

# JACQUELINE PERRY QC

Call 1975

Silk 2006

## Get in touch

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## Practice Overview

Jacqueline's areas of work span contract and tort. She handles commercial matters both in the UK and the US as well as personal injury, clinical negligence, insurance and product liability.

Jacqueline has acted for both claimants and defendants in very high-profile, public interest cases. She has acted for local authorities and insurers as well as receiving a significant volume of instructions from trades' unions and Government departments, the Police and the Fire Brigade. She has acted for claimants in cases arising out of major disasters, including the original and recent Thalidomide claims. She is also instructed in major multi-party matters and high profile group actions against multi-national corporations.

She is highly thought of by her professional clients, who instruct her in the sure knowledge of her thoroughness, fearlessness and sound and sensitive approach to all aspects of her work.

As a qualified and practising Californian lawyer, Jacqueline has consolidated her field of expertise in this jurisdiction and she has successfully litigated in front of civil juries in the California Superior Court in multi-million dollar claims.

In all areas of her work, Jacqueline has frequently successfully pioneered arguments and points of law or practice.

## Clinical Negligence

Jacqueline's experience of personal injury work and her many years of reading, advising upon and working with or having to cross-examine medical experts made the transition to actually working in the field of clinical negligence an obvious cross-over. Jacqueline has made a

## Practice areas

Clinical Negligence  
Commercial/International  
Costs  
Insurance & Reinsurance  
Personal Injury  
Private International Law  
Product Liability

## Memberships

PIBA  
PNBA  
Vice Chair of Advocacy Committee (2004-2009)  
PCC Committee of the Bar Council (1999-2002)  
Association of Women Barristers (Chair 1998-1999)  
LCIA ADR (UK) Mediation Service  
Los Angeles County Bar Association  
Beverly Hills Bar Association

## Qualifications

MA (Oxon) Jurisprudence  
California qualified attorney  
Qualified mediator

## Education

Lady Margaret Hall, Oxford University  
Pepperdine University (Bar Finals),  
California



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particular speciality of causation issues, as seen in cases such as *Chester v Afshar* in the House of Lords. Jacqueline now has vast experience of this area of work both in bringing claims on behalf of claimants or bringing third party claims against health providers on behalf of her primary insurance clients.

## Commercial/International

Jacqueline is involved in both England and in Californian multi-million pound claims against major international oil companies arising out of oil spillages and explosions which have had catastrophic human and environmental impact.

Jacqueline successfully negotiated a multi-million pound settlement for some 7500 citizens of the Bodo region in the Delta area of the Republic of Nigeria arising from serious oil spills perpetrated by Shell Nigeria.

She has recently successfully acted as leading counsel in a professional negligence case which was litigated in the Commercial Court against Leigh Day Solicitors, resulting in multi-million pound damages for the Claimant. The case arose from the alleged pollution by Trafigura in the Ivory Coast. Jacqueline was instructed in behalf of almost 6000 Ivorians who were deprived of their compensation following the settlement with Trafigura.

In 2015 she argued a complex matter for clients in St. Lucia in the Privy Council on the interpretation of the St. Lucia civil code as it applied to a dispute on a hypothec between her clients and the First Caribbean International Bank.

Jacqueline is co-counsel with Neil Fraser Esq., her partner in ongoing litigation against Chevron Corporation which is being conducted in the federal Court in San Francisco. The claim arises from a catastrophic explosion on the rig KS Endeavor which occurred in January 2012 just off the coast of Bayelsa State, Nigeria. The client cohort comprises some 12500 persons all residing in the coastal plains whose livelihoods and lifestyles have been severely impacted by the blow-up and 46 day gas conflagration which ensued.

Jacqueline was also instructed in an appeal from the Court of Appeal to the Supreme Court in a claim against the Bank of Scotland. She has a number of ongoing instructions arising out of fraudulent and/or negligent advice connected with large investment schemes as well as an instruction from a liquidator arising from negligent tax advice to the underlying corporate entity.

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A part of the work is associated with the entertainment industry and commercial and insurance work and, to that end, Jacqueline has advised in matters involving world famous celebrities (Stevie Wonder) and successfully resolved issues and drafted the necessary agreements arising from an IP dispute between employees of a Tennessee Company, its Californian licensee and a subsidiary company in Bristol, England. She has advised in claims ranging between clients in New York, conducting business in Dubai with a company and director in California.

In 2012, Jacqueline was asked to advise on both procedure and substantive issues in respect of a claim by a Californian, injured when disembarking a plane in London, who sued in Federal court in California.

In 2008, Jacqueline succeeded in obtaining a unanimous jury award of more than £3 million on behalf of a sub-contractor against one of the world's largest construction corporations (**Manufacturing Automation Solutions Inc v Kiewit Pacific Co**). The case required careful explanation and clarity in interpretation and exposition to a civil jury of contract terms, specifications and change orders in the context of a complex project involving the installations of control systems into an LA County water pumping station.

Jacqueline has had numerous cases to advise upon, from instructing solicitors in the Isle of Man and has several substantial matters extant.

## Costs

Jacqueline has considerable experience in advising and appearing for solicitors in respect of bills rendered or following litigation when bills are contested. She has handled such cases before the Master, in the High Court and in the Court of Appeal.

## Insurance & Reinsurance

From the beginning of her career Jacqueline has been instructed in insurance claims ranging from motor traffic cases to municipal and local government cases, mainly on behalf of the defendant insurers.

The work she has done in recent years has tended to be of very high value and often where competing insurers may be involved. For example she has been instructed and advised in the M1 disaster when a trailer carrying military tanks overturned involving some 23 vehicles, some 6 deaths and multiple personal injury claims. The real issues revolved around which

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vehicle and therefore which insurer was responsible for the claims arising from the incident.

Jacqueline has frequently advised insurers as to the application and interpretation of a policy and whether, for example, the correct policy to be applied is road traffic or employer's liability. Jacqueline is currently instructed in a difficult and sensitive insurance claim arising out of a dispute on an employment policy.

In 2012 she provided multiple advices in advance of an arbitration hearing in a \$60 million dispute with re-insurers on a CAR policy arising out of a \$250 million hydraulic power plant project in the Philippines which was devastated by a typhoon in 2009.

## Personal Injury

From the beginning of her career Jacqueline has been instructed in insurance claims ranging from motor traffic cases to municipal and local government cases, mainly on behalf of the defendant insurers.

The work she has done in recent years has tended to be of very high value and often where competing insurers may be involved. For example she has been instructed and advised in the M1 disaster when a trailer carrying military tanks overturned involving some 23 vehicles, some 6 deaths and multiple personal injury claims. The real issues revolved around which vehicle and therefore which insurer was responsible for the claims arising from the incident.

## Private International Law

During recent past, Jacqueline had been involved in the following matters concerning Private International Law:

- Claims against Shell Petroleum operating in Nigeria. This required considerations of local Nigerian statute as well as common law applications of nuisance and negligence and jurisdictional arguments were raised as to bringing the claims in England. These were resolved and an executed agreement signed.
- Mining claim in Sierra Leone.
- Breach of contract and fees due to a solicitor working in Dubai, for a Californian firm – questions of which laws and statutes would be applied to an Arbitral hearing to be heard in England.

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- Advising on the terms of an English insurance under both Californian law and English common law as applied to a \$250 million turbine damaged in a hurricane in the Philippines and disputes regarding the extent of the claim.
- Advising the NHSLA as to contribution claims against a Californian surgeon in respect of medical treatment following patient's treatment in Britain.
- Advising the Solicitor's Regulation Authority in respect of claims brought against it in California and advising on the application of recognition of English jurisdiction in the Californian courts

## Product Liability

From the mid-90's and still continuing today, Jacqueline has been advising the victims of the drug Thalidomide in respect of the funding that needed to be substantially increased for them. On several successful occasions over the many years, Jacqueline has "taken on" Guinness PLC, then Diageo PLC, as well as HM Government and she has been instrumental in obtaining many millions of pounds for these claimants as well as an apology (drafted by her) from the last Labour Government on behalf of the authorities who allowed this disaster to occur. For this matter Jacqueline acted *pro bono* throughout.

The claim in respect of the thalidomide victims continues and now encompasses the prospect of recovery on behalf of European victims against the original manufacturers of the drug in Germany.

She is instructed as leading Counsel in a multi-party action against Glaxo Smith Kline in respect of the drug Seroxat which litigation has been revised under Jacqueline's helm with two juniors from 2 temple Gardens and is now proceeding apace in the High Court.

She is presently leading in a number of cases seeking compensation for damage caused by mesh implants. The first of these has now settled and substantial damages have been recovered for the client.

In California, Jacqueline was invited to be lead trial counsel in litigation involving carbon monoxide poisoning arising out of faulty heating equipment. The case was heard in Spring 2012 in Napa Valley, California and comprised a claim for personal injuries sustained as a consequence of a faulty product.

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In 2011, Jacqueline achieved a multi-million dollar settlement in Seattle, Washington State which was a wrongful death claim as a consequence of a defectively designed axle locking nut on a trailer. (**Re- *Ellis deceased v Democon and Others***).

In dealing with these above claims, Jacqueline has worked closely with the leading experts in their fields, from scientists to forensic accountants.

## Significant cases

Many of Jacqueline's cases have been reported over the years, in the law reports, in the Personal Injury Quantum Reports and written up in Kemp & Kemp as well as other publications. Some of the significant reported cases are listed below.

***Chewings v Williams*** [2010]: Serious leg injuries. Risk of deterioration. Possibility of amputation. Whether provisional damages suitable and if so, for what period.

***Armsden v Kent Police*** [2009] EWCA Civ 631: Duty of care of emergency vehicles when answering urgent response calls.

***Sahakian v McDonnell*** [2007] EWHC 3242 (QB): Causation; contributory negligence; speed contributing to severity of injury and whether this should be a factor in the negligence of driver.

***Daniels v Metropolitan Police Commissioner*** [2006] EWCA 1622: Costs dispute arising out of very late service of evidence.

***Chester v Afshar*** [2005] 1AC 134: Autonomy of patient when doctor seeking consent for surgery.

***Bacon v White*** 1997: Fatal diving accident and issue of contributory negligence of novice diver.

***Lewis v Osborne*** 1995: Value of a mother's services following her death in RTA when vehicle driven by claimant's father.

***Birch v Hales Containers*** 1992 (CA): Early decision on admissibility of surveillance evidence – when appropriate.

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