

Geoff Clarke QC

Year called: 1994
Year of silk: 2008
Email: geoff.clarke@compasschambers.com
Qualifications: LL.B (Hons) (Edinburgh) (1988)
Accredited Mediator (2006)
MCI Arb 2017
Qualified Regulatory Law & Practice (Nov 2017)



Practice

Geoff is an established silk having been appointed QC in 2008. He specialises in personal injury, professional negligence (including medical negligence) insurance, consumer protection, commercial and contract litigation. He also acts for many of Scotland's Assessors and Appellants in Rating and Valuation disputes. He has a special interest in disease claims and claims of utmost severity.

He is ranked in Chambers and Legal 500. He is experienced in a wide range of civil litigation with a particular emphasis on advocacy ability and strong technical and scientific knowledge.

He is an arbitrator, a member of the Chartered Institute of Arbitrators (MCI Arb), an accredited mediator and has an interest in alternative dispute resolution. He is involved in the teaching of advocacy skills and is an Assessor of Advocacy skills for the Faculty. He has appeared in a number of inquiries and has a particular knowledge of health and safety issues. He is Chairman of Faculty Services Ltd.

Personal injury

Geoff has been involved in a very wide range of advisory and advocacy work in all areas of personal injury litigation, on behalf of both Pursuers and Defenders. He has particular experience of claims for and against local authorities, claims of the utmost severity and claims arising from work with asbestos and other work related diseases. He has appeared in appeals in the Division, in a wide number of cases in the Court of Session and regularly in the Sheriff Court. He has particular expertise in complex assessments of damages and is experienced in the construction of indemnity clauses and commercial leases. His practice encompasses all types of appearance work as well as the negotiation and settlement of cases. He is currently

representing a former Procurator Fiscal in a case against her former employers for injury caused by stress.

Professional and Clinical Negligence

He undertakes both advisory and litigation work in a range of professional negligence disputes for both claimants and defenders. This has included solicitors and medical negligence claims as well as claims against architects and surveyors.

He recently appeared for the family of a patient who died shortly after relatively minor surgery. This involved the delicate task of leading the evidence of the surgeon who was blamed in order to establish the basic facts whilst also questioning her on what the patient understood about the need for surgery and whether she had properly consented to the risks. A decision from Lady Carmichael is awaited.

Rating & Valuation

Geoff is one of a select few member of the Scottish Bar who undertake work for Assessors and Appellants in the rating sphere. This work takes him from local rating Committees all over Scotland to regular appearances in the Lands Valuation Appeal Court, a Court of three judges the president of whom is the Lord Justice Clerk of the Court of Session.

Commercial Reparation Litigation

He has a particular interest in cases in which highly technical expert evidence is necessary.

Cases have involved very high value cases for Glasgow City Council where damage was alleged to be caused to neighbouring buildings when the Council's Building Department acted to demolish badly damaged buildings and a claim for fire damage to a bakery caused when an item being baked caught fire and set light to a belt in an oven.

Insurance

Geoff has advised a range of clients, including both policyholders and insurers, on all aspects of insurance policy cover including for example misrepresentation and non-disclosure, liability for fire damage, joint insurance and exclusion clauses.

Health & Safety, Regulatory and Inquiry Work

Geoff is interested in the area of regulatory enforcement. He has appeared in a number of Fatal Accident Inquiries including acting for The European Aviation Safety Agency in the recent Clutha Inquiry and Airtours following a plane crash at Glasgow Airport.

Selected Cases

McN v Greater Glasgow Health Board (awaiting judgement) - The deceased had previously suffered from complications following ureteroscopy for removal of a kidney stone. One x ray showed a further stone and she was listed for review. A second x ray did not show a stone. The questions were, was surgery nevertheless reasonable and was the deceased, who was described as terrified, properly consented on risks set against the possible benefit. If there was no stone then there would be no benefit.

McM v Chief Constable, settled 2019 - The Pursuer was a constable who was the subject of a horrifying assault at a time when he should not have been passed fit for active duties.

AS v Police Scotland, settled 2019 - The Pursuer was seriously injured when her police horse fell onto concrete crushing her leg. There was evidence that the horse had fallen a number of times previously and veterinary evidence was that that was very unusual. The question therefore was whether the horse was fit to be a police horse but cctv suggested its hooves may have slipped on smooth concrete.

G v Reid Group, settled 2018 - a difficult case for a former special forces soldier kidnapped from his duties as a security manager in Libya leading to PTSD. The case concerned the foreseeability of non judicial arrest by militias and the need for training despite military experience.

B v Lord Keen (MOD) settled 2018 - A young soldier badly injured in theatre when lighting a burn pit in a FOP. This is the most common cause of non combat injury (except for driving accidents) affecting military personnel. In addition to severe burns from which a good recovery had been made the Pursuer suffered from severe PTSD and required support in training and gaining employment as a civilian. Medical advice was that getting very significant damages would likely undermine his recovery from PTSD. This required a balancing of his entitlement to obtain maximum damages and encouraging him to be positive about his new employment.

Paterson v Macleod & Highland Council [2017] CSOH 20 - A long running Proof following a serious road traffic accident involving a collision with a stationary Refuse Lorry. The Highland Council for whom Geoff was acting were absolved of any blame.

Till v Tayside Public Transport - Proof into liability in case where pedestrian walked purposefully towards the road without looking where neither the pedestrian nor the bus driver were able to give evidence

Young v MacVean - Proof followed by Appeal into secondary victims and fatal claims achieving the highest award for a mother following the death of her son

Wagner v Grant - Proof followed by Appeal into liability and quantum, motorcyclist suffering from severe injuries when he ran

into a poorly lit lorry blocking the road being dazzled by the headlights of the articulated lorry as it reversed. Question of reasonableness of selection of high end prosthetics and the principle of restitutio.

Lectures and Seminars

Geoff regularly speaks at Conferences and provides seminars for solicitors, professional bodies and at Compass Chambers' events.

What The Directories Say

Chambers UK 2020 – Geoff is ranked Band 1 as a silk for Personal Injury

Considered to be one of the foremost experts in industrial disease claims. "He has very good negotiation skills and is particularly good at seeing the whole picture rather than getting bogged down in the details."

Chambers UK 2019 – Geoff is ranked Band 1 as a silk for Personal Injury

"He is a go-to Senior Counsel for industrial disease claims"

Chambers UK 2018 - Geoff is ranked Band 1 as a silk for Personal Injury

"He's something of a silent assassin. He is very well prepared, clear and precise." "Geoff is meticulous and very strong in negotiations."

Legal 500 UK Bar 2020 – Geoff is ranked as a Leading Silk for Personal Injury and Clinical Negligence

"Robust and authoritative in negotiation."