

Malcolm Duthie

Clinical Negligence



Year of Call: 1989

Email Clerks: mt@no5.com

Malcolm practices exclusively in the fields of personal injury and clinical negligence litigation. He has considerable experience of clinical negligence claims in a wide variety of fields including:

- Colorectal surgery
- General surgery
- Neurosurgery
- Orthopaedic surgery
- Accident and emergency medicine
- Urology
- Obstetrics and gynaecology
- ENT
- Oncology
- Acquired MRSA

Recommendations

“Malcolm is excellent in pulling defendant witnesses apart.” “Malcolm is technically brilliant.”

Chambers UK 2024 (Personal Injury)

"Malcolm is a very experienced, passionate and talented advocate. He puts his all into his cases and on behalf of his clients."

Legal 500 2024 (Personal Injury)

"Malcolm is an incredibly able lawyer who is superb at handling the most complex of issues." "He is brilliant with challenging cases and has fantastic attention to detail."

Chambers UK 2023 (Personal Injury)

"Malcolm is very good with both clients and experts and is able to drill into the detail of the case and address the central issues in a way that all clients can understand. His advocacy is meticulous in its preparation and delivery. He consistently performs well in complex negotiations and does not get drawn into needless posturing, always remaining calm and measured when putting the client's case. He is tenacious and ensures the best possible outcomes."

Legal 500 2023 (Personal Injury)

"He has a great eye for detail and inspires confidence." "Very intelligent and always extremely well prepared."

Chambers UK 2022 (Personal Injury)

"Malcolm is very astute. He grasps incredibly complex issues and is good at explaining these to clients. Nothing seems to faze him. He is not afraid to run tricky cases and his depth of knowledge and approachable manner make him a valued asset to any legal team."

Legal 500 2022 (Personal Injury)

"Very thorough and astute." "He is absolutely on the ball, takes no nonsense and delivers great results."

Chambers UK 2021 (Personal Injury)

"Extremely persistent on behalf of clients, always pushing for the best outcome."

Legal 500 2021 (Personal Injury)

"An excellent advocate; he is persuasive in court and expresses himself very well on paper. He clearly has a very sharp mind." "Impeccably prepared and a real fighter, so he's good to have on your side in a contested issue." "He is methodical and gets to grips with the issues of the case quickly."

Chambers UK 2020

"Tenacious in court and at mediation."

Legal 500 2020

"He is very intelligent, articulate and a skilled advocate. He grasps complex issues well and deals with the more challenging clients with considerable diplomacy."

Chambers UK 2019

"His broad practice includes industrial disease, catastrophic injuries and public liability claims."

Legal 500 2019

Notable Cases

S v University Hospitals of North Midlands NHS Trust [2017]

delay in diagnosis of ST- elevation myocardial infarction (STEMI). Settlement.

Q v Dr C and Mr C [2017]

radiologist failed to identify congenital tethered spinal cord on MRI and surgeon, in performing spinal decompression surgery, damaged spinal cord causing severe neurological disability. Settlement following JSM.

KH v University Hospitals Bristol NHS Foundation Trust [2016] (Lawtel)

failure to identify and treat thoracic aortic aneurysm which ruptured causing death. Secondary victim and FAA claims. Settlement GBP 400,000 approved by HHJ Denyer QC.

F v King's College Hospital NHS Foundation Trust [2016]

delay in diagnosis of and treatment for carcinoma of the bladder. Settlement.

MYSW v Lewisham and Greenwich NHS Trust [2015]

delay in diagnosis of and treatment for lung cancer. Settlement.

O v University Hospitals of North Midlands NHS Trust [2015]

delay in diagnosis of and surgery for cauda equina syndrome. Settlement.

G [2013]

colorectal surgery resulting in chronic abscess cavity in pelvis, ileostomy and colostomy. Settlement: GBP 700,000 -Inquest concerning high death rates at Worcestershire Acute Hospitals NHS Trust (current)

G-M [2013]

negligently performed neurosurgery causing Frankel D spinal cord injury and upper limb amputation. Settlement: GBP 1.125m

O'T [2010]

elective total hip replacement for elderly patient. Acquired MRSA, causing multiple further surgical procedures and permanent disability. GBP 400,000

Memberships

Professional Negligence Bar Association

Personal Injuries Bar Association

Qualifications

LLB (Hons) LLM (London)