



Claire Harmer

Associate Solicitor



Areas of Law: Healthcare, Clinical Negligence, Inquests, Employer's Liability and Public Liability and Public Inquiries

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Background

Claire Harmer was admitted as a Solicitor in England & Wales and Northern Ireland in 2001, and since qualification, has specialised in Defence Litigation. Initially, Claire gained considerable experience advising and defending local and multi-national Insurers on a wide range of motor, Employers and Public Liability Claims (including Industrial disease) in both the High Court and County Court.

Claire joined the Litigation Department of Carson McDowell as an Assistant Solicitor in March 2009 and was promoted to Associate in 2010. Claire now acts for a number of Medical Defence Organisations and Lloyd's Underwriters. Claire is a key member of a specialised unit with an exemplary track record dedicated to the specific management and cost effective administration of a wide range of mixed but primarily large loss claims.

Claire also represents a variety of healthcare professionals in a number of Article 2 compliant Inquests.

Although Claire primarily specialises in Clinical Negligence claims, she also continues to deal with EL, PL claims (including industrial disease) and marine claims to include passenger claims and cargo claims.

Claire is noted in Chambers 2014 as lawyer who is *'really tenacious'*.

Experience

Claire's breadth of experience includes:

Clinical Negligence

- Successfully representing two Defendants in one of the longest running civil Trials in Northern Ireland's legal history involving allegations of Clinical Negligence. This claim was also successfully contested on Appeal to the Court of Appeal;

- Represented a General Practitioner who successfully contested a claim involving allegations of delayed diagnosis of meningitis. The claim was dismissed at Trial and the Judgment secured in favour of the GP also represented a saving of almost £1 million to the Medical Defence Organisation in terms of potential damages and costs;
- Defending allegations of Clinical Negligence relating to a variety of conditions/allegations of sub standard care including cauda equina, delayed diagnosis of cancer, loss of kidney/kidney function, gynaecological surgery, vascular injuries, negligence administration of vaccines, injuries caused by a failure to treat psychiatric complaints, cardiac symptoms, delayed diagnosis of diabetes, DVTs and SUFEs. Represents GPs and clinicians working in private practice;
- Negotiating favourable settlement of a claim on behalf of two General Practitioners, directly with Senior Counsel retained for the Plaintiff and Co-Defendant Trust in relation to delayed diagnosis of a SUFE;
- Dealing with a number of Clinical Negligence claims initiated against Clinicians by Litigants in Person. These claims have to be carefully managed as the Courts have a duty to protect the interests of the individuals who have chosen not to instruct Solicitors.

Inquests

- Representing both medical practitioners and private companies at Inquests. Recent experience gained in this area has included representing a local company following the drowning of a Member of the Public at a Marina;
- Being involved in a number of high profile Article 2 complaint Inquests;
- Successfully applying to have an Out of Hours General Practitioner removed from an Inquest Witness List following the death of a Patient in hospital 3 days after he provided treatment.

Public Inquiries

- Assisting and advising two religious institutions in relation to the forthcoming Historical Abuse Inquiry.

Personal Injury/Industrial Disease claims

- Dealing with a variety of EL and PL claims. Recent experience includes the successful negotiation of a PL claim on behalf of a corporate body following a marine accident. The claim was settled on a compromise basis, without an admission of liability and subject to a confidentiality clause protecting the client from future claims;
- Representing a number of clients in relation to disease claims including asbestos, mesothelioma and pleural plaques. These claims usually involve multiple Defendants and in addition to quantum, consideration has to be given to apportionment between Defendants;
- Representing the local Education and Library Boards in defence of Public and Employer's Liability Claims arising in primary, secondary and third level education facilities. Instructions include a catastrophic injury to a primary school pupil who sustained a significant head injury following a playground accident.

Health and Safety

- Representing a number of the leading UK P & I clubs and has experience in post accident/incident investigations including PACE interviews, MAIB/MCA investigations In relation to land based operations;
- Advising clients in relation to Health & Safety Prosecution Proceedings and investigations by the HSENI.