

John
Gimlette
Call: 1986



John Gimlette has a strong civil practice focused on personal injury and clinical negligence. He is recognised by the Legal 500 as a leading junior, described in the 2021 guide as *“a wonderfully wise barrister who has a particularly attractive way of drafting pleadings.”*

In the clinical negligence sphere, John has experience going back over 20 years. His practice has always included work for both claimants and defendants. The claims that he’s now involved in tend to be in the middle- to high- value range, and often involve complex or catastrophic injuries. He has experience of a wide range of medical conditions, and, in recent times, these have included perinatal hypoxia, chronic kidney disease, catastrophic brain injury (e.g following both unrecognised septicaemia and untreated hypotension), extensive bowel injury, spinal insult, and chronic venous insufficiency (after a failure to diagnose a DVT).

In a related field, John has also recently been instructed by the NHS in a substantial claim against an optometrist in respect of alleged overcharging. A significant six-figure sum was recovered.

On the personal injury side, John has experience going back over 30 years. The claims have been wide-ranging in their scope and value, covering accidents ranging from RTAs to injuries at work. In recent times, his cases have included claims in respect of industrial accidents and assault, and a number of ‘subtle brain injury’ claims.

John also has considerable experience of the wider costs implications of litigation, particularly in the area of public funding (where he developed a degree of specialist expertise on the issue of costs against the Legal Aid authorities. This involved him in five appearances before the Court of Appeal and one before the Supreme Court).

John is also the editor of two sections of Butterworths Civil Court Precedents (tort and compromise).

‘A wonderfully wise barrister who has a particularly attractive way of drafting pleadings.’

Legal 500 2021

'He has excellent drafting and negotiating skills.'

Legal 500 2019

'A rising star who gets to grips very quickly with novel clinical issues.'

Legal 500 2018

Clinical Negligence

Selected Cases

- **Choppin v Brighton & Hove City Teaching NHS PCT & Brighton & Sussex University Hospitals NHS Trust:** failure to control bilateral hip infections. The claim settled in 2016 for a substantial six-figure sum.
- **Ashley Watkins v North Lincolnshire & Goole Hospitals NHS Trust:** failure by midwives to manage shoulder dystocia. The claim settled in 2016 for well over £1 million.
- **BM v UCLH NHS Trust:** acted for the Defendant in this quantum-only case where the claimant was left in a persistent vegetative state. After protracted negotiations, the case settled in 2016.
- **Grimshaw v County Durham & Darlington NHS Foundation Trust:** acted for the claimant who, as a result of the admitted negligence was left with severe injuries, including chronic pain, a permanent stoma and loss of mobility. The case settled in 2016 for a substantial six-figure sum together with PPOs.
- **Scott v Bournemouth NHS Trust:** For the Claimant; brain damage as a result of allegedly mismanaged delivery. Settled for a large retained sum together with PPOs.
- **Pendreich v James Paget etc NHS Trust:** on behalf of the hospital, in a high value brain injury case, involving an alleged failure to treat high blood pressure.
- **Lindsay v Fewster, Blackpool CC:** successful defence of a surgeon re cauda equina.
- **Fielding v Rosbottom, Manchester CC:** successful defence of a GP; alleged failure to diagnose congenital dislocation of the hip.
- **Yates v Poole Hospital NHS Trust:** for the Claimant; brain damage allegedly caused by a negligent forceps delivery. Settled for a retained sum of £1.5 million together with PPOs.
- **Willis v East & North Herts:** Brain damage resulting from failure to diagnose PKU. (settled for undisclosed sum.)
- **Brown v Sandeman:** catastrophic damage due to alleged failure to diagnose a post operative spinal haemorrhage. Settled for £4.5 million.
- **Birch v University College London Hospital [2008] EWHC 2237 (QBD) Cranston J:** consent, and the failure to advise of the relative merits of two alternative procedures.
- **Wright v Norfolk & Norwich Hospitals QBD:** £1.9 million award for catastrophic injury, together with PPO.
- **Rowley v Laing, HHJ Grenfell, Leeds CC, Unreported:** damages for undiagnosed cauda equine syndrome, against a background of inevitable damage.
- **Warrilow v Norfolk & Norwich Hospitals NHS Trust [2006] EWHC 801 (QB) QBD (Langstaff J):** the effect of exaggeration in a claim for personal injuries.
- **Fenech v East London & City HA (1999) CA [2000] Lloyd's Rep Med 35:** 'Date of knowledge' in clinical negligence claims.

- **Steele v Mooney & Ors [2005] EWCA CIV 96, CA:** drafting errors and CPR 7.6(2) and the slip rule.)
- **Talbot v Berkshire CC [1984] QBD 290 [1993] 3 WLR 708 :** (1993) 4 All ER 9 : (1993) RTR 406 : (1993) PIQR P319 : (1993) 157 LG Rev 1004 : (1993) 143 NLJ 402 : Times, March 23, 1993. Action estoppel.
- **Napier v UNUM [1999] 7 Med LR 349, QBD (Tuckey J):** permanent health insurance.

Personal Injury

John has been involved in PI cases ever since joining chambers in 1986. In recent years, his most notable cases have included the following:

Selected Cases

- An action against a local authority for poor road signage. It resulted in a significant six-figure settlement.
- An action against the police in respect of a RTA.
- A claim against a shop, following a slipping accident.
- Industrial injury claims e.g severe head injury following an accident on a building site.
- Assault
- Claim against an ambulance authority for delay in delivering the claimant.
- A number of 'subtle brain injury' claims.

Education

- MA, Jesus College, Cambridge
- LLB, Jesus College, Cambridge

Memberships

- Fellow of the Royal Geographical Society
- PIBA
- PNBA

Publications

- Editor of Butterworth's Civil Court Precedents, (tort and compromise sections)
- Atkins Court Forms (compromise section)