

JONATHAN BERTRAM

Year of call
2003



Jonathan Bertram primarily specialises in the fields of professional (principally clinical) negligence and product liability and he is ranked as a leading junior by Chambers & Partners and Legal 500.

He has been instructed in several major group actions for Claimants in the product liability field including the Pinnacle Hip implant GLO which proceeded to a 4 month trial in 2017/18 (*Gee v Depuy International Limited* [2018] EWHC 1208 QB)

His clinical negligence practice focuses on high value, complex claims, involving major, life changing injuries. He also practices more widely across the personal injury field and he has particular expertise in chronic pain and spinal injury claims and the challenges that are made to them.

He undertakes professional negligence work beyond the clinical field and is particularly experienced with 'legal' negligence claims arising from failed litigation as well as claims made involving the work of financial professionals.

Jonathan is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme. For more information please visit our Direct Access page [here](#).

LEGAL EXPERTISE

Clinical Negligence

Jonathan has been repeatedly rated by Chambers & Partners and the Legal 500 as a leading junior in the specialist field of clinical negligence.

He has been instructed in cases concerning birth injuries, spinal injuries, brain injuries, amputations, fatal injuries, late diagnosis of cancer, liver disease, kidney disease and other similar conditions. He has litigated many cases concerning orthopaedic procedures (shoulders, knees, ankles, wrists, and hips) and negligently performed bariatric and other similar weight loss/reduction procedure claims. He has successfully settled secondary victim claims arising from negligently medical treatment.

He has successfully pursued claims advanced on the basis of systemic failures by Trusts that have then led to injuries to patients, e.g. by failing to adequately staff maternity units.

He has litigated claims against dentists, optometrists and ophthalmologists.

He has a particular interest in claims arising from alleged substandard cosmetic surgery, particularly in relation to the potential contractual and tortious liability of cosmetic surgery clinics/providers.

Selected Cases

FS v NMUH NHST (2017-ongoing)

Delayed diagnosis of subarachnoid haemorrhage. Significant long term disability. Liability admitted. Litigated. Seven figure claim.

RK v PC NHS FT (2018-ongoing)

Diabetic foot injury leading to negligent below knee amputation. Liability admitted. Litigated. Quantum being investigated but likely seven figure claim.

DL v ESNE NHS FT (2017-ongoing)

Orthopaedic claim leading to negligent above knee amputation. Liability admitted. Proceeding towards trial of quantum. Seven figure claim.

TG v Dr H (2015-2021)

Claim involving delayed diagnosis of an Addison's crisis which led to various resultant injuries including a cardiac myopathy and a stroke. Liability denied. Settled at a RTM prior to a 10 day trial. Settlement of £700,000 approved by Mr Justice Fordham.

MI v UHNM NHST (2020)

Delayed diagnosis of cervical cancer. Early settlement of £500,000 achieved. Very grave prognosis.

VC v Mr P (2020)

Vaginal mesh and gynaecological negligence claim. Settled at RTM for £500,000

JRR v NS NHS FT (2018-2020)

Mental health case. Deceased took own life whilst under care of Trust. Acted at 5-day jury inquest. Various failures in care found. Negotiated settlement of £149,000. Approved by Master Eastman.

JS v SUH NHS FT (2018-2020)

Spinal injury claim to elderly claimant. Complex medical history with involved evidence as to life expectancy. Settled at RTM for £500,000.

NC(dcd) v NWA NHS FT (2018-2020)

Delayed diagnosis of choriocarcinoma suffered by a young mother who sadly died of her disease. Claim eventually settled for £800,000 and that settlement was approved by Master Sullivan.

JG v YTH NHS FT (2017-2019)

Delayed diagnosis of sinus thrombosis causing intracranial pressure to increase and substantial loss of vision. Claim settled at RTM for £1,750,000.

SK v Dr M (2017-2019)

3 day trial, Birmingham County Court, alleged negligent failure by GP to diagnose bowel obstruction. Judgment for the GP.

Barry v Cardiff and Vale University Local Health Board [2019] Med. L.R. 191

4 day trial, Cardiff County Court, claim involving alleged delay in performing a sigmoidoscopy and alleged negligent perforation of bowel when procedure eventually performed. Judgment for the Board. Noteworthy because trial judge considered High Court case of Crossman [2016] EWHC 2878 (QB) was wrongly decided.

AB v BWVH NHSFT (2018-2019)

Cerebral palsy claim. Settled at RTM. Capital payment of £2.9m and PPO of c. £285,000 p.a. Led by Simeon Maskrey QC.

TJ v LTH NHST (2018-2019)

Cerebral palsy claim. Settled at RTM. Capital payment of £2.6m and PPO of c.£250,000 p.a. Led by Simeon Maskrey QC.

K.R. v LAS NHS T & another (2017-2019)

Claim involving a failure to immobilise K.R. after suffering a fall at work, which it was alleged caused or materially contributed to significant ongoing disability, leaving him wheelchair dependent. Settled at RTM for

£900,000. Led at RTM by Adam Weitzman QC.

J.K. v ESHU NHST (2016-2018)

Brain injury suffered by a 9 year old arising from delayed diagnosis of cellulitis leading to bi-lateral extra dural and sub dural abscesses. Neurocognitive impairment long term. Settled at RTM for c. £1,000,000. Led by Adam Weitzman QC.

C-S v Dr C D (2015-2017)

Claim for failure to diagnose chronic kidney disease, ending in avoidable end stage renal failure, claim settled at JSM for £450,000.

L.C. v RNOH (2017)

Claim involving failure to appropriately consent LC to the use of an experimental shoulder resurfacing product, which subsequently failed early causing her significant injury.

E.M. (deceased) v UHCW NHST (2012-2017)

Claim for damages arising from failure to continue to administer clexane to E.M. after major surgery for cancer treatment. Represented the family at the inquest where the coroner made a finding of neglect and subsequently throughout the litigation, ultimately settling at a JSM for £350,000.

F.A. v NLGH NHST (2015-2016)

Acted for estate of K.B. who suffered a hypoxic brain injury at birth causing her to develop cerebral palsy, she died aged 7, liability was denied, but the claim settled for £185,000.

B.F. v Dr R S (2014-2016)

Negligently missed pericarditis in a 20 year old training for the army, which caused him to undergo an avoidable median sternotomy, case settled at JSM for £175,000 at JSM.

L.C v Dr N.M (2014)

Settled claim against G.P. for negligent failure to stop prescribing nephrotoxic drugs to L.C. causing him to enter avoidable end stage renal failure.

J.M. v Dr D.L (2013-2014)

Settled claim after exchange of expert evidence in case where Dr D.L failed to refer J.M. for investigations for breast cancer. The claim concerned interesting questions of causation and the course of probable treatment with earlier referral.

R.O. v University Hospitals Coventry and Warwickshire NHS Trust (2013)

Settled claim for damages arising from extremely difficult labour contributed to by failure to adequately staff maternity unit.

Inquests & Inquiries

Jonathan is frequently instructed in 'difficult' cases where the outcome of the inquest is thought to be likely to make a material difference to whether or not a claim can be successfully pursued.

His recent inquests include cases concerning the management of patients in A&E departments, treatment that has gone 'wrong' during routine procedures such as cholecystectomies, concerns over the prioritisation of resources in cases of gravely ill children, and cases where GPs have declined to refer patients for treatment who have subsequently died. He is also experienced in dealing with mental health cases and he has recently dealt with inquests concerning the appropriate management and risk assessment of mental health patients.

He has also been involved in inquests away from 'medical' topics and, for example, he has acted for interested parties in fire deaths and industrial workplace related fatalities.

Selected Cases

SHF (dcd) (2019)

1 day inquest into death of SHF shortly after birth. Claim subsequently settled.

AR (dcd) (2019)

1 day inquest concerning death in care home. Complicated medical causation issues. Claim subsequently settled.

KRR (dcd) (2018)

5 day jury inquest into mental health death. Substantial failings found by jury. Claim subsequently settled.

Regulatory & Professional Discipline

Jonathan has a growing practice within the healthcare disciplinary field. He has represented doctors before the G.M.C. and he is keen to continue to develop this aspect of his practice in the future.

Commercial

Jonathan is instructed in a broad range of commercial disputes, including sale of goods, insurance, consumer contract disputes, guarantee claims, agency claims, claims in professional negligence, and general contractual litigation.

In recent years his professional negligence practice has increased significantly and he has been regularly instructed in cases concerning allegations over the conduct of litigation by solicitors and other legal professionals. He has also conducted cases concerning architects, surveyors and medical professionals.

Jonathan has advised in a number of disputes concerning financial products; primarily in relation to interest rate swap claims, and mortgage mis-selling claims.

Personal Injury

Jonathan only takes instructions in multi-track personal injury claims. His recent practice has focussed on substantial injuries, which often have a long term or life changing impact upon the injured person. He has significant experience of dealing with chronic pain claims and is particularly adept at dealing with the interplay between different medical specialities that such claims can require.

His recent cases also involve spinal injuries, particularly cauda equina cases as well as traumatic injuries occasioned from e.g. car crashes or falls from height. He is also routinely instructed in cases involving head and brain injuries and his clinical negligence expertise assists him with dealing with and analysing the significant medical evidence that such claims can generate.

Given the nature of his caseload he encounters cases where surveillance evidence, in its various guises, is deployed and he has substantial experience of managing and addressing the same to the ultimate benefit of his clients.

Selected Cases

SA v JS & Z Ins (2021 - ongoing)

RTA multiple injuries to claimant in her 30s. Substantial bowel injury. Ultimately good recovery. Contributory negligence due to alcohol and seat belt use in issue.

PP v BCH NHS FT (2020-ongoing)

Accident at work claim leading to a cauda equina injury. Substantial financial claim flowing from the same due to the age of the claimant. Case litigated and proceeding towards trial.

JD v M Ltd (2019-2020)

Accident at work, ultimately leading to CRPS or functional disorder, complex medical causation, surveillance evidence.

FL v SD (2016-2019)

RTA FL sustained multiple injuries including head and brain injury. Contributory negligence in issue. 'But for' trajectory complex. Lack of capacity. Settled at RTM for £615,000 net of contributory negligence. Approved by

HHJ Gregory sitting as a High Court judge.

K.R. v LAS NHS T & another (2017-2019)

Claim involving a failure to immobilise K.R. after suffering a fall at work, which it was alleged caused or materially contributed to significant ongoing disability, leaving him wheelchair dependent. Settled at RTM for £900,000. Led at RTM by Adam Weitzman QC

SH v (2018-2020)

RTA multiple injuries, main injury to shoulder leading to chronic pain and long term difficulties. Settled at RTM for £450,000.

TA v BC & MIB (2018-2020)

RTA chronic pain. Claim initially run by different legal team and treated as minor orthopaedic injury case. Case transferred and chronic pain established and settled for six figure sum.

IM v (2017-2019)

RTA chronic pain and psychological injuries arising from RTA. Complex work history. Settled at RTM for six figure sum.

MP v BH NHST (2016-2017)

TB infection at work. Proceeded to trial. Liability admitted shortly before trial due to commence and became a trial of quantum only.

Product Liability

Jonathan is ranked by Chambers and Partners and the Legal 500 as a leading junior in the specialist field of Product Liability.

He has been instructed in a number of high profile and ongoing pieces of medical product group litigation, or defacto group litigation as well as being regularly instructed in unitary claims concerning allegedly defective medical devices such as knee implants and shoulder implants.

Away from medical devices he has also recently litigated personal injury claims concerning bicycles, defective shower seats, and even balloons.

He is particularly interested in cases which potentially engage liability under the Consumer Protection Act 1987, as well as the associated contractual entitlements under the various sales of goods and services Acts and the Consumer Rights Act 2015.

Selected Cases

Vaginal mesh litigation (2019-ongoing)

Coordinated litigation involving stress urinary incontinence products and pelvic organ prolapse products. Led by Hugh Preston QC.

Oculentis claims (2018-ongoing)

Instructed by a variety of firms to investigate and prosecute claims arising from the M-Plus range of lenses manufactured by Oculentis and supplied by various private optical clinics or hospitals.

Gee v Depuy International Limited [2018] EWHC 1208 QB

4 month trial in 2017/18 Junior counsel led by Hugh Preston QC and Robin Oppenheim QC with a team of juniors litigating the allegedly defective Pinnacle Ultamet metal-on-metal hip prosthesis. Only junior counsel to undertake cross examination of expert witnesses at trial.

Finsbury Adept Litigation (2015-2018)

Junior counsel led by Hugh Preston QC litigating the allegedly defective Finsbury Adept metal on metal total hip replacement and resurfacing products.

DePuy ASR International Group Litigation (2015-2018)

Junior counsel led by Hugh Preston QC litigating international product liability claims concerning the allegedly defective metal on metal ASR total hip replacement and resurfacing products.

Mitch TRH Litigation (2015-2018)

Sole counsel leading the Mitch TRH metal on metal total hip replacement claims.

Mix-match Litigation (2015-2018)

Junior counsel pursuing a variety of 'mix-match' claims against NHS Trusts and Private Surgeons.

Memberships

- Association of Personal Injury Lawyers
- Professional Negligence Bar Association
- Personal Injury Bar Association