



Roger McMillan

Partner



Areas of Law: Clinical Negligence, Healthcare, Professional Negligence, Professional Discipline /Regulatory Law

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Background

Roger McMillan (Head of the Healthcare Team and Joint Head of the Litigation Team) attained a Business & Finance Law (Hons) Degree from Brunel University in 1994. Roger was admitted to the Roll in England & Wales in June 1997, after studying at the Chester School of Law.

Following qualification, Roger joined the Healthcare Team at Mills & Reeve Solicitors (Birmingham). Roger subsequently joined Browne Jacobson's Healthcare Team in May 2000.

Roger was admitted to the Roll in Northern Ireland in November 2001 and joined Carson McDowell's Healthcare Team at that stage. Roger specialises in the defence of Clinical and Professional Negligence claims and in Regulatory and Professional Discipline matters before the GMC and GDC.

Roger is a Member of the Association of Regulatory and Disciplinary Lawyers (ARDL). Roger also sits on the Steering Committee of the Clinical Negligence Practitioners' Group and the QBD Medical Negligence Sub-Committee.

Roger is ranked in Chambers and Partners *and the* 2016 Guide describes him as a "strategic thinker," "supportive and readily available," as well as "extremely hard-working and thorough." With regards to his Professional Discipline and Regulatory expertise, Roger is described in the Guide as "an individual of remarkable tenacity and vigour who really gets his teeth into things." Other sources remark upon his "encyclopaedic knowledge of the health system in Northern Ireland."

In the 2015 Guide Roger was recognised for "running a responsive and accessible team," and for "the care he brings to every case."

Experience

Roger's breadth of experience includes:

Clinical Negligence Claims

- Securing the discontinuation of a multi-million pound birth injury claim against a private Consultant Obstetrician and Gynaecologist;
- Representing a number of clients in connection with ongoing Litigation surrounding the operation of Waiting List Initiatives in Northern Ireland;
- Obtaining a discontinuation of a claim against a General Practitioner in a high value claim for delayed diagnosis of a brain aneurysm;
- Representing a General Practitioner in the first formal clinical negligence Mediation in Northern Ireland;
- Representing numerous GPs and independent sector consultants in clinical negligence claims and;
- Assisting with the Birmingham 'Bone Tumour' Litigation.

Professional Discipline/Regulatory Cases

- Leading the Team that successfully appealed a Determination of the Fitness of Practise Panel to the Court of Appeal in Belfast, resulting in a finding of impaired fitness to practise and sanction being overturned in relation to sexual assault allegations;
- Successfully defending the interests of a medical practitioner, in a case involving an admission of inadequate treatment made years after the event;
- Securing a finding of 'no impairment of fitness to practise' in a case involving an allegation of lack of probity on behalf of a General Practitioner;
- Regularly representing clients at all stages of General Medical Council and General Dental Council investigations, including Interim Orders Tribunal Hearings and Medical Practitioners Tribunals.

Inquests

- Representing clinicians in high-profile Inquests.
- Successfully judicially reviewing a decision of the Coroner in the leading case of *Siberry*, which established that the Coroner was not entitled to rely on the findings of other investigative bodies in reaching determinations at Inquest.

Public Inquiries

- Representing the interests of a number of practitioners at the Inquiry into Hyponatraemia Related Deaths;
- Making detailed written submissions on behalf a Clinician in the Vale of Leven Hospital Inquiry;
- Defending the interests of a medical practitioner involved in the Cabin Hill Inquiry;

- Advising clinicians involved in the Human Organs Inquiry.

Regulation and Quality Improvement Authority

- Advising a client in relation to enforcement action taken by the Regulation and Quality Improvement Authority;
- Representing a client during an investigation being conducted by the Regulation and Quality Improvement Authority.

Trust Disciplinaries

- Defending the interests of, and representing clients on all aspects of Health and Social Care Trust Disciplinary procedures;
- Roger led a Team which successfully brought breach of contract proceedings against a Health and Social Care Trust for suspending a doctor.

Commissioner for Complaints for Northern Ireland

- Making representations on behalf of medical practitioners who are the subject of investigation by the Commissioner of Complaints for Northern Ireland.