again, some diners have significant ongoing symptoms.
- T v Guildford Orthodontics [2013]
  Acting for the 24 year old claimant dental nurse who fell onto both wrists, injuring the ligaments on her dominant side. She required surgical treatment but suffered surgical collapse. Her wrist was plated and showed disuse atrophy. The injury resulted in a permanent disability and restriction in function and pinch strength. A tactical decision was taken to resolve liability issues (including contributory negligence) before those related to quantum (due to the size of the quantum claim). The claim was successfully compromised for a significant figure.
- S v AIG [2013]
  A liability-admitted claim with a complex of issues in relation to quantum. The claimant had been made redundant 9 months before the accident and then begun a new business venture on a cash-in-hand basis in partnership with his father. There was a paucity of documentary evidence and a forensic accountant's report which required critical analysis. Tactical advice was given in relation to the benefit of further medical evidence and the likely outcome of further medical opinion and further advice was given in relation to how the court was likely to approach the claimant's loss of earnings claim. Ultimately the claim was successfully compromised.
- P v Elior UK Ltd [2013]
  The 16 year old claimant was injured when working in a summer job. She had been a gifted sportswoman with a bright and promising future in basketball and karate. The claimant's shoulder was injured and she underwent several remedial surgical procedures. The injury was complicated by the claimant's congenitally lax ligaments. All aspects of the claim were disputed. The claim included losses associated with the claimant's future career as a professional sportswoman and coach and a loss of congenial employment. The claim was successfully compromised for a significant sum.
- J v North Devon Council and Abacus Recruitment Limited [2013]
  A low value claim but one involving issues of the applicability of the Provision and Use of Work Equipment Regulations 1998. The claimant client severed a nerve in his hand and suffered scarring when directed by the council to collect recycling, including glass. His glove was perforated by broken glass. Neither defendant accepted that they had supplied the gloves to the claimant and both denied they had a duty under the regulations to provide suitable gloves – each blamed the other and they both blamed the claimant for the accident. The claim was compromised shortly before trial with both defendants contributing to the settlement.
- G v O'Shea [2011]
  Acting for the claimant who fell 18 feet from a ladder inside a lift shaft that was being constructed. He suffered a brain and orthopaedic injuries causing cognitive, psychiatric and physical symptoms. There were issues of contributory negligence, causation and quantum. Each side instructed 5 experts to deal with the myriad of injuries. Extensive past and future losses were claimed and the parties attended procedural hearings and a joint settlement meeting. The claim was successfully compromised.
- H v Zmudka [2011]
  Acting for the claimant who was injured in an accident which damaged her spine and caused psychiatric symptoms. The claim involved detailed analysis of video surveillance evidence in respect of the significance of which the experts

disagreed. Significant damages were claimed and the claim was successfully compromised at a joint settlement meeting.

- M v Bellemoor School [2011]
  Acting for the 12 year old claimant student who was assaulted by a teacher while at school causing minor physical but significant psychological injury. He became isolated within his community and withdrew from religious and cultural activities. He became electively mute as a result of PTSD. There was a dispute as to causation and it was alleged that the claimant's allegedly dysfunctional family had contributed to a large extent to his symptoms. Difficult claim to quantify given the effect on the claimant's schooling.
- D v Bunney [2010]
  Acting for the passenger in a car who suffered serious injury when the driver lost control on black ice. The claimant suffered significant injuries to his chest, lungs and spine. He was kept in hospital for 17 days. There was a substantial dispute on liability. The claim was compromised shortly before trial.

Inquests

Colin McDevitt has appeared in a number of inquests, examples of which are:

- A death in hospital which touched upon the prescription to the deceased of a drug called amiodarone, which is used for the treatment of irregular heartbeat. The Coroner gave a narrative verdict in which he made recommendations about the future use of the drug.
- A death in hospital of an alcoholic homeless man who suffered seizures. There was an issue concerning whether the deceased had suffered a pseudo-seizure, whether his liver function tests were abnormal and whether or not he had been adequately supervised while in a private side room. The narrative verdict recorded that although the deceased had vomited, which caused a decrease in his potassium levels, the deceased refused a drip. The cause of death was recorded as Sudden Unexpected Death in Epilepsy.
- A death at work where the deceased had driven a forklift truck while on the ground, using his hands on the foot pedals and steering by stretching upwards to the steering wheel. He was crushed by the forklift truck when he became trapped between it and pallets of stock in a warehouse. There were issues about training and engineering evidence which tended to show that the forklift truck could continue to be propelled forwards even when no pressure was applied to the accelerator.

Articles

Colin McDevitt reviews Dobson v North Cumbria Integrated Care NHS Foundation Trust [2026] EAT 32: a good example of how the Tribunal at first instance correctly dealt with determining whether the Respondent could establish the PCP as a fair and proportionate means of achieving a legitimate aim.

View Article

Strike Out Season
Colin McDevitt summarises the key aspects of four recent decisions on strike out:

W v Highways England and others, 18th February 2025, [2025] EAT 18, Lord Fairley
Kostrova v McDermott International INC and CB&I UK Ltd, 13th March 2025, [2025] EAT 35, Lord Fairley
Kamphues v Venator Materials UK Ltd, 19th March 2025, [2025] EAT 30, HHJ Tayler
Kinch v Compassion in World Farming International, 26th March 2025, [2025] EAT 41, Lord Fairley.

View Article

Colin McDevitt analyses the case of Treadwell v Barton Turns Development Limited [2024] EAT 137, in which the EAT allowed a claimant to add - some months after her initial claim for unfair dismissal - a claim of vicarious liability for detriment in the form of dismissal by the co-worker who dismissed her.

View Article

Colin McDevitt considers the case of Rodgers v Leeds Laser Cutting Limited, EAT, EA-2021-000437-VP, in which the ET and EAT concluded that the facts of the case were not consistent with the Claimant holding a reasonable belief that there were serious and imminent circumstances of danger both at work and in other places outside his home, that prevented him returning to work.

View Article

Colin McDevitt analyses Kong v Gulf International Bank (UK) Limited EA-2020-000357-JOJ, a case which emphasises the rare nature of the Jhuti exception when considering an invented reason for an automatically unfair dismissal following the making of a protected disclosure.

View Article

Whistleblowing: causation, guidance for complex cases and judicial proceedings immunity

Colin McDevitt examines The Chief Constable of Greater Manchester Police V Aston & Others UKEAT/0304/19/RN, in which we are reminded of the approach to be applied in cases where there are multiple protected disclosures spanning a significant period and allegations of multiple detriments involving multiple perpetrators and multiple victims.

View Article

Colin McDevitt examines what Pimlico Plumbers v Smith tells us about Employment Status. Colin McDevitt provides a useful analysis of the Pimlico Plumbers v Smith case, examining when the factors in a business/client relationship might amount to employment or worker status.

View Article

Articles

Mr Frewer v Google UK Limited and Others [2022] EAT 34

On the anonymisation of persons named in proceedings and on the redaction of documents

Colin McDevitt summarises the Employment Appeals Tribunal's guidance on the anonymisation of persons named in proceedings and on the redaction of documents in Mr Frewer v Google UK Limited and Others [2022] EAT 34.

View Article

Colin McDevitt summarises a recent High Court decision which serves as a reminder to practitioners to not leave amendments to pleadings until the last minute.

View Article