



Dominic Nolan QC

Call: 1985 | Silk: 2006

Overview

Dominic has specialised for more than 30 years (more than 15 years as a QC) in clinical negligence and personal injury claims. He now deals exclusively with the most complex and serious claims in these fields. He has considerable experience and particular expertise in cases involving serious brain or spinal injury. He prides himself on being approachable and sensitive when dealing with all parties.

Dominic's current practice is approximately two thirds complex clinical negligence and one third catastrophic personal injury. Having joined Hailsham Chambers in January 2015 Dominic is now established in both his areas of work as a leading silk in London rankings in both Chambers and Partners and Legal 500.

Dominic is an active practitioner and advocate of all types of ADR. He has acted as leading counsel in countless settlement meetings and mediations. He renewed his qualification as a mediator in July 2020 and intends to practise as a mediator alongside his Bar practice.

Dominic has sat as a Recorder for 16 years and is authorised to hear civil, criminal and private law family cases. Dominic was appointed a Bencher of Lincoln's Inn in 2013 and is currently the Inn's representative Governor on the Board of the Inns of Court College of Advocacy.

Clinical negligence

Dominic acts for both claimants and defendants. He is an established panel silk for the Medical Defence Union and NHS Resolution and is frequently instructed on behalf of large private healthcare providers.

Recent clinical negligence claims in which Dominic has been instructed include:

Acting for claimant

- child suffering hypoxic brain injury at birth – settlement (under PPO) approved at capitalised value of £10 million (at 67% under liability compromise)
- child suffering severe brain damage from undiagnosed neonatal hypoglycaemia – settlement (under PPO) approved at capitalised value of £16 million
- child suffering hypoxic brain injury at birth – settlement (under PPO) approved at capitalised value of £26 million
- child suffering hypoxic brain injury at birth – settlement (under PPO) approved at capitalised value of £22 million
- young man suffering brain injury from mistreatment of diabetic ketoacidosis – settlement (under PPO) approved at £10.5 million
- child suffering severe brain injury from undiagnosed postnatal hyperbilirubinaemia – settlement approved (under PPO) at £15 million

Acting for defendant(s)

- child suffering combination of severe RTA head injury and brain damage from undiagnosed blockage of shunt subsequently inserted (instructed by both medical defence organisation and RTA insurers) – settlement approved at £10 million
- young man suffering hypoxic birth injury as a child leaving mild hemiplegia and some mild cognitive deficit – settlement at £3.75 million
- child with disputed claim for alleged negligent failure to diagnose diabetic ketoacidosis – causation extremely complex and in issue – negotiated settlement agreed at £1 million
- child suffering hypoxic brain injury at birth – settlement (under PPO) approved at capitalised value of £16 million
- young woman with severe pre-existing learning difficulty suffering paraplegia from complications of spinal surgery as teenager – highly complex issues of causation and of quantification of loss (requiring reflection of pre-existing condition) – settlement approved (under PPO) at £5.6 million
- claim by surgeon for injury from alleged clinical negligence in radiology reporting – complex issues of breach of duty, causation and valuation – £1.2m claimed
- high value claim on behalf of child alleging permanent brain injury from late diagnosis and treatment of hydrocephalus – claim discontinued after protocol response drafted
- claim against GP for allegedly negligent failure of referral in complex case of developing brain tumour – claim fully pleaded and evidence exchanged but eventually discontinued against GP
- claim against out of hours GP (since deceased) alleging negligent failure to refer feverish child to hospital - claim fully pleaded and evidence exchanged but eventually discontinued against GP
- claim against hospital alleging negligently missed intracranial infection leaving lasting brain damage – breach of duty admitted in part – complex issues of causation and quantum – claim put at £10m – settlement approved at £2.

Personal injury

Dominic acts for both claimants and defendants. Throughout his career he has acted for the leading insurers in RTA, employers' liability and public liability claims.

Recent personal injury claims in which Dominic has been instructed include:

Acting for claimant

- young man suffering catastrophic brain injury in RTA – settlement approved at £8.25 million
- young man suffering serious brain injury in RTA – settlement approved at £2 million
- recently retired man suffering catastrophic brain injury as pedestrian in RTA – contributory negligence in issue - settlement approved on PPO basis at capitalised value of £5.2 million
- claim by man in his 50s arising from traumatic amputation of both arms in accident at work – settlement agreed at £5.75m

Acting for defendant

- for PL insurer of police force in claim for catastrophic brain injury suffered by a child pedestrian hit by police vehicle – complex claim requiring delay before damages could be assessed and agreed
- for RTA insurer in claim for catastrophic brain injury to pedestrian hit on crossing by speeding driver who fled scene – liability issues complex as lights against pedestrian – settlement approved at £5m lump sum
- for EL insurer in claim from traumatic amputation of employee's dominant hand in circular saw
- for EL insurer in claim for catastrophic brain injury in construction site accident – settlement at £8m pending approval
- for EL insurer in claim by man in 40s suffering severe brain injury in fall – settlement approved at £2.4 million
- for EL insurer in claim by investment bank employee alleging psychiatric injury from bullying – complex issues of breach of duty, causation and quantification – claimed at £5 million+, resolved after mediation
- instructed on behalf of estate of deceased medical practitioner in claims of sexual assault by 9 former patients (some historic) – complex negotiations to reach overall comprehensive settlement
- for PL insurer in claim arising from severe head injury from gas cylinder explosion – complex scientific issues and as to extent of defendant's duty.

Notable cases

NKX v Bart's Health NHS Trust Liability trial in case of acute hypoxic birth injury following uterine rupture in VBAC case. Complex medical issues of causation in timing of acute hypoxic brain damage – successful challenge to applicability of “standard model” to facts of instant case [2020] EWHC 828 (QB) [2020] Med LR 298.

JMX v. Norfolk and Norwich Hospitals Liability trial in case of birth injury from prolonged partial hypoxia

[2017] EWHC 3082 (QB) Recovery of additional liabilities after Part 36 offer to accept 90% shortly before trial [2018] EWHC 185 (QB).

AB v. Chief Constable of X Constabulary [2015] EWHC 13 (QB) Claim by former undercover police officer alleging his psychiatric condition and misuse of Class A drugs was attributable to Chief Constable's breach of duty of care defeated on breach of duty, causation and under doctrine of *ex turpi causa*. Issues of security necessitating trial in private and limited public judgment.

Laughton v Shalaby [2014] EWCA Civ 1450 [2015] Med LR 1 requirement to establish negligence even where unsatisfactory outcome of surgery a rare result.

McDonald v National Grid Electricity Transmission Plc [2014] UKSC 53 [2014] 3 WLR 1197 Applicability of the Asbestos Industry Regulations 1931 to factories not engaged in the manufacture of asbestos products and the statutory duty owed under s 47 Factories Act 1937.

Wright v Cambridge Medical Group Ltd [2011] EWCA Civ 669; [2013] QB 312 Issues of extent of primary duty, causation and remoteness in delayed medical referral.

Baker v Quantum Clothing Group Ltd [2011] UKSC 17; [2011] 1W.L.R. 1003; [2011] 4 All E.R. 223; [2011] I.C.R. 523 Deafness test cases in Supreme Court – Issue of extent of employer's common law duty in context of developing industrial knowledge standards and government guidance.

Spencer v Wincanton Holdings Ltd [2009] EWCA Civ 1404 [2010] P.I.Q.R. P8 Issue of remoteness of damage where second accident for which Claimant at least partly to blame.

What others say

“He is hugely experienced, very insightful and has a great eye for detail.” *Chambers UK, 2022*

“He's very well prepared and his judgement is always spot on.” *Chambers UK, 2022*

“He has an incredible eye for the medicine as well as the law.” *Chambers UK, 2022*

“What sets Dominic apart is his ability as a negotiator. He combines dogged determination with first-class people skills to achieve excellent results.” *Legal 500, 2022*

“Always excellent, thorough, practical, easy to deal with, very much part of a team effort- one of our first choice QCs for this work especially for high value/difficult cases.” *Legal 500, 2022*

“Has a calm and confident approach which is often disarming to an opponent, but is tenacious and steadfast when under attack.” *Legal 500, 2021*

“Represents a supreme choice who is at the top of his game.” *Legal 500, 2021*

“He is always incredibly well prepared and has a very strong understanding of medical issues. He’s also very precise, his arguments are well thought out and he provides very good strategic advice.” *Chambers UK, 2021*

“A very experienced and tough negotiator who always has a good grasp of detail.” “He has excellent judgement and cuts to the chase very quickly.” “Alongside his excellent legal knowledge and insight, he has the rare ability to be able to talk to clients and witnesses at a level that everyone can follow and understand. He is a pleasure to work with.” *Chambers UK, 2021*

“He’s tactically very good and really knows his stuff. He’s also very approachable and has a good manner with clients.” *Chambers UK 2020*

“He’s technically brilliant as well as very practical and pragmatic. He’s good at working as part of the team as well as being a leader.” *Chambers UK 2020*

“He is incredibly supportive, attentive to detail and his client service is second to none.” *Chambers UK 2020*

“He is meticulous and has a great depth of knowledge of serious personal injury work” *Legal 500 2020*

“Analytically sound with excellent people skills” *Legal 500 2020*

“He’s very, very good and doesn’t mind getting his hands dirty” “He has very good judgement; his gut reaction is usually the right one” *Chambers UK 2019*

“Always phenomenally well prepared . He really does go the extra mile to look at things closely” *Chambers UK 2019*

“He is a go to leader for complex cases as he cuts to the chase to get the best deal for the client” *Legal 500 2019*

“He masters issues of great complexity, providing measured and objective advice and advocacy” *Legal 500 2019*

“Standout silk who is always proactive in the way he deals with instructions” “Very good at getting to the nub of the issues and very good at dealing with causation” “He is fantastic with clients in conference and is extremely professional, thorough and on time with his written work” *Chambers UK 2018*

“Incisive, tactical and down to earth, and has a wealth of knowledge and experience” *Legal 500 2017*

“He’s super-bright and very at home tackling medical and legal issues. He really makes it his business to understand the science behind the medicine.” “He has a very brilliant brain. He prepares extremely thorough advice and takes a highly pragmatic approach.” *Chambers UK 2017*

Dominic was shortlisted in the *Legal 500 2017 Bar Awards* for Personal Injury and Clinical Negligence Silk of the Year

Further information

Education: LLB, University of Nottingham 1984

Appointed by University of Nottingham School of Law Honorary Lecturer in 2003 and Honorary, Professor in 2009

Recorder on the Midland Circuit since 2005

Head of Ropewalk Chambers Nottingham 2009 – 2012

Bencher of Lincoln's Inn 2013

President of Nottinghamshire Medico-Legal Society 2014

Personal: Dominic's interests away from the Bar include family, friends, music, cycling and National Hunt racing.

ICO Data protection registration number: **Z4744489**.

Dominic Nolan QC is a barrister regulated by the Bar Standards Board. [Click here to view Dominic Nolan QC's Privacy Notice.](#)

Quotes

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Chambers UK, 2022

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