John Schmitt

Call: 2013

E	clerks@dekachambers.com
T	+44(0)20 7832 0500

John Schmitt is a specialist in complex personal injury and abuse work.

John is listed in Legal 500 both for his personal injury practice and for that in family: children and domestic abuse. He is variously described by Legal 500 as “sharp as a tack” and “exceptional counsel” as well as being “calm” with a “lovely manner”.

He appears and advises in actions for personal injury and fatal accidents arising from the negligence of professionals, employers and public authorities. He is regularly involved in the settlement of cases with a six figure value and appears increasingly in the High Court. He combines a detailed grasp of the law with confident advocacy and clear, practical advice.

John has been for many years a contributing author to the latest editions of the Road Traffic Accident section of Butterworths Personal Injury Law Service; he is a specialist on liability in this area.

John has substantial wider experience, regularly acting and advising in a range of commercial and civil disputes, while also representing local authorities and private clients in family matters involving children and matrimonial finance.

He is also experienced in representing families at inquests in a clinical negligence context and has done so through the AvMA pro-bono inquest service. Most recently he has represented a family at a four day jury inquest at the conclusion of which the deceased’s employer were ordered to produce a Prevention of Future Deaths report.

John has extensive skill and experience in advocacy (much of this from his early years of practice conducting criminal trials) and as a result has a robust and effective courtroom style. He is a tough but fair negotiator.

Prior to becoming a barrister, John was a qualified teacher and acted as Head of Department and Head of Sixth Form at a leading secondary school. His first career and his extensive court experience to date have together equipped him with the valuable skills of persuasive argumentation and team management, along with the ability to interact with clients sensitively and to perform under pressure.

Areas of Expertise

Deka Chambers
5 Norwich Street
London
EC4A 1DR

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DX: LDE 439

Personal Injury

John is frequently instructed in multi-track personal injury claims pleaded up to £1,000,000 and works collaboratively with his instructing solicitors to achieve regularly six-figure settlements for his clients.

John has abundant experience in the County Court successfully conducting multi-day trials, contested interim hearings and challenging applications, and he is appearing in the High Court with increasing frequency. He prides himself on his advocacy.

On a daily basis John advises and drafts pleadings on matters concerning the negligence of professionals, employers, public authorities, businesses, schools and motorists, as well as in complex quantum matters arising from personal injury and fatal accidents. He provides intelligent, thorough and commercially practical advice. He is also developing his clinical negligence practice and welcomes instructions in this area.

John also has a specialist practice in claims where animals cause personal injuries, especially those brought under the Animals Act 1971.

He has recently settled a complex claim for around £200,000 when a Claimant was mauled by a neighbour's dog when, unexpectedly, she entered the neighbouring property through an unlocked door. He has also been involved in successful claims arising from dogs escaping from car boots and horses bolting onto roads. He has a mixed Claimant and Defendant practice here, frequently acting for and advising a major insurer on its caseload of claims arising from household pets injuring visitors and trespassers.

Notable Personal Injury cases

LG v TH

following 3 day multi-track trial, John successfully established liability and damages against a leading hotel following a freakish assault at work at night on a hotel receptionist carried out by a patient who had escaped from a psychiatric ward – John successfully argued it was a foreseeable injury that came about in an unexpected way.

ST v MG

following 3 day multi-track trial, John successfully established liability for negligent laser surgery; John was able to persuade the Defendant's expert in oral evidence to adopt the Claimant's case on breach.

TS (Administratrix of Deceased spouse)

this was a combined personal injury and fatal accident claim requiring high levels of sensitivity with a complex pre-accident history making causation problematic. It settled for over £350,000.

KM v BT

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claim settled at JSM for £267,000 following expert evidence in four fields, where there were complex medical issues on causation and pre-existing vulnerability.

JT v SST

claim settled just before trial for £151,000 following expert medical evidence in five fields, allegations of fundamental dishonesty and complex issues of causation.

BT v Ministry of Justice

John won at trial on challenging claim against the MOJ for its negligent care of a prison guard assaulted by youth offenders.

OJ v Kenyan High Commission

John won a contested 2 day liability trail against the Kenyan High Commission for its negligent care of a chauffeur.

Inquests & Inquiries

John has substantial experience representing families and Local Authorities at inquests, including before juries, where his sensitivity and thoroughness have been praised. John also worked for the Serious Fraud Office for many years as disclosure counsel in an ongoing bribery and corruption investigation.

Notable Inquests & Inquiries cases

Inquest touching John Atkin

John represented the family following a tragic death from sepsis where the narrative verdict of the jury made far-reaching comments about the role of the deceased's employer in handling the aftermath of an occupational dog-bite. Following this, the coroner ordered the employer to produce a Prevention of Future Deaths report.

Inquest touching Amy Bottomley

John represented the family following a mysterious death where no-one in the vicinity of the deceased in hospital would admit having inflicted the forced physical action on her which contributed to her death.

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Family Law

John is an established practitioner in all aspects of family law: he regularly acts for local authorities, parents and guardians in public law matters involving children and equally regularly represents parties seeking financial remedies and child arrangements in private law.

John has extensive experience of appearing in complex, multi-day final hearings to determine applications for care orders, adoption, residence and contact in respect of children; he also frequently advises and appears in matrimonial finance matters with a value in excess of £1,000,000. Local Authorities frequently instruct John for written advice and drafting, as well as advocacy, within care proceedings.

John has particular expertise in acting in disputed allegations regarding non-accidental injuries to children and has appeared, both led and as sole counsel, in extended fact-finding hearings, cross-examining expert paediatricians on such issues.

John has substantial experience in the High Court for matters involving child abduction, complex jurisdictional disputes and emergency medical treatment for children. Again, he has questioned eminent experts in children's general medicine and immunology on issues of the gravest importance to a child's welfare.

His first career in education gives him wider and substantial experience with working with children and parents within a multi-agency context through which his skills at managing a team and marshalling extensive evidence, as well as mediating, negotiating and advocating for his clients, have been developed.

John is expanding his practice within the Court of Protection jurisdiction and has relevant experience as follows:

- Serious medical treatment applications;
- A range of emergency applications, particularly within the context of public family law;
- Issues relating to the appointment of deputies;
- Frequent provision of written advice on compromises in respect of protected parties and attendance at subsequent approval hearings.

Notable Family Law cases

Re: WKK [2018] EWHC 937 (Fam)

Longstanding involvement for the London Borough of Enfield in an application under the inherent jurisdiction in respect of emergency blood transfusions for a child with sickle cell disease, where declaratory relief was sought and obtained amidst complex issues of non-parental consent and risk of fatality, and expert evidence heard from the leading paediatric consultants in this area.

A (a child : fact-finding) [2021] EWFC B29 (18 March 2021)

Acting as junior counsel to a parent in 15 day fact-finding hearing following allegations of non-accidental injury to a child. Now solely instructed counsel in ongoing care proceedings.

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Re: MG

John was instructed for the Local Authority in linked and rigorously contested care proceedings regarding the LA's application under the inherent jurisdiction for a declaration as to the carrying out of childhood immunisations being lawful and in the child's best interests, and simultaneously a jurisdictional argument about transfer of proceedings to Romania (by reference to Article 15 of Brussels II Revised Regulation) necessitating full legal argument in the High Court, all within the context of a risk of abduction of the child.

Re: RG

Sole counsel acting for Local Authority in complex 10 day fact-finding surrounding five children victims of alleged parental abuse and violent chastisement. The court found the LA's key allegations proved.

Education

- BA Hons in Classics & English, University of Oxford (First Class)
- Graduate Diploma in Law, City University Law School (Distinction);
- BPTC, BPP Law School, (Very Competent);

Memberships

- Personal Injuries Bar Association
- Professional Negligence Bar Association
- Family Law Bar Association
- Court of Protection Bar Association
- Pan European Organisation of Personal Injury Lawyers (PEOPIL)

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