

## QUALIFICATIONS:

- MB ChB (University of Cape Town) 1978
- M.MED (OPHTHALMOLOGY) (University of Natal) 1984
- CERTIFICATE IN LASER EYE SURGERY (Royal College of Ophthalmologists) 2009

## PROFESSIONAL REGISTRATION:

- General Medical Council of Great Britain (2536327) - Specialist Registration
- Irish Medical Council (100160) - Specialist Registration
- South African Health Professionals Council (MP0206890) – Specialist Registration

## MEMBERSHIP OF PROFESSIONAL ORGANISATIONS:

- British Medical Association (BMA)
- Royal Society of Medicine (RSM)
- European Society of Cataract and Refractive Surgeons (ESCRS)
- American Society of Cataract and Refractive Surgeons (ASCRS)
- American Academy of Ophthalmology (AAO)
- International Society of Refractive Surgeons (ISRS)
- International Medical Advisory Board, AcuFocus (Developers and Manufacturers of the KAMRA corneal inlay)
- International Medical Advisory Board, Presbia (Developers and Manufacturers of the Presbia Flexivue corneal inlay)
- Medical Protection Society (Membership No. 335474) – Professional Indemnity Insurance
- The Academy of Experts (TAE)
- Expert Witness Institute (MEWI)

## MEDICO-LEGAL COURSES ATTENDED:

- October 2020-July 2021 – Bond Solon Courses aimed at Medicolegal qualification from Cardiff University
- Feb 2015 – Bond Solon Civil Procedures 2 Day Course, London
- Nov 2014 – Court Room Skills course run by Specialistinfo.com, 218 The Strand, London
- Mar 2014 – Bond Solon/Cardiff University – Expert Witness Report Writing Course, De Vere Venues, Birmingham
- Nov 2013 – Premex Annual conference, Birmingham
- Oct 2013 – BMA Medico-legal Conference, London: A-Z guide for Expert Witnesses
- Jun 2013 – Clinical Negligence Medico Legal Course, London (Specialistinfo.com)
- Apr 2013 – Medico-legal Expert Training Course in Court room Skills, London
- Sep 2012 – Clinical Negligence Seminar, Reebok Stadium, Bolton (Premex Services, Ltd.)
- Nov 2011 – Clinical Audit Masterclass (Healthcare Events) (Approved by The Royal College of Physicians – code 70246)
- Jun 2011 – BMA Website Medico-legal Guidelines including running a medico-legal practice, report writing and courtroom skills for professional and expert witnesses, medico-legal fees information and how to recover outstanding fees.
- May 2011 - Medical Protection Society (M.P.S.) Education Workshop: “Mastering Difficult Interactions with Patients”.
- Jul 2010 - Medico-legal course (ML 96) organised by Healthcare Knowledge Ltd and covering the preparation of medico-legal cases and presentation thereof in court.
- Jun 2010 - Medical Protection Society (M.P.S.) Education Workshop: “Mastering your Risk”.

## PROFESSIONAL EXPERIENCE AND INTERESTS:

I was a self-employed Consultant Ophthalmic Surgeon specialising in Cataract and Refractive Surgery and contracting to various clinics throughout the United Kingdom. I retired from active clinical practice in 2020 and now concentrate on my busy medicolegal practice, working through my own company, Medicolegaleye Ltd.

I worked as part-time Clinical Director/Lead Physician of the Optilase Laser and Refractive Clinic, Republic of Ireland and Northern Ireland from August 2011 to July 2018. I have performed in excess of 50,000 laser vision correction procedures (LASIK/LASEK/PRK); having been active in the laser eye surgery field for the past 23 years, proficient in the use of all the major excimer laser platforms.

Prior to his retirement I worked in close association with Prof. Emanuel Rosen, an acknowledged leading Ophthalmic medico-legal expert, at consulting rooms we share at St John Street in Manchester. We still occasionally discuss complex medico-legal cases.

Before moving to the United Kingdom in December 2001, I was in private Ophthalmic practice in South Africa. This was essentially general in nature, involving all the Ophthalmic disciplines including Paediatric, Anterior Segment, Glaucoma, Retinal (Medical and Surgical), Neuro-Ophthalmic and Oculoplastic. I am competent to diagnose and treat conditions from all these disciplines. My medicolegal work involves injury-related clinical negligence, criminal work and Family Court matters dating back to 2002.

In the UK, as of February 2020, I undertook NHS contract work as a part-time Consultant Ophthalmologist, working in the fields of General Ophthalmology, Medical Retina and Glaucoma. I ceased NHS work in 2020.

I am competent to diagnose and treat conditions from all the above disciplines. My medico-legal practice is more-or-less evenly split between injury-related and clinical negligence work. I currently produce approximately 300 reports per annum.

In respect of my Expert Witness experience in Paediatric Ophthalmology Care Proceeding cases, I have completed in excess of 100 Paediatric Ophthalmology instructions within the past 10 years including strabismus, ocular injury and many Shaken Baby Syndrome (Non-Accidental Injury) cases as well as having attended court on 20 occasions within the past two years.

## Rates

Personal injury reports attract a fee of £295 plus VAT per hour plus costs of any specialist tests, and investigations. Negligence reports attract a fee of £325 plus VAT per hour. We can supply estimates for individual cases on request.

## Invoice Terms and Conditions

We understand and will exercise our statutory right to claim interest and compensation for debt recovery costs under the Late Payment Legislation if we are not paid according to agreed terms. We do not carry out work under deferred payment schemes.

**Legal aid cases:** We accept legal aid cases.

## FAQs for instructing solicitors and medical report agencies

*Where do you hold clinics for ophthalmic medico-legal examinations?*

We hold clinics at our Manchester (10 St John St, M3 4DY) and London (46 Wimpole St, London, W1G 8SD) practices.

*What is your postal address?*

Please contact us before posting anything. We prefer electronic means of communication only.

*How often do you hold each clinic?*

Clinics are held each month.

*What is the average turnaround time between a letter of instruction and the date of examination?*

Usually one month or sooner – provided that we have agreed to accept the instruction in advance. We do not recommend sending instructions without prior discussion; **we only accept records, documents and correspondence via email or secure download link.**

*What is the average time between the examination and the provision of the medical report?*

Reports are currently being produced within one to two weeks.

*How much is the whole report?*

Personal Injury reports usually attract a fee of £885-1180 plus VAT.

Clinical Negligence reports usually attract a fee of £1180-1770 plus VAT. Please see next page for more information.

*Is VAT payable on your medical report?*

Yes, VAT is payable on our medical reports.

*Can payment be deferred until successful recovery of costs at the end of the claim?*

No. Payment is due within 30 days of receipt of the report. We do not participate in deferred payment schemes.

*Can you provide a redacted / anonymised sample Expert Witness Ophthalmic medical report?*

Yes. Please email [jcomiskey@medicolegaleye.com](mailto:jcomiskey@medicolegaleye.com) to ask for this.

*What is your percentage of instructions Claimant : Defendant : Joint?*

65 : 30 : 5. All reports are produced to be scrupulously independent according to CPR Part 35 protocols regardless of whether we are instructed by claimant or defendant.

*What is your fee for attending court as an Expert Witness?*

£1350 plus VAT per day plus travel expenses.

## Court appearances

Our rate is £1350 plus VAT per day or part thereof, plus travel, accommodation & sundry expenses

## Cancellation fees for court appearances

A minimum of one week's notice is required otherwise a charge of £700 plus VAT applies per half-day for non-attendance.

Description	Scope	Fee structure
1. Short-report – desk based report on breach of duty.	Breach report based on reviewing up to 20 pages of documentation including medical records, witness statements and letter of claim (excluding letter of instruction).  Documents to be provided as an indexed bundle with clear chronology.	Fixed fee £650-975, plus VAT
2. Standard-report – desk based report on breach of duty and/or causation.	Breach and causation report based on reviewing 20 to 50 pages of documentation including medical records, witness statements and letter of claim (excluding letter of instruction).  Documents to be provided as an indexed bundle with clear chronology.	Fixed fee £1300, plus VAT
3. Complex-report – desk based report on breach of duty and/or causation	Breach and causation report based on reviewing 50+pages of documentation including medical records, witness statements and letter of claim (excluding letter of instruction).  Documents to be provided as an indexed bundle with clear chronology.	£1625 upwards, plus VAT
4. Condition and prognosis report	Medical examination followed by a written report on patient's current condition and prognosis / quantum.	£885-£1475 plus VAT
5. Hourly rate for other activities	Amending report, answering supplementary questions, telephone calls, meetings, Counsel conferences. Incidental expenses (e.g. photocopying, photographs, typing, postage and admin).	£295 per hour charged in half-hour units.  Included in hourly rate
6. Trials	Measured in half day units.	£1,350 per day
7. Travel	Travel hourly rate Car mileage rate Train Taxis	£75 per hour 45p per mile Billed at cost Billed at cost
8. Accommodation (when attending meetings or court away from work address)	Reasonable subsistence expenses including hotel accommodation where appropriate.	Billed at cost on production of receipts
9. Appointment cancellation charges	Not normally payable but will be if to reimburse unavoidable financial loss. Not payable when more than two-weeks' notice is provided	
10. No-show fee	Fee payable in the case that a Client does not attend their appointment without letting us know in advance	£150 plus VAT
<b>Please note that all fees attract VAT</b>		