Gemma McGungle

Year of Call: **2011**

Gemma McGungle has built a practice in the fields of Clinical Negligence and Costs and appears in Courts across the UK including the High Court, Senior Courts Cost Office, Coroner's Court, Court of Appeal and the Supreme Court.

Clinical Negligence:

Gemma's Clinical Negligence cases involve complex medical issues and are of high value. There is some cross over with cases within the Court of Protection and she is regularly instructed in inquests with and without a jury.

Costs:

In respect of costs, Gemma regularly drafts (Points of Dispute, Replies and Costs Budgets), advises on points of principle and attends interim applications and Provisional and Detailed Assessment Hearings. She often represents parties at Costs Case Management hearings of significant value and frequently appears at the Senior Courts Costs Office, has appeared in the Court of Appeal.

In the summer of 2024, Gemma enjoyed success in the Supreme Court in the matter of **Menzies (Appellant) v Oakwood Solicitors Ltd (Respondent) [2024] UKSC 34)** The issue between the parties was when payment of a solicitors' bill by deduction from monies received from the paying party amounted to "*payment*" for the purposes of s.70 Solicitors Act 1974.

Link to our blog post on the case can be found here: https://www.18sjs.com/supreme-court-success-for-18-st-john-streets-gemma-mcgungle/

Gemma's case load often sees her appear against senior counsel or Kings Counsel due to the issues and challenges involved in the cases she is instructed on.

Gemma is known by both her professional and lay clients for her approachable style, whilst being able to quickly understand the complexities involved in the cases in which she is instructed. Her approachability and understanding are key to her being able to work alongside experts at the top of their field and in securing her clients the best possible settlements.

She is described by the Directories: "Gemma is a fearless advocate – experienced and robust. She is articulate and always well prepared."

Away from work Gemma spends her time walking her dogs with her husband Simon, attending music gigs and enjoying fine food and wine.

VIEW PRIVACY POLICY

Education

The University of Manchester (Politics and International Relations: First Class)
BPP Law School (Graduate Diploma in Law)
Manchester Metropolitan University (Bar Professional Training Course)
Safford Award, Middle Temple

Professional Memberships

PIBA
APIL
Northern Circuit of the Bar

Notable Cases

SUPREME COURT: Menzies (Appellant) v Oakwood Solicitors Ltd (Respondent) [2024] UKSC 34)
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DJ v – WMI – Substantial settlement following JSM in a claim where causation was hotly disputed.

LB v LHCH – Pleaded post Montgomery v Lanarkshire Health Board. Settlement in a claim where the failure to counsel on "material risks" would previously have been considered "Bolam" defensible.

GL v BCUHT – Article 2 Inquest with a Jury where it was established that inadequate staffing, communication, policy and procedure in a dementia ward probably contributed to the death of the Deceased. {BBC Report}

Sample Ongoing Clinical Negligence Cases

- Delayed treatment leading to loss of sight; liability admitted; quantum pending.
- Child born with significant deformity as a result of failure to adequately consider sonogram
- Brain injury to child as a result of failure to treat mother for appendicitis leading to premature birth
- Delayed diagnosis of cancer leading to premature death
- Delayed diagnosis of vascular disease resulting in over the knee amputation
- Multiple cases involving surgical negligence leading to life changing injuries
- Multiple cases involving a failure to obtain informed consent
- Multiple cases involving cosmetic surgery