



# Gemma Ralph

**Year of Call:** 2016

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## Overview

Gemma enjoys a varied civil practice, spanning Clinical Negligence, Personal Injury, Public and Regulatory and Commercial law. She has a busy advocacy and advisory practice, representing Claimants and Defendants.

Before coming to the Bar, Gemma spent ten years as a British Diplomat, serving both overseas and as the Legal Researcher in the Foreign, Commonwealth and Development Office (FCDO).

Gemma also spent two years working as the Business Manager to the CEO of Coutts Bank. Given her background, Gemma has a particular interest in claims with an international dimension and is happy to travel on instruction. Gemma speaks Spanish.

## 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

# Expertise

## Clinical Negligence

Gemma acts for Claimants and Defendants.

### Examples of recent cases include:

- **H v an NHS Trust** - Advised family in relation to a claim where Deceased who had a brain tumour suffered acute hydrocephalus and a mid-line shift following dislodgment of an external ventricular drain (EVD).
- **W v a University Health Board and an NHS Trust** - Advised Claimant and drafted Particulars of Claim in relation to a claim for negligent delay in revascularisation, leading to an above the knee amputation and reduced life expectancy.
- **V v GPs** - Advised Claimant and drafted Particulars of Claim in relation to a claim for negligent treatment of an above the knee amputation resulting in inability to use prosthetics and inability to work.
- **P v a Private Health Provider** - Advised Claimant on expert evidence and quantum in relation to a claim for negligent arthroscopy leading to damage to the popliteal artery with long term risk of leg amputation.
- **N v an NHS Trust** - Advised Claimant in relation to a claim for negligent knee surgery resulting in a knee replacement.
- **H v a GP and an NHS Trust** - Advised Claimant in relation to a claim for negligent treatment leading to a deep abscess and infection in spine. Advised on evidence, quantum, drafted schedule including pension claim.
- **F v an NHS Trust** - Advised Claimant on expert evidence and quantum in relation to a claim for negligent gynaecological surgery leading to artery damage and significant psychological injury.
- **S v an NHS Trust** - Advised family in relation to a claim where the Deceased sustained urological damage and a small bowel injury whilst undergoing a bilateral salpingo-ooperectomy and total abdominal hysterectomy and developed post-operative sepsis.
- **S-W v a University Health Board** - Advised Defendant on liability, merits, quantum and offers and drafted the Letter of Response in relation to a claim for failure to appreciate aberrant biliary anatomy during a laparoscopic cholecystectomy and incorrect treatment as a result.
- **C v a GP and an NHS Trust** - Advised Claimant on merits, expert evidence and limitation in relation to a claim for complications following insertion of tension free vaginal tape (TVT).
- **D v an NHS Trust** - Advised Claimant on quantum and tactics in relation to a claim for infertility and fertility treatment, including in vitro fertilisation (IVF) following delay in diagnosis of a sexually transmitted infection (STI).
- **P v an NHS Trust** - Advised Claimant on liability, merits, quantum and further questions to an Expert and drafted Particulars of Claim in relation to a claim for the erroneous penetration of screws into the elbow joint and damage to the median nerve during an operation.
- **V v an NHS Trust** - Advised Claimant following mistaken debridement of tendon requiring reconstruction sacrificing two hamstring tendons.
- **B v an NHS Trust** - Advised Claimant on merits and on expert evidence in relation to a claim for myocardial infarction (heart attack) following treatment.
- **L&S v V** - Advised Claimants on enforcement of judgments in international jurisdictions for negligent cosmetic surgery.
- **Z v a Government Department** - Advised Claimant on quantum for failure to diagnose an orbital tumour to the eye requiring unnecessary surgery and resulting in ptosis.
- **D v a University Health Board** - Advised Defendant on liability, merits and drafted the Letter of Response and further questions to an Expert in relation to a claim for failure to diagnose and treat retinal vein occlusion.
- **S v a Local Health Board** - Advised Defendant on liability, merits, quantum and offers and drafted the Letter of Response in relation to a claim for failure to order an MRI scan where Claimant alleged they would not have undergone a knee arthroscopy had an MRI been ordered and were not advised of options (consent).

- **W v a University Health Board** – Advised Defendant on merits and quantum of secondary victim claim for parents of neonate who died following negligent treatment.
- **W v an NHS Trust** – Advised widow on quantum and drafted schedule of damages in fatal accident claim, including accountancy (pension) evidence.
- **W v an NHS Trust** – Advised Claimant in relation to a claim for negligent management of diuretic therapy. Advised on evidence and quantum and drafted Particulars of Claim.
- **D v a Local Health Board** – Advised Defendant on expert evidence in relation to a claim by a prisoner for psychological and physical injury for alleged delay in treatment, failure to carry out medication review and failure to prescribe medication.
- **M v an NHS Trust** – Advised family in relation to a claim where the Deceased developed and suffered worsening pressure sores in hospital.
- **W v an NHS Trust** – Advised Claimant on merits and expert evidence in relation to a claim for delayed hormone treatment.

## Personal Injury

Gemma has a busy personal injury practice. She advises and represents Claimants and Defendants in fast-track and multi-track claims and has experience of:

- Animals Act claims
- Criminal Injuries Compensation Authority (CICA) claims and CICA appeals
- Employers' liability
- Fatal accident claims
- Foreign jurisdiction claims
- Occupiers' liability
- Product liability
- Public liability
- RTA litigation including all aspects of credit hire and fundamental dishonesty
- Trips and slips
- Athens Convention (cruise ship) claims
- 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. She advised the Secretary of State for Justice on an historical sexual abuse claim with an international dimension.

Gemma is adept at handling sensitive procedural and factual matters. She recently advised the Secretary of State for Justice on a discrimination claim by a transgender prisoner. Gemma also appeared for a high street retailer defending a product liability claim by 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 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.

## Public and Regulatory

Gemma has recently been instructed 'off C Panel' by GLD/MOD on judicial review claims, and, prior to this was a member of the Attorney General's Junior Junior Panel. She has twice been DV vetted and is particularly interested in work with an international element. Gemma has worked with most government departments and maintains a strong network of contacts.

## Commercial

Gemma has acted in a number of junior commercial matters including claims for breach of contract, rental arrears and possession and forfeiture of property.

### Examples of recent cases include:

- **H v H and H** (High Court) - Secured freezing order against family members where real risk of international dissipation of a Quistclose trust in the sum of £250,000.00 intended for the purchase of property.
- **C v G** - Represented Defendant in claim for breach of contract (loan agreement) and separate claim for breach of contract by Executor. Claim dismissed.
- **FA Ltd v BR Ltd** - Represented Claimant. Secured damages for breach of contract (equipment repair).

- **RS Ltd v AS** – Represented Claimant. Secured forfeiture order for non-payment of service charge.
- **V v S** – Represented Applicant (living overseas) in a case dealing with breach of undertakings relating to an injunction over land subject to an adverse possession application, subsequently replaced by an application to alter the register.

## Fraudulent insurance claims

Gemma 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.

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