



Bernard Doherty

Year of call: 1990

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"He is simply outstanding; on paper, in person and in court."

The Legal 500, 2019

Bernard is a highly experienced advocate in both conflict of laws and complex personal injury claims, making him the obvious choice for the most serious cross-border personal injury litigation. He has been ranked in Band 1 for both travel law and personal injury in The Legal 500 and Chambers and Partners for several years. He is the lead author of *Accidents Abroad: International Personal Injury Claims* (Sweet & Maxwell). Bernard sits as a recorder (part-time judge) and is a qualified mediator. He is approachable and advises on complex issues in a clear, comprehensible way.

Areas of expertise

Travel and International Injury

Clinical Negligence and Personal Injury

Travel and International Injury

"He's exceptional ... a walking encyclopedia on travel law. He's also very approachable and responsive." Chambers and Partners, 2022.

Bernard has unrivalled experience in all aspects of travel law, including claims arising from package travel, overseas motor accidents, employers' and occupiers' liability claims, Montreal and Athens Convention cases and clinical negligence claims arising from treatment abroad, as well as in questions of insurance law, which arise in many such cases. He represents claimants and defendants in both multi-party and individual claims. Bernard also acts in professional negligence claims arising from the alleged mishandling of cross-border litigation.

He is the lead author of *Accidents Abroad* (Sweet & Maxwell) and regularly writes and lectures on issues arising in cross-border litigation.

Bernard appears in Band 1 for Travel Law in both The Legal 500 and Chambers and Partners and has done for several years.

Cases of note:

- ***Klifa v Slater* [2022] EWHC 427 (QB) [2022] I.L.Pr. 15** - An application to stay a post-Brexit claim arising from a skiing accident in France on forum non conveniens grounds.

- **Hill v Generali Biztosito ZRT** [2021] EWHC 3381 (QB) [2022] 1 WLR 2477 - The High Court holds that the favourable jurisdiction rules for injured persons when suing an insurer under Brussels I Recast apply also to any subrogated part of the claim brought for the benefit of the insurer, resolving a long-standing debate on the issue.
- **Owen v Galgey** [2020] EWHC 3546 (QB) [2021] I.L.Pr. 7 - In what circumstances will it be appropriate to use article 4(3) of Rome II to override the basic choice of law rules in articles 4(1) and 4(2)?
- **Hutchinson v Mapfre Espana** [2020] EWHC 178 (QB) [2020] Lloyd's Rep. I.R. 333 - For the good arguable case purposes of a jurisdiction challenge, a territorial scope clause in an insurance policy limiting indemnity to claims brought in Spain was an impermissible derogation from the special rules of jurisdiction in Brussels I Recast, which are designed to protect the weaker party.
- **Schofield v Gultepe** [2019] EWHC 293 (Admlty) - Trial of liability in a claim arising from an accident at sea off the coast of Greece and governed by Greek law.
- **Naraji v Shelbourne** [2011] EWHC 3298 (QB) - Clinical negligence trial in relation to unsuccessful knee surgery to a professional footballer undertaken in the USA, with liability governed by the law of Indiana.
- **Owusu v Jackson (C-281/02)** [2005] Q.B. 801 - Seminal decision of the European Court of Justice on the absence of a discretion to stay a claim against an English domiciled defendant on grounds of forum non conveniens, even where the proposed stay is for proceedings in a country which is not a member state of the EU.

Recommendations

- *"An authority on cross-border cases, he is very astute with the technical points and excellent in the foreign courts."* Chambers and Partners, 2022
- *"Has a calm and assured air about him that is very reassuring when the pressure is on. A great pleasure to work with and he is very helpful and approachable."* Chambers and Partners, 2022
- *"A cool head at all times and supreme with his knowledge and advice. A QC in all but name."* The Legal 500, 2022
- *"Bernard is particularly well equipped to deal with cross-border disputes, especially in the field of tort claims."* The Legal 500, 2022

Memberships

- Personal Injuries Bar Association
- Pan European Organization of Personal Injury Lawyers

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