

John-Paul Swoboda

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AREAS OF EXPERTISE

Personal Injury, Industrial Disease, International & Travel, Clinical Negligence, Inquests, Professional Negligence, Sport

John-Paul specialises in Serious Injury, Asbestos Litigation, International litigation (injury and non-injury work), Clinical Negligence, Professional Negligence, Sports and Inquests. He undertakes high value work appearing in the High Court and Appellate Courts. He enjoys working as part of a team. He won the Legal 500 Personal Injury Junior of the Year Award in 2023.

In relation to asbestos claims, he is instructed by most, if not all, well-regarded claimant firms with an established asbestos team. He is ranked in Chambers and Partners and the Legal 500. Recent reported cases include:

- Keegan v Independent Insurance Co Ltd [2022] EWHC 1992 (QB);
- Brooks v Zurich Insurance Plc [2022] EWHC 1170 (QB);
- Witham v Steve Hill Ltd [2021] EWCA Civ 1312 (led by Steven Snowden KC);
- Gregory v H J Haynes Ltd [2020] EWHC 911 (Ch);
- Helm v Kenyon & Sons Ltd v Somewatch Ltd [2019] EWHC 1108 (QB);
- Cary v Vauxhall Motors Ltd [2019] EWHC 238 (QB);
- Mark v Universal Coatings and Services Ltd v Barrier Ltd [2018] EWHC 3206 (QB);
- Stacey v Triplex Safety Glass Company Ltd [2017] EWHC 1945 (QB).

John-Paul is ranked in the Legal 500 for Travel Law including Jurisdictional issues. His private international law

expertise spans jurisdiction (pre and post-Brexit), applicable law (pre and post-Brexit), forum non conveniens cases and service out of the jurisdiction in both injury and non-injury commercial work. John-Paul also has expertise in Aviation, Package Holidays, Admiralty matters, Athens and Montreal Convention cases and clinical negligence cases with a foreign element. As a result of his Spanish language skills, John-Paul is often instructed in Spanish cases and has appeared as an expert in English law in the Spanish Courts. Recent reported cases include: *Chouza v Martins & Ors* [2021] EWHC 1669 (QB) (Spanish law); *Haggerty-Garton v ICI* [2021] EWHC 2924 (QB) (Scots law).

John-Paul's clinical negligence work is high value and he receives instructions from most ranked firms. He is ranked in the Legal 500 for his clinical negligence work. He enjoys the medical and scientific aspects of such litigation and works closely with his instructing solicitors and experts. He has significant experience of cases involving birth injury, amputation, unnecessary and negligent surgery, delayed diagnosis, fatal cases, disclosure of risk and the negligent administration of clinical drugs.

John-Paul is listed in the Legal 500 and Chambers and Partners for his more general personal injury work which includes EL, PL and RTA cases. Recent reported cases include *Irani v Duchon* [2019] EWCA Civ 1846.

John-Paul undertakes professional negligence work, mainly in respect of actions arising from personal injury claims. He successfully represented the Claimant in the Court of Appeal in *Witcomb v Keith Park Solicitors* [2023] PNLR 20.

He practices Sports Law where he is able to bring his extensive Personal Injury and Clinical Negligence knowledge to bear on such matters. However, his practice is not restricted to injury related work; he accepts non-injury Sports work of a contractual or regulatory nature. He has received instructions relating to those in the English Premier League.

John-Paul acts for bereaved families, and occasionally acts for other interested parties, at Inquests. John-Paul has particular interest and expertise in Article 2 ECHR enhanced Inquests. He has acted in high profile Inquests such as the Inquest touching the death of Toni Speck (a death in police custody); the Inquest touching the death of Graham Coker (a death following oesophageal cancer surgery where their department was subsequently shut down); the Inquest touching the death of Jodie White-Charles where a young mother died of sickle cell complications as a result of Trust failures.

Personal Injury

John-Paul practices in all aspects of Personal Injury law and receives instructions from respected national firms representing both claimants and defendant insurers. He undertakes high value claims of the utmost severity. He won the Legal 500 Personal Injury Junior of the Year Award in 2023.

He has vast experience and expertise in relation to road traffic claims, employer's liability and public liability matters. Cases do not always fit within the standard nomenclature; ongoing cases include a claim against an employer arising from the murder of an employee whilst at work and electrocution of a home-owner from overhead power cables. John-Paul has experience of amputation claims, claims requiring the involvement of the Court of Protection because of severe brain injury, claims where periodical payments are required and high value fatal accident claims.

Recent reported cases include *Chouza v Martins & Ors* [2021] EWHC 1669 (QB) and *Irani v Duchon* [2019] EWCA Civ 1846.

Industrial Disease

John-Paul's main interest is in asbestos claims in which he is instructed by most, if not all, well-regarded claimant firms with an established asbestos team. He also has particular interest and expertise in large scale multi-party and group actions. He won the Legal 500 Personal Injury Junior of the Year Award in 2023.

Recent reported cases include:

- Keegan v Independent Insurance Co Ltd [2022] EWHC 1992 (QB);
- Brooks v Zurich Insurance Plc [2022] EWHC 1170 (QB)
- Witham v Steve Hill Ltd [2021] EWCA Civ 1312 (scope of Fatal Accidents Act, led by Steven Snowden KC);
- Haggerty-Garton v ICI [2021] EWHC 2924 (QB) (Scots law in a fatal mesothelioma cases);
- Gregory v H J Haynes Ltd [2020] EWHC 911 (Ch) (limitation);
- Helm v Kenyon & Sons Ltd v Somewatch Ltd [2019] EWHC 1108 (QB) (appeal from show cause);
- Cary v Vauxhall Motors Ltd [2019] EWHC 238 (QB) (liability for secondary exposure of wife);
- Mark v Universal Coatings and Services Ltd v Barrier Ltd [2018] EWHC 3206 (QB) (procedural issues in a silicosis case, led by Ronald Walker KC);
- Stacey v Triplex Safety Glass Company Ltd [2017] EWHC 1945 (QB) (causation and quantification).

International & Travel

John-Paul acts for claimants and defendants, including major tour operators and overseas hotels and suppliers of services, in accidents which occur abroad. He is experienced in commercial (non-injury) work including in respect of commercial contracts and insurance. He has experience of providing prospective as well as retrospective advice to multi-national companies and national firms. He has significant experience in Aviation matters (both Montreal and non-Montreal claims) and matters in the Admiralty Court (collisions between vessels and Athens claims). His expertise in International and Travel litigation is reflected in his ranking in the Legal 500 for Travel Law including Jurisdictional issues.

John-Paul is a fluent Spanish speaker which is often helpful where the litigation has a Spanish element.

Recent reported cases include:

- Chouza v Martins & Ors [2021] EWHC 1669 (QB) (Spanish law);
- Haggerty-Garton v ICI [2021] EWHC 2924 (QB) (Scots law)

Clinical Negligence

John-Paul enjoys the medical and scientific aspect of clinical negligence claims and works closely with his instructing solicitors and experts. He undertakes high value work of the utmost severity and mainly receiving instructions from claimant firms. He has expertise in birth injury, amputation, unnecessary and negligent surgery, delayed diagnosis, fatal cases, disclosure of risk and the negligent administration of clinical drugs. He is an editor of the Clinical Negligence Law blog.

The below provides a flavour of the clinical negligence cases John-Paul undertakes:

- Failure to diagnose meningitis in an infant leading to a catastrophic outcome
- Failure by GP to refer in a sepsis case leading to catastrophic outcome
- Failure to diagnosis a dermoid cyst on a 15-week-old baby leading to severe brain injury.
- Delayed diagnosis of a brain tumour.
- A failure to diagnosis gall stone disease leading to pancreatitis, abdominal sepsis and severe complications including a complex form of diabetes.
- A claim arising from delay in A&E resulting in an above knee amputation.
- A claim arising from unnecessary surgery performed on a minor with complex congenital conditions (club feet and bowed legs) which left the claimant severely disabled.
- A claimant who suffered destruction of vestibular system by being given a toxic dose of antibiotics. As a result, the claimant has little, if any, sense of balance and disturbed vision.
- A failed radical prostatectomy giving rise to complete urinary incontinence.
- A delay in paediatric cardiac surgery leading to the death of a young child with a congenital cardiac condition.
- Failure to act on an abnormal smear test in a young woman who suffered from cervical cancer

Inquests

John-Paul regularly acts for bereaved families and occasionally other interested parties, at all types of Inquests but has particular expertise in Article 2 ECHR enhanced Inquests. John-Paul has most experience in dealing with deaths in custody, 'jury' inquests, deaths in a clinical setting and deaths in employment and deaths arising from road traffic accidents. Invariably John-Paul is instructed in civil proceedings following the Inquest where a civil claim is brought.

Recent inquests include:

- Representing the family of Toni Speck. The death occurred in police custody where Toni was detained under the Mental Health Act 1983. The jury decided that the death should have been avoided.
- Representing the family of Graham Coker, a death following surgery for oesophageal cancer where there were found to have been multiple failings by the NHS Trust and where the entire unit was closed after a review by the Royal College of Surgeons.
- Representing the family of Jodie White-Charles where a young mother died of sickle cell complications as a result of Trust failures.
- Inquest touching the death of Mr Poland, Elliot and Jones: John-Paul represented the package holiday company (Saga) in the Inquest into the deaths of three British citizens following an outbreak of legionella in Calpe, Spain

Professional Negligence

John-Paul's experience of professional negligence matters relates to solicitor's negligence usually arising in personal injury litigation.

John-Paul has experience of claims arising from alleged negligence by a solicitor's firm dealing with catastrophic PI, asbestos claims, NIHL matters and clinical negligence claims.

John-Paul successfully represented the Claimant in the Court of Appeal in *Witcomb v Keith Park Solicitors* [2023] PNLR 20.

Sports Law

He practices in Sports Law where he is able to bring his extensive PI and clin neg knowledge to bear on such matters. However, his practice is not restricted to injury related work; he accepts non-injury Sports work of a contractual or regulatory nature. He has received instructions relating to those in the English Premier League.

Qualifications

University of Sheffield; International European and Comparative Law (LLB) 2001 – 2004

Memberships

- Elected member of the Bar Council
- Member of the Law Reform Committee
- Personal Injuries Bar Association (PIBA)
- Professional Negligence Bar Association (PNBA)
- Association v Medical Accidents (AvMA)
- Pan European Organisation of Personal Injury Lawyers (PEOPIL)
- London Common Law and Commercial Bar Association (LCLCBA)

Publications

Clinical Negligence Law Blog

Asbestos Law Blog

International and Travel Law Blog

John-Paul is a regular contributor to chambers international and travel, asbestos and clinical negligence blogs. He writes in legal journals including the Personal Injury Law Journal and the Journal of Personal Injury Law

John-Paul lectures and writes articles frequently in those areas which he has a particular interest in.

Directories

He is incredibly thoughtful and pragmatic in his advice and always made the client feel comfortable however difficult and personal the discussions. – Chambers & Partners, 2024

John-Paul is a measured tactician who always has the law at his fingertips. – Chambers & Partners, 2024

John-Paul is tactical, insightful and a highly skilled advocate. – Chambers & Partners, 2024

John-Paul is a fantastic barrister with vast experience in catastrophic injury work. – Chambers & Partners, 2024

John-Paul is a class act. He is an extremely persuasive advocate, meticulous in his preparation and very approachable. – Chambers & Partners, 2024

John-Paul is very well respected and knows his stuff. – Chambers & Partners, 2024

He has an eye for detail and a knack for making things happen even on the most difficult of cases. – Chambers & Partners, 2024

John-Paul is razor sharp, super bright and really marking himself out as a leader in this field. – Chambers & Partners, 2024

He is an outstanding junior in this area: extremely thorough, well prepared, excellent with clients and very calm on his feet in court. – Chambers & Partners, 2024

John-Paul is not afraid of difficult cases. He is extremely good with clients, has great tactical acumen and is an excellent speaker. – Legal 500, 2024

Experienced advocate who is highly diligent, quick to respond and very personable with clients. – Legal 500, 2024

John-Paul is a standout junior in the personal injury field, willing to take on challenging and difficult cases that many others would not be willing to. – Legal 500, 2023

A brave advocate who likes nothing more than to make new law, which is why he features in reported cases. Meticulous preparation and written work. Class. – Legal 500, 2023

Very thorough and impressive in conference with experts, particularly in relation to cardiac cases. He has a very good manner with clients and puts them at ease. – Legal 500, 2023

He is phenomenal and really pragmatic in his advice. – Chambers & Partners, 2022

He is a calm, quick-thinking advocate who has an impressive ability to identify the critical issues in any dispute. An

impressively persuasive junior. – Legal 500, 2022

He is tenacious and a real expert in his field. – Chambers & Partners, 2021

Excellent attention to detail, sharp analysis of key issues and excellent manner with clients. – Legal 500, 2021

He goes from strength to strength, and is firmly in the ascendancy in this area. – Legal 500, 2021

Intellectually astute and both determined and dedicated. – Legal 500, 2021

His preparation is phenomenal; he works incredibly hard to prepare his cases so thoroughly. He's also always on hand to answer any queries and provide feedback, something which is a great comfort both to clients and instructing solicitors. He has a strong intellect and a genuine interest in these cases. – Chambers and Partners, 2020

He has strong medical knowledge and is a firm fighter when matters get to court – Legal 500, 2019

He provides a pragmatic approach to matters especially complex multi-defendant claims – Legal 500, 2019

He is a very solid barrister who has a good eye for detail, calming influence and enormous commitment and energy. – Legal 500, 2018

His expertise is in private international law matters specifically claims involving the Rome II, Athens and Montreal Conventions. – Legal 500, 2018

He delivers commercially focused, pragmatic and detailed advice. – Legal 500, 2017

Reported Cases

Witcomb v Keith Park Solicitors [2023] PNLR 20 (Court of Appeal; limitation in professional negligence matters. Led by Jeremy Hyam KC)

Keegan v Independent Insurance Co Ltd [2022] EWHC 1992 (QB) (Right to sue an insurer direct in asbestos claims)

Brooks v Zurich Insurance Plc [2022] EWHC 1170 (QB) (Right to sue an insurer direct in asbestos claims)

Witham v Steve Hill Ltd [2021] EWCA Civ 1312 (scope of Fatal Accidents Act, led by Steven Snowden KC)

Chouza v Martins & Ors [2021] EWHC 1669 (QB) (Fatal RTA);

Haggerty-Garton v ICI [2021] EWHC 2924 (QB) (Scots law in a fatal mesothelioma claim)

Witham v Steve Hill Ltd [2020] EWHC 299 (QB) (quantum in a fatal case, led by Steven Snowden KC)

Irani v Duchon [2019] EWCA Civ 1846 (appeal and cross-appeal relating to causation of loss, *Blamire* and *Smith v Manchester* awards)

Helm v Kenyon & Sons Ltd v Somewatch Ltd [2019] EWHC 1108 (QB) (appeal from show cause)

Cary v Vauxhall Motors Ltd [2019] EWHC 238 (QB) (first successful secondary exposure claim in England);

Irani v Duchon [2018] EWHC 2314 (QB) (an RTA claim where causation and quantification were in issue for an Indian national who faced deportation as a consequence of the negligence. To be heard by the Court of Appeal in 2019)

Mark v Universal Coatings and Services Ltd v Barrier Ltd [2018] EWHC 3206 (QB) (procedural issues in a silicosis case, led by Ronald Walker KC);

Stacey (Executrix of the Estate of Mr Perry) v Triplex Safety Glass Company Ltd [2017] EWHC 1945 (QB) (causation and quantification).

R (on the application of Maureen Speck) v HM Coroner for the District of York & ors [2016] EWHC 6 (Admin) (Judicial review from coronial proceedings)