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King's Bench Walk

## John-Paul Swoboda

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### AREAS OF EXPERTISE

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

John-Paul practices in all aspects of Personal Injury law. He has particular interest and expertise in Asbestos Litigation, International and Travel litigation, Clinical Negligence, and Inquests. He undertakes high value work. He is approachable and thorough. John-Paul enjoys working as part of a team with his instructing solicitor and has a reputation for establishing a good rapport with lay and professional clients..

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. Many of the claims John-Paul is instructed in involve difficult issues such as secondary exposure, low-level exposure, lung cancer claims, and difficult quantum issues such as recovery of immunotherapy costs or service claims in the lost years. His opponent is often a silk. Recent reported cases include: *Witham v Steve Hill Ltd* [2020] EWHC 299 (QB) (quantum in a fatal case, led by Steven Snowden QC); *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 and led by Ronald Walker QC); *Stacey (Executrix of the Estate of Mr Perry) v Triplex Safety Glass Company Ltd* [2017] EWHC 1945 (QB) (causation and quantification).

John-Paul's expertise in International and Travel litigation is reflected by his ranking in the Legal 500 for Travel Law including Jurisdictional issues. He brings experience and knowledge to private international law matters, which typically involve the consideration and application of Rome II, Brussels recast, the doctrine of forum conveniens and service of the claim form out of the jurisdiction. John-Paul also has a wealth of experience in relation to claims arising from the Package Holiday Regulations and international conventions such as the Athens and Montreal Convention. He is also an editor of the International & Travel Law blog. As a result of his Spanish language skills John-Paul is often instructed in Spanish cases.

John-Paul's clinical negligence work is high value and he receives instructions from many well-respected firms. He is ranked in the Legal 500 for his clinical negligence work. He enjoys the medical and scientific aspect of such matters and works closely with his instructing solicitors and experts. He has experience of cases involving birth injury, amputation, unnecessary and negligent surgery, delayed diagnosis, cosmetic surgery, fatal cases, disclosure of risk and the negligent administration of clinical drugs. He is an editor of the Clinical Negligence Law blog.

John-Paul regularly 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. Invariably John-Paul is instructed in civil proceedings following the Inquest. He has acted in high profile Inquests which have received significant press attention such as the Inquest

touching the death of Toni Speck a death in police custody where the deceased was detained under the Mental Health Act 1983; the Inquest touching the death of Graham Coker a death following surgery for oesophageal cancer where there were found to have been multiple failings by the NHS Trust; 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

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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 mainly receiving instructions from highly regarded claimant firms. He has experience of cases involving birth injury, amputation, unnecessary and negligent surgery, delayed diagnosis, cosmetic surgery, fatal cases, disclosure of risk and the negligent administration of clinical drugs. He is an editor of the Clinical Negligence Law blog.

Recent cases include:

- A birth injury claim leading to urinary incontinence of the mother.
- Failure to diagnosis a dermoid cyst on a 15 week old baby leading to severe brain injury.
- A brain injury claim arising from a 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.

He is an editor of the popular Clinical Negligence Law blog. He regularly provides seminars and write articles for AvMA, and at the request of national firms. He has several articles published in the Journal of Personal Injury Law including an article calling for an end to the *Bolam* test to determine breach of duty.

## Qualifications

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

## Memberships

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Personal Injuries Bar Association (PIBA)

Professional Negligence Bar Association (PNBA)

Association v Medical Accidents (AvMA)

Pan Eueopean Organisation of Personal Injury Lawyers (PEOPIL) Travel and Tourism Lawyers Association (TATLA)

London Common law and Commercial Bar Association (LCLCBA)

## Publications

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International & Travel Law Blog

Clinical Negligence Law Blog

John-Paul regularly writes in the Personal Injury Law Journal and the Journal of Personal Injury Law

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

## Reported Cases

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

**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 QC);

**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)

**Quark Expeditions Incorporated v Ms Jacqueline Khoury High Court (Burton J) 25 November 2014** – (application for an anti-suit injunction in this international matter)

**Mr Steve Kenny & 9 others v Jewel in the Crown Holidays High Court (Blair J) 11 December 2014** – (representing the tour operator in this multi-party litigation brought by 10 claimants who allegedly suffered food poisoning whilst on holiday in Spain)