

## Gemma Scott

Call: 2005  
scott@12kbw.co.uk



### AREAS OF EXPERTISE

Industrial Disease, Personal Injury, International & Travel, Product Liability, Clinical Negligence, Group Claim Litigation, Group Litigation, Aviation

Gemma specialises in serious personal injury cases, industrial disease claims, and in large group actions.

She regularly appears against silks and senior juniors in High Court cases. She is also frequently instructed as junior counsel in multi-million pound claims, often working alongside silks from other chambers.

She is ranked in the fields of Personal Injury and Industrial Disease in the Legal 500 and in Chambers & Partners.

Gemma is a contributor to Sweet and Maxwell's *Asbestos: Law and Litigation*.

### Industrial Disease

---

Gemma has particular expertise in asbestos litigation. She acts for Claimants in mesothelioma, lung cancer, pleural thickening, and asbestosis cases.

#### Notable cases

*Bussey v Anglia Heating Ltd [2018] EWCA Civ 243*

Instructed by the Claimant. Gemma appeared in the Court of Appeal as junior counsel to Michael Rawlinson K.C. The Court unanimously ruled in favour of the Claimant in this significant case, which clarified the test for judges dealing with low-level exposure claims.

*Walsh v Henry Crossley Packings Ltd & others*

Acting as junior Counsel for the Claimant (led by Harry Steinberg K.C.). The Deceased contracted mesothelioma. She was exposed to asbestos while working at the First Defendant's offices and when washing her husband's overalls. The first stage of proceedings against the First Defendant settled two days before trial for 75% of the value to be assessed. The Claimant sought to recover the rest from the other Defendants, who also compromised liability shortly before trial.

The quantification of damages was hotly contested. The Deceased had been the driving force behind a successful care home business and was also her husband's carer following a stroke.

*Collinson v Harlow & Milner Ltd*

Instructed by the Claimant in this fatal mesothelioma claim. Breach of duty was ultimately conceded, but the case involved complicated medical issues in respect of the Deceased's life expectancy but for the mesothelioma, and the extent of his adult son's dependency.

*LB v ARS Ltd*

Acted as junior Counsel with Harry Steinberg K.C. in this high value mesothelioma claim. The Claimant contracted the disease at the age of 30. The case raised issues in respect of liability (including the obligations on an employer taking instructions from a main contractor), causation (latency periods and whether the exposure was sufficient to materially increase risk of mesothelioma), and quantum.

*Goldring v Cape Intermediate Holdings Ltd*

Instructed by the Claimants (led by Harry Steinberg K.C.) in this fatal mesothelioma claim. The Deceased contracted mesothelioma as a result of exposure to asbestos on her father's work clothes. The company that employed her father had been dissolved and therefore the only viable claim was against the active parent company.

*Crooks v 00648121 Ltd*

Acted for the Claimant, who died from mesothelioma. He was exposed to asbestos during his year in industry while studying for his degree. Liability and limitation were initially in issue; the Deceased survived for an unusually long time after diagnosis as a result of immunotherapy and did not approach solicitors until primary limitation had expired. Quantum was also hotly contested. The Deceased was a high-earner, but there was a considerable dispute over his future earnings given his intention to retire and thereafter work as a consultant.

*Footman v Kent County Council*

Instructed by the Claimant with Harry Steinberg K.C. The Claimant developed mesothelioma as a result of his occupational exposure to asbestos. He was the primary carer for his wife and sought to challenge the restrictions on lifetime claims for services.

*P v WMS Ltd*

Acted for the Claimant with Harry Steinberg K.C. The Deceased was exposed to asbestos when handling asbestos insulation boards on site in 1966. The case would have tested the limits of the Court of Appeal's judgment in *Bussey* in respect of foreseeability. It settled less than one week before trial.

*Back v Bicknell Construction Ltd*

Acted on behalf of the Claimant, who developed malignant mesothelioma as a result of his occupational exposure to asbestos.

The Claimant was employed as a quantity surveyor. He was exposed to asbestos whilst visiting the Defendant's sites. Liability was strongly disputed, with the Defendant arguing that the level of exposure was insufficient to amount to breach of duty in the light of prevailing knowledge.

### *Dalton v The Peninsular & Oriental Steam Navigation Company*

Instructed by the Executors of the Claimant's Estate.

Mr Dalton died of mesothelioma. He was a chef on board passenger ships owned by P&O. He was exposed to asbestos while the ships were in port for maintenance work. The case centred on difficult issues of liability. The Defendant alleged that any exposure was low level and argued for a later date of knowledge for P&O than land-based employers.

## **Qualifications & Awards**

---

The Queen's College, Oxford University, MA (Hons) Modern History

Post Graduate Diploma in Law (Nottingham Law School)

Bar Vocational Course (Nottingham Law School)

The Blake Prize in History, The Queen's College, Oxford

## **Memberships**

---

PIBA

## **Directories**

---

*Gemma manages to take a broad overview of cases but is also very thorough and attentive to the details of the evidence. The standard of the documents she drafts is excellent.* – Chambers & Partners, 2024

*Her particular strengths are attention to detail, grappling with very difficult issues quickly and providing good, pragmatic advice to clients.* – Chambers & Partners, 2024

*She is an absolute star. She is very, very thorough and very good with clients.* – Chambers & Partners, 2024

*Gemma has provided some first-class advices in some very difficult cases, dealing with complex issues and expert witnesses.* – Chambers & Partners, 2024

*Gemma is pragmatic in her approach and able to advise with ease on complex matters.* – Chambers & Partners, 2024

*Gemma considers everything in fine detail in order to give the best advice.* – Chambers & Partners, 2024

*Gemma has huge experience in the field of asbestos-related illness claims and her technical knowledge in this field is superb.* – Legal 500, 2024

*She has the ability to explain complex issues in terms clients can understand.* – Chambers & Partners, 2023

*Gemma is very experienced in complex asbestos cases.* – Chambers & Partners, 2023

*She offers fantastic, practical advice.* – Chambers & Partners, 2023

*Gemma is an outstanding junior at the heart of the engine room at 12KBW, able to master the most complex legal and factual issues in catastrophic injury claims with consummate ease. – Legal 500, 2023*

*Has been at the forefront of a lot of high-profile asbestos cases, and the quality of her work is exceptional. – Chambers & Partners, 2022*

*She is an expert in asbestos litigation and has been involved in some of the recent test cases. – Legal 500, 2022*

*A brilliant, experienced junior who is very efficient, gives detailed advice and is able to deal with complicated cases. She has a clear-minded approach to issues and is very responsive. – Chambers & Partners, 2021*

*Has been involved in some of the most high profile cases in the area of asbestos litigation. Always super prepared and brings complex issues down to an understandable level due to her in-depth knowledge. – Legal 500, 2021*

*A very thorough junior. – Chambers & Partners, 2020*

*Her knowledge of the development of the understanding of asbestos risks is peerless. – Legal 500, 2019*

*Her knowledge on the history of asbestos is encyclopaedic. – Chambers & Partners, 2019*

*She is potentially a rising star in industrial disease matters. – Legal 500, 2018*

*Incredibly calm and intelligent lawyer who relates well to clients and produces work of the highest quality. – Legal 500, 2018*

*She has an excellent grasp of the law. – Legal 500, 2017*

*She's very bright and her in-depth knowledge of asbestos work is particularly remarkable given her call. – Chambers & Partners, 2017*

*She has a depth of knowledge of someone twice her call. – Legal 500, 2016*

*She has a fantastic depth of knowledge of asbestos cases – far beyond her year of call. – Legal 500, 2015*