



# Colin McDevitt

**Year of Call:** 1995

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## 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 Elmor 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.

## 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](#)

## 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)