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Dr Claire McIvor

Senior Lecturer

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About

Dr Claire McIvor is a tort lawyer whose main research interests are: (i) liability for the acts of others (both vicarious and non-vicarious); (ii) public authority liability in negligence (particularly police liability), and more recently, (iii) legal applications of Epidemiology.

Feedback and office hours

My normal office hours are 1-2pm on Tuesdays and Thursdays. If you are not able to see me during any of these times, please email me at c.mcivor@bham.ac.uk (mailto:c.mcivor@bham.ac.uk) to arrange an individual appointment.

Qualifications

- LLB in Common and Civil Law with French (Queen's University, Belfast)
- MJur (Durham)
- PhD (Durham)

Biography

Claire McIvor joined the Law School in June 2006, having previously taught at Durham University. She has an LLB in Common and Civil Law with French (Queen's University, Belfast, 1998), a Masters of Jurisprudence (Durham University, 2000) and a PhD (Durham University, 2003).

In July 2013, she was appointed as a research affiliate of the Department of Philosophy at the University of Johannesburg.

Teaching

- Obligations B (Tort) - Module leader
- Advanced Tort (final year optional module) - Module leader

Postgraduate supervision

Claire McIvor will happily consider any PhD proposals in the field of tort law. She is particularly interested in the following areas: liability for the acts of others (both on a personal and vicarious basis); the negligence liability of public authorities; causation in tort law; the use of epidemiological evidence in tort law.

Current doctoral supervision

Dr McIvor is currently supervising 4 students undertaking research in the following areas:

- Legal Epidemiology - The use of epidemiology to resolve disputes about causation in tort litigation
- The legal and ethical responsibilities of veterinarians
- Compensatory damages in negligence
- The nature and scope of the Article 2 investigatory duty

Research

Claire McIvor has established herself as an expert on third party liability in tort. As a follow-on from her Hart monograph on non-vicarious liability in tort for the acts of others, she is currently completing a monograph on the tort doctrine of vicarious liability. This monograph is due to be published by Hart in 2015. She is also currently engaged in a collaborative and interdisciplinary project on the use of epidemiological evidence in personal injury litigation. She has just completed an AHRC-funded Research Networks project in this field and is co-founder of the International Association for Law and Epidemiology.

Claire McIvor was also a member of an academic working group on the reform of the civil costs system. Headed by Professor Ken Oliphant from Bristol University, the working group produced a lengthy report on Lord Justice Jackson's contentious proposals for reform. The report was submitted to the Ministry of Justice as part of its official consultation on the Jackson recommendations

Publications

Books:

- *Third Party Liability in Tort* (Oxford: Hart Publishing, 2006)
- *Vicarious Liability in Tort* (Oxford: Hart Publishing, forthcoming 2015)

Chapters in books:

- 'The doubles the risk test for causation and other related judicial myths about epidemiology', in E Chamberlain, J Neyers and S Pital (eds) *Tort Law: Challenging Orthodoxy* (Hart Publishing, forthcoming 2013).
- 'The use of epidemiological evidence in UK tort law' in S Loue (ed) *Forensic Epidemiology in the Global Context* (Springer, forthcoming 2013).
- 'Bursting the Autonomy Bubble: A Defence of the Court of Appeal Decision in *R (On the application of Oliver Leslie Burke) v GMC*', in R Deazley and S Smith (eds) *The Legal, Medical and Cultural Regulation of the Body: Transformation and Transgression* (Ashgate, 2009).

Articles in peer-reviewed journals:

- 'Debunking some judicial myths about epidemiology and its relevance to UK tort law' (forthcoming in the *Medical Law Review*).
- 'The Impact of the Jackson Reforms on Access to Justice in Personal Injury Litigation' (2011) 30 *Civil Justice Quarterly* 411-428
- 'Getting Defensive about Police Negligence: The Hill Principle, the Human Rights Act 1998 and the House of Lords' (2010) 69 *Cambridge Law Journal* 133-150
- 'The positive duty of the police to protect life' (2008) 24 *Professional Negligence* 27-35
- 'Liability for psychiatric harm' (2007) 23 *Professional Negligence* 249-256
- 'The Use and Abuse of the Doctrine of Vicarious Liability' (2006) 35 *Common Law World Review* 268-296
- 'The negligence liability of child welfare professionals and policy-based immunities: A critique of recent English developments' (2006) 14 *Torts Law Journal* 205-218
- 'The spectre of *Stubbings v Webb* lives on' (2006) 22 *Professional Negligence* 119-126
- 'The positive medical duty to provide life-prolonging treatment' (2006) 22 *Professional Negligence* 59-64
- 'Reinventing the doctrine of vicarious liability – again!' (2005) 21 *Professional Negligence* 283-289
- 'Police immunity and the legacy of Hill v Chief Constable of West Yorkshire' (2005) 21 *Professional Negligence* 201-207
- 'A stressful business' (2005) 21 *Professional Negligence* 123-128
- 'Withdrawal of life-prolonging medical treatment' (2004) 20 *Professional Negligence* 280-284
- 'Liability in Respect of the Intoxicated [2001] *Cambridge Law Journal* 109-127
- 'Expelling the myth of the parental duty to rescue' (2000) 12 *Child and Family Law Quarterly* 229-23

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