

John-Paul Swoboda

Call: 2006
swoboda@12kbw.co.uk



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.

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

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.

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)