



Jerome Silva – Barrister

Called 2001

Practice Profile:

Jerome has an extensive Commercial and Common Law practice that includes general commercial, aviation, clinical negligence, personal injury, product liability and inquests & inquiries. He has also been instructed in relation to gross negligence manslaughter and accidents involving aircraft. Jerome has appeared before the International Court of Arbitration and undertaken cases before arbitral tribunals in London and Paris.

Jerome is instructed by both Claimants and Defendants and has acted on behalf of numerous NHS Trusts. He has advised in respect of high value High Court claims and appeared before the Court of Appeal as well as being seconded in litigation before the Supreme Court.

General Commercial:

Jerome has a broad commercial practice having advised on or appeared in a range of commercial disputes including:

- Insurance & Reinsurance
- Arbitration (including appearances before the International Court of Arbitration dealing with the interpretation and ambit of a restraint of trade clause in an international contract; resisting an application for emergency measures aimed at preventing a party from entering into new contracts; alleged breaches of confidentiality)
- Enforcement of international arbitral awards in the High Court under s.66 of the Arbitration Act 1996;
- Aviation: including serious accidents involving commercial aircraft, disputed damages in respect of repairs and the assessment of damages for loss of use.
- Freezing Orders: rights and duties of notified non-parties (particularly in the context of reinsurers)
- Material non-disclosure and misrepresentation in the context of contracts of insurance
- Commercial fraud

- Injunctions: obtaining and resisting Prohibitory and Mandatory High Court injunctions (including without notice emergency injunctions) arising out of a range of disputes, most recently the obtaining of a pre-issue mandatory injunction for the return of one of the rarest 'E' Type Jaguars in the world.
- Product Liability: Claims in contract, negligence and under the Consumer Rights Act (including claims in relation to defective engineering of high performance vehicles).

Negligence & Personal Injury:

Jerome has extensive Claimant and Defendant experience in relation to all areas of litigation involving general negligence and personal injury including:

- Accidents involving aircraft (including defended High Court litigation involving a collision between a tractor and a commercial aircraft as a result of unconsciousness due to vasovagal syncope)
- Traumatic Brain Injuries
- Chronic Pain Syndrome
- Calculating recoverable cost of repairs and loss of use of aircraft
- Package Travel Regulation claims (including before the High Court)
- Gross negligence manslaughter – death due to acute renal failure caused by the taking of a slimming supplement containing Dinitrophenol
- Acute food poisoning in a pub resulting in death
- Automotive product liability claims: (e.g. negligent servicing of a car resulting in sudden combustion whilst being driven; contaminated petrol claims);
- Industrial disease claims: asbestosis, mesothelioma, sinonasal adenocarcinoma;
- Advising as to liability and medical evidence on causation involving instances of hypoglycaemia, automatism, diabetic coma and epilepsy
- Quantifying loss of use and loss of revenue across a range of chattels
- Animals Act litigation (with particular expertise in accidents involving horses and dog bite cases)
- Road traffic accidents (including fatalities)

Clinical Negligence:

Jerome has experience representing both Claimants and Defendant Hospital Trusts in a range of disputes involving general trauma and orthopaedic surgery:

- Vaginal mesh repair (issues of informed consent; negligent surgical procedure; post-operative review)
- Caesarean sections
- Forceps deliveries – improper use, excessive force
- Obstetric haemorrhage and uterine inversion
- General orthopaedic Surgery: failure to diagnose; negligent surgical procedure

Inquests and Inquiries:

Jerome has acted for local and central government, companies and on behalf of insurers as well as on behalf of families of the deceased at Coroner's Inquests. Unusually for practitioners in this field, Jerome's practice is strengthened through his expertise across serious criminal cases involving murder, manslaughter by gross negligence and causing death by dangerous driving. Previous inquests include:

- Death in custody and in a health setting

- Suicide in a hospital
- Death from food poisoning by a commercial pub chain
- Gross negligence manslaughter involving toxic health supplements distributed by a gym
- Fraudulently induced road traffic accidents resulting in death

Degrees:

- LL.B (Exon), (Scholarship: Duke of Edinburgh Scholar, Inner Temple)

Professional Memberships:

- Inner Temple
- London Common Law & Commercial Bar Association
- Professional Negligence Bar Association
- Personal Injury Bar Association
- Liberty

Interests:

Cricket (esp. of the West Indies Test Team 1974 – 1991); Petanque; 90s Hip-Hop.

Contact Details

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