

JONATHAN DE ROHAN

Call 1989

Get in touch

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Practice Overview

Jonathan is highly valued by professional, insurer and lay clients alike; praised for being *"meticulous ... combining first class paper work with excellent advocacy"* with *"skills in a variety of legal disciplines"*, as having *"a very strong commercial understanding of client's needs"* and being *"very approachable"* demonstrating a *"can-do attitude"*.

Jonathan specialises in injury, damage and insurance-related work. He is instructed in professional negligence, product liability and travel-related claims involving jurisdiction and choice of laws issues. He acts principally for Defendants and for insurers in subrogated recovery claims, but also has a successful Claimant practice. He regularly pleads and appears against leading counsel. He is qualified to accept instructions directly from the public and does so via 2tg's website and *myBarrister*. He regularly attends and presents seminars across Chambers' core areas. He is an accredited mediator across all civil disputes.

Personal Injury

Jonathan's multi-track injury practice covers the entire field from road traffic and public liability to all aspects of employers' liability, in particular industrial disease (mesothelioma and asbestosis, WRULD/VWF, deafness, workplace ergonomics), stress and bullying. He has a well-established practice in serious head and spinal injury cases and a recent expertise in high-value chronic pain cases. He has a deep interest in sports injury claims notably aviation (parachuting, ballooning and gliding), motor racing, field and winter sports. He is instructed at Health & Safety inquests, drawing on jury trial experience prosecuting at 'the Old Bailey' and Snaresbrook Crown Court. He has a deep understanding of disciplinary tribunals, having adjudicated on the full range of Bar Disciplinary Panels for over a decade. He is an accredited mediator across all civil disputes.

Practice areas

Alternative Dispute Resolution
Clinical Negligence
Insurance & Reinsurance
Personal Injury
Product Liability
Professional Negligence
Property Damage
Sport

Memberships

LawInSport
BASL
PIBA
PNBA
LCLCBA
Bar Sports Law Group
Anglo-Australasian Lawyers' Society
Melbourne and Marylebone Cricket Clubs
UK "Alumni" of Mallesons Stephen Jacques Solicitors

Qualifications

BA (Hons) Business Economics
Graduate Diploma in Law
Trained Mediator
ECB Lever 2 Cricket Coach

Education

University of Westminster
University of Reading
Inns of Court School of Law
Regents College



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Recent and notable instructions include:

Re: Ateeq Rafiq (deceased) – Birmingham Coroner’s Court - Jury Inquest relating to the death of a man who became fatally trapped under a cinema seat’s powered footrest at Vue, Star City, Birmingham. Instructed for Spanish seating manufacturer, Figueras International Seating, by LSGA.

Royal v Hobbs Fashion Ltd – high value chronic pain claim arising out of innocuous accident at work. Plethora of experts. Settled favourably at JSM. Instructed by Clyde & Co. for the Defendant.

Ratcliffe v East Kent Medical Services Ltd - significant back injury at work claim brought by a former employee of private hospital in Kent. Contested on all fronts including limitation, breach, medical causation, resolved by ‘hot tubbing’ spinal experts at trial. Instructed by DWF for the Defendant.

Bennett v Sussex Partnership NHS Foundation Trust – Rabone-style death by suicide claim whilst deceased was in the care of the mental health facility staff. Instructed by LSGA for the Claimants.

McGrath v London Borough of Newham & others - slipping accident at school; straightforward main claim. Acted in the complex contractual and tortious responsibilities arising out of Private Finance Initiative school construction and facilities management. Instructed by Bevan Britten for the Third Party.

Moore v Poole Hospital NHS Foundation Trust - high value liability and damages action suffered by midwife in slipping at work. Instructed by Porter Dodson for the Claimant.

Healey v Acromas/Saga & (TP) Hotel – defence/third party claim of operator and Montenegrin hotel in holiday/travel regulations claim. Instructed by Weightmans.

Telfer v Go Ahead Group/Southern Railway - Defence of train driver WRULD/ergonomics claim. Instructed by Hill Dickinson & Travelers.

Walker v Saipem - Instructed by Stephenson Harwood on behalf of seriously injured oil rig worker injured in catastrophic 25 m fall.

M v MIB - Patient settlement in catastrophic claim in QBD. Representation and Court of Protection issues. Instructed by Greenwoods.

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Steadman v Go Ahead Group/Southern Railway - successful defence of train driver WRULD/ ergonomics claim. Instructed by Hill Dickinson & Travelers.

Jones v Lafarge Aggregates - Successful defence of VWF claim at trial on causation.

Moss v Lafarge Aggregates - Successful defence of industrial deafness claim at trial on limitation/date of knowledge.

Green v Deutsche Bank Group – QBD – Pleaded successful high value bullying and harassment Claim. Instructed by Thomas Cooper & Stibbard for the Claimant.

Sport

Jonathan's busy sports injury practice ranges from airborne activities (in particular parachuting, gliding and ballooning) to field and winter sports, motor sports, football, rugby, athletics, golf, cricket and racket sports. He frequently deals with injury claims which involve a difficult choice of Defendant, the law of unincorporated associations, and the construction, interpretation and application of governing body regulations, on which he brings to bear his substantial experience as a disciplinary tribunal member. His cases often involve a combination of personal injury, employment, military on/off duty and insurance coverage issues, as well as equipment matters and product liability law. Jonathan is a ECB Level 2 Cricket Coach.

Recent and notable instructions include:

Fox v Teesside Karting Ltd – multi-track trial of go-karting claim involving issues of training, instruction and supervision. Instructed by Weightmans for the Defendant.

Baird v Weymouth College - sailing injury claim involving adequacy of risk assessments, slipway cleaning, signage and warnings, the balance of cost and risk in a *Tomlinson*-style socially worthwhile activity. Instructed by DWF for the Defendant.

Stanford v Lyalvale Express Ltd - clay pigeon shooting accident when 12-bore shotgun barrel exploded causing significant and permanent upper limb injury. Instructed by Langleys for the Defendant.

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Ludlow v Lockwood (Leamington) Ltd - adjustment & set up of high-performance Alpine ski bindings, leading to alleged skiing accident in Switzerland. Instructed by DAC Beachcroft for the Defendant.

Beagley v. Trevornick – Defence of go-karting claim centring on supervision and track layout. Instructed by DWF.

Pearce v Durham Uni & Cleveland Potash – Instructed for the Defence in head injury claim arising out of sea cliff climbing/rope access accident, involving consideration of IRATA Code of Practice.

Bignall v Crombie - Substantial loss of sponsorship earnings claim pursued by former world-class sprinter. Instructed by Beachcroft for the Defendant.

Swinglehurst v SnowDome - Important case as to whether mandatory provision of wrist guards to beginner snowboarders and/or advice as to the potential efficacy of such equipment were required. Trial judge heard expert evidence and was presented with the latest national and international research on winter sports wrist protection. Instructed by Weightmans for the Defendant, which was successful on equipment issues.

Costello v Army Parachute Association - Serious spinal injuries suffered by tandem parachute instructor following canopy malfunction. Action includes product liability issues. Instructed for Defendant by Gates & Partners (now Kennedys Aviation).

Hiam v Army Parachute Association QBD - Paraplegic injury sustained by first-time parachutist on hard landing. Instructed for Defendant with Neil Block QC by Gates.

Eckersley v Ballooning Network Ltd - Hot air balloon colliding into a spectator.

Mott v Headcorn Parachute Club - Mid-air collision between parachutists during filming operations.

Rogoff v MoD & Royal Airforce Sport Parachute Association QBD - Display parachutist colliding into the roof of Villa Park football ground.

Product Liability

Jonathan has considerable expertise in disputes involving complex design, manufacture and engineering issues.

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Recent and notable instructions include:

Army Parachute Association v. Paratec GmbH - TCC action involving the design of a tandem parachute system. Instructed by Kennedys Aviation.

Tobin v. Geminox & Wieland - TCC domestic fire claim (subrogated) involving the design and quality of French-manufactured hot water boiler incorporating German-made components. Instructed by Cozen O'Connor.

Property Damage

Jonathan's burgeoning property damage practice involves fire, flood and tree-roots subsidence actions. He has considerable expertise in disputes involving complex engineering, construction, arboricultural and geotechnical issues. An accredited mediator across all civil disputes; he has reported cases in the areas of real property and landlord & tenant. He accepts instructions in property damage, insurance and construction claims direct from the public, via chambers' website and *myBarrister*, most successfully in *Hodghton* (see below) with Richard Allitt, flood expert.

Recent and notable instructions include:

Seaton v Somerset County Council – complex flooding claim. Settled very favourably at a JSM. Instructed for the Defendant with Richard Allitt (expert) by Dolmans.

Hoblyn v London Borough of Camden - £750,000 'high amenity tree' roots subsidence claim involving complex issues of foreseeability, notification, causation, damages and contested tree removal. Instructed by DWF for the Defendant.

Hodghton v Horsham DC – Brighton CC trial: succeeded in hydraulically complex nuisance/obstruction of watercourse/flooding claim. Instructed with Richard Allitt by public access Claimant.

William Pears v. London Borough of Lambeth - TCC: Defence of major tree roots subsidence claim involving block of flat in south London. Settled at an advanced stage of proceedings and with considerable counsel involvement. Instructed by Watmores/DWF.

Bond v Stockton-on-Tees Borough Council - tree roots subsidence damage to a late-constructed garage giving rise to interesting arguments on

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notification, reasonable foreseeability, adequacy of foundations, causation and mitigation of damages. Instructed by DWF for the Defendant.

Jones v London Borough of Merton – high value tree roots subsidence damage - novel arguments on breach of duty, reasonable foreseeability, causation and mitigation of damages. Opposed by leading counsel, a specialist in the field.

Bachy Soletanche v Costain PLC – TCC: £1.5m subrogated recovery claim for HSB in respect of destruction of Bauer mobile piling rig and business interruption of insured. Instructed by DAC.

Scott v Cheshire County Council - Successful tree roots subsidence claim for Beachcrofts.

Professional Negligence

Jonathan's clinical practice encompasses failures of consent, and of treatment arising out of elective sterilisation, varicose vein and cosmetic procedures. His non-medical caseload has comprised solicitors, insurance brokers, surveyors and other construction professionals, where his background in property law has proved invaluable. He has a deep understanding of disciplinary tribunals.

Recent and notable instructions include:

Duce v WAH NHS Trust – Birmingham CC trial – gynaecology/lack of informed consent to surgical procedure. Instructed for the Claimant.

Hammond v PAH NHS Trust - Successful claim for negligent varicose vein procedure causing tendon severance.

Reading v Direct Healthcare International - Applicable laws/jurisdiction/causation issues arising out of negligent liposuction procedure in Belgium. Acted for Defendant, cosmetic surgery service.

Insurance & Reinsurance

Jonathan regularly advises on all aspects of insurance law including coverage issues, policy construction, misrepresentation, non-disclosure, breach of warranty, estoppel, waiver, reservation of rights, double

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insurance and fraud. He also has particular expertise in motor insurance, including claims against the MIB.

Recent and notable instructions include:

Abbeyfield v Epping Council TCC: range of construction and factual issues including contribution/double insurance, notification, avoidance, waiver & estoppel.

Kotsanas v Insurance Corporation of Channel Islands - Successful defence of claim arising over fraudulent presentation of insurance outlay cheque.

Clinical Negligence

Jonathan's clinical negligence practice encompasses failures of consent, and of treatment arising out of elective sterilisation, varicose vein and cosmetic procedures. He has a deep understanding of disciplinary tribunals having adjudicated on the full range of Bar disciplinary panels for over a decade.

Recent and notable instructions include:

Duce v WAH NHS Trust – Birmingham CC trial – gynaecology/lack of informed consent to surgical procedure. Instructed for the Claimant.

Hammond v PAH NHS Trust - Successful claim for negligent varicose vein procedure causing tendon severance.

Reading v Direct Healthcare International - Applicable laws/jurisdiction/causation issues arising out of negligent liposuction procedure in Belgium. Acted for Defendant, cosmetic surgery service.

Articles and Seminars

NFU in-house seminar - Countryside Hazards & Liability (2018)

Limitation issues in Industrial Disease Seminar (2017)

Countryside Occupiers' Hazards & Liability Seminar (2017)

Update on 'Expert Shopping' – Property Damage blog (various)

2TG Claimant Day - Sporting Injuries Seminar (March 2015)

MBL Sports Law Update (March 2013)

Liability for Sporting Injuries Seminar (June 2012)

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Mesothelioma Claims, New Law Journal (March 2011)
Liability for Sporting Injuries Seminar (May 2009)
Personal Injury Update, NLJ (May 2008)
Personal Injury Update, NLJ (September 2007)
Liability for Sporting Injuries Seminar (April 2007)
Impact of the Compensation Act Seminar (March 2007)
Liability for Dangerous Activities, Injury Times (August 2005)

Education & Training

Regents College, Mediator Accreditation, School of Psychotherapy & Counselling.
Inns of Court School of Law, BVC.
University of Westminster, Graduate Diploma in Law.
University of Reading, BA Business Economics.
Harrow School, A levels & O levels.
ECB Level 2 Cricket Coach.

Memberships & Affiliations

LawInSport
British Association for Sport and Law
PIBA
PNBA
LCLCBA
Bar Sports Law Group
Anglo-Australasian Lawyers' Society
Melbourne & Marylebone Cricket Clubs
UK "Alumni" of Mallesons Stephen Jaques Solicitors

Previous Positions

1990 – 1991 Thomson Simmons Solicitors & Barristers (Adelaide, Australia) Construction Litigation.
1989 – 1990 Mallesons Stephen Jaques Solicitors (Sydney, Australia) Commercial and Injury Litigation.

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