



## Paul Kilcoyne

Year of Call: 1985

### Practice Areas

- Clinical Negligence
- Inquests
- Personal Injury
- Professional Discipline

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### Awards



### Experience

Paul has a well-established common law practice specialising in personal injury and clinical negligence work. He works exclusively for Claimants and has a well recognised specialist niche as an expert in military claims.

Paul works exclusively for Claimants. He undertakes work in the following areas:-

Military Claims  
Personal injury  
Clinical negligence  
Inquests  
Professional Discipline  
Employers' liability  
Industrial disease cases  
Noise-induced deafness cases  
Harassment and bullying

Paul is also well recognised as a specialist in military claims. He regularly acts for injured servicemen and women and is instructed by:-

Royal British Legion Panel Solicitors  
Forces Law members  
He is instructed by military claims specialists of all leading solicitors including Irwin Mitchell, Slater Gordon, Thompsons, Hilary Meredith, Wace Morgan, Bolt Burdon and Kemp and



Trethowans.

Paul is security approved and acts frequently for cases involving Special Force members and also members of the Diplomatic Corps.

He is involved in generic actions brought against the MOD involving:-

Pelvic stress injury claims  
Non-Freezing Cold Injury claims  
PTSD claims  
Q Fever class action claims

Paul is also actively involved in:-

Bullying and harassment claims in the Armed Forces  
Sexual abuse claims within the Armed Forces  
Noise-induced hearing loss and climatic injury claims  
Paul has been involved in Inquest work in relation to prison, military and hospital deaths. His interest developed following his involvement in the seminal case of R -v- Jamieson ex parte HM Coroner for North Humberside (1995)QB1.

### **Directories**

“ An approachable and sound barrister. He has a fantastic knowledge of military claims “ *Chambers and Partners 2017*

“Paul Kilcoyne has a niche practice focused on complex and high-profile personal injury claims against the MoD. He is regularly instructed by clients such as the Royal British Legion Panel and has extensive experience in matters including claims for PTSD, Non-Freezing Cold Injuries, NIHL and harassment.

Strengths: “He is a great strategist on large catastrophic injury claims.” “He is good on his feet, approachable and has a good insight into the military community and how it works.”

Recent work: Acted in *Davies & Others v MOD*, where it is alleged that a failure to sweep a gun range for IEDs led to the deaths of two servicemen.”

*Chambers & Partners 2016*

“Paul Kilcoyne has a niche in military and government defence-type personal injury claims and is frequently sought after by the Royal British Legion Panel and the Special Forces. He advises on serious accidents that occur during military training, and also handles inquests and post-traumatic stress claims.

Strengths: "He is unflappable, approachable as far as the clients are concerned and analytical. He gets good results in workplace stress claims, which aren't the easiest cases to handle."

Recent work: Advised on three military claims brought against the MoD concerning two deaths and the severe injury of a serviceman in a bomb blast in Afghanistan in 2009."

*Chambers & Partners 2015*

"Paul Kilcoyne: Especially highly praised for his expertise in claims against the MOD. He has experience of handling cases relating to severe psychiatric injury, non-freezing cold injuries, noise-induced hearing loss, catastrophic injuries and fatalities. He is praised for his ability in negotiation.

Expertise: "He's very good. His advices are clear-cut and to the point, and he's a brilliant negotiator who relates very well to clients. His communication's excellent and he's very flexible."

Recent work: Acted in a claim for post-traumatic stress disorder made by a major discharged from the army."

*Chambers & Partners 2014*

"Personal injury specialist Paul Kilcoyne has niche expertise in claims against the MOD and is regularly involved in high-profile inquest work. Claimant solicitors especially appreciate his "calm, unflappable and brave" approach when handling difficult issues."

*Chambers & Partners 2013*

"Fatal and post-traumatic stress disorder claims for servicemen feature prominently in the workload of impressive table newcomer Paul Kilcoyne. Commentators respect his track record with regard to Armed Forces-related cases; one such case saw him recently handle a major PTSD claim for a bomb disposal expert against the MOD."

*Chambers & Partners 2012*

" Recommended for Military Claims "

*Legal 500 2017*

Personal injury "A brilliant negotiator".

*Legal 500 2015*

Personal injury "His advice is always sound and well presented".

*Legal 500 2014*

"I have had the pleasure of working with Paul on some challenging cases over a number of years. Paul is strong on tactics and strategy. He is hard-working and well-prepared. He

has excellent client-handling skills and a helpful team ethic” –  
*Geraldine McCool – National Head on Military Injury Claims,  
Irwin Mitchell*

### **Appointments**

Legal Advisor to the General Dental Council  
Legal Assessor to the Nursing and Midwifery Council

### **Education**

LLB (Hons) University of Birmingham

### **Memberships**

PIBA

## **Cases**

### **Soldier MT v MOD**

23/01/2017

Barristers involved: Paul Kilcoyne

Paul Kilcoyne represented the Claimant, who was a former Royal Marine who sustained hearing loss and damage following operations in Afghanistan and subsequently whilst carrying out training exercises for the Special Forces. The Claimant was discharged from the Royal Marines due to noise-induced hearing loss.

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### **Eaglesham v MoD**

25 November 2016

Barristers involved: Paul Kilcoyne

Paul Kilcoyne together with Theo Huckle QC were instructed in this matter by Sue Bowler of Coffin Mew Solicitors.

Mrs Justice Andrews refused to grant the MOD an extension of time to comply with an Unless Order and accordingly entered judgement on behalf the Claimant against the MOD.

Mr Eaglesham is a former Royal Marine commando who developed Q Fever whilst serving in Afghanistan in 2010. It was not identified or treated with doxycycline (an anti-biotic) and as a result he has developed Chronic Q Fever Syndrome. He has been discharged from the Navy and suffers from a disabling fatigue syndrome. The Claim proceeds to an assessment of damages hearing in the High Court.

Mrs Justice Andrews ruled that although the application to extend was “in time” and therefore technically this was not an application for relief from sanctions it was appropriate to apply the Denton principles.

Full [Judgment](#) may be found here.

See following links to media coverage: [Daily Mail](#) , [The Sun](#), [The Guardian](#).

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### **NFCI (Multiple Claims)**

2015

Barristers involved: Paul Kilcoyne

Paul Kilcoyne has acted in over 30 cases to date for servicemen who have developed Non-Freezing Cold Injuries. The condition primarily affects soldiers from an Afro-Caribbean background.

Cold exposure causes pain and numbness in the hands and feet. The condition can be extremely painful and invariably leads to a medical discharge from the Armed Forces. The claims involve a failure to provide adequate kit, specialist boots and clothing. Quantum involves assessing the value of a lost military career. The condition has been around for some time and was known as "Trench Foot" in the Great War. With appropriate kit, specialist boots and clothing the condition is preventable.

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## **Tracy Dykes, Gemma Hughes, Sarah Harris and Joanne Young -v- MOD**

2014

Barristers involved: Paul Kilcoyne

Paul was instructed as Lead Counsel in a series of test cases concerning the development of pelvic stress injuries sustained by female recruits at RAF Halton during basic training.

Female recruits were more vulnerable to overloading during physical exercise and in particular competing and marching with male recruits. The RAF at the time had a gender equality approach to basic training with marching and exercises performed in mixed male/female flights. The chosen test cases have been settled on a confidential basis.

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## **Claimant "A"**

21/10/2013

Barristers involved: Paul Kilcoyne

Paul was instructed by Ellis Jones to act as lead counsel for Claimant A who was injured in a motor cycle accident in 2009. He sustained motor and sensory paraplegia at T8. This case was settled at a JSM for £2.4 million.

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## **News**

### **£390,000 Damages for Soldier injured in Tyre Explosion**

02/03/2018

Barristers involved: Paul Kilcoyne

Soldier A obtained £390,000 at a Joint Settlement Meeting. He suffered injuries to his right leg and the development of PTSD as a result of a colleague overinflating and thereby causing a helicopter tyre to explode.

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### **Jury Inquest into death of Construction worker who died after 11,000 volt shock**

07/12/2017

Barristers involved: Paul Kilcoyne

He was working for KJ Pickering Ltd. It was established during the Inquest that no risk assessment had been performed nor were any restrictions in place in relation to working near the powerlines. It also became clear that the HSE Guidelines GS6 "Avoiding danger from overhead powerlines" had not been followed. HM Coroner for Northamptonshire ruled that a Narrative Conclusion was appropriate. In its conclusion the jury made a point of highlighting that no risk assessment had been performed and no exclusion zone was in place.

KJ Pickering Ltd now faces a criminal prosecution by the HSE.

You can view the publication at <http://www.bbc.co.uk/news/uk-england-northamptonshire-42257917>

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## **Royal Navy Petty Officer obtains £300,000 following skiing accident**

11/10/2017

Barristers involved: Paul Kilcoyne

As part of the course the Petty Officer (a skiing novice) was required to ski down hill blindfolded. As a result the Petty Officer went off-piste at speed and crashed. The case settled at a Joint Settlement Meeting for £300,000 net of medical discharge benefits and pension.

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## **Narrative Verdict given in Puma Afghan Helicopter Inquest**

15/09/2017

Barristers involved: Paul Kilcoyne

Mr Emin was a civilian contractor working in Afghanistan. On 11th October 2015 he was a passenger in an RAF Puma helicopter piloted by Flt Lt. Scott and Squadron Leader Williams. The helicopter had to overshoot its planned landing at a Soccerfield landing site as football was being played. In so doing the helicopter tragically struck the cable of a PSTD intelligence balloon. The cable split and wrapped around the tail of the helicopter causing the tail rota drive shaft to fail. Control of the Puma was lost and it crashed killing 5 people including 2 crew members, 2 US servicemen and Mr Emin. HM Coroner for Oxford gave a Narrative Verdict accepting that Article 2 ECHR was engaged and raised a number of concerns to be set out in a Regulation 28 Report concerning Risk Assessment in relation to the use of the Soccerfield Landing Site and the dissemination of knowledge concerning a number of near misses.

You can view the publication at

<https://www.itv.com/news/meridian/update/2017-09-11/inquest-hears-how-helicopter-crashed-while-trying-to-land/>

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## **Commonwealth Soldier receives £325,000 after sustaining Non-Freezing Cold Injuries**

01/08/2017

Barristers involved: Paul Kilcoyne

Soldier A's injuries resulted in his early medical discharge. The case settled at a JSM for £325,000

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## **Royal Auxiliary Fleet Officer receives £205,000 following tripping accident**

20/07/2017

Barristers involved: Paul Kilcoyne

Compensation of £205,000 net of Civil Service pension and Injury Benefits was achieved at a Settlement Meeting.

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## **RAF Aircraftman Receives £300, 000 for work related back problems**

14/07/2017

Barristers involved: Paul Kilcoyne

Disclosure within the case revealed that the MOD was aware of ergonomic problems with the design of the helicopter and increased back and neck problems experienced by crew generally but had taken no action to address this. Vibration levels were also identified as a major problem. The case settled for £300,000 at a joint settlement meeting.

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## **Soldier who suffers below knee amputation in Afghanistan achieves £3.5 million gross**

05/07/2017

Barristers involved: Paul Kilcoyne

Soldier X had sustained significant injuries to his left knee after being pulled under a Husky Armoured Vehicle in Afghanistan. He had to undergo a below knee amputation and was subsequently medically discharged from the Army. The case concluded at a Settlement Meeting achieving a gross settlement of £3.5 million.

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## **Caucasian Soldier suffering from NFCI achieves award of over £400,000 at Settlement Meeting**

04/07/2017

Barristers involved: Paul Kilcoyne

Soldier C obtained a settlement of over £400,000 as a result of developing Non Freezing Cold Injuries (NFCI) during Army training and subsequent cold exposures at Salisbury Plain contrary to medical restrictions. It is unusual for NFCI to affect white Caucasian servicemen. Soldier C was medically discharged and lost the benefit of a full Army career and consequent pension losses.

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## **Commonwealth Soldier suffering from NFCI achieves award of £250,000 at Settlement Meeting**

04/07/2017

Barristers involved: Paul Kilcoyne

Soldier B obtained a settlement of £250,000 as a result of developing Non Freezing Cold Injuries (NFCI) during Army basic training and subsequent cold exposures in Germany contrary to medical restrictions.

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## **Commonwealth Soldier suffering from NFCI achieves gross award of £850,000 at Settlement Meeting**

22/05/2017

Barristers involved: Paul Kilcoyne

The client was particularly happy as his claim had been turned down by a national personal injury firm specializing in military claims before Trethowans had agreed to act after advice from Counsel.

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## **Amputee Serviceman Receives £4.2 million**

31/03/2017

Barristers involved: Paul Kilcoyne

Paul Kilcoyne was instructed by Rhiannon Daniel of Trethowans Solicitors LLP, Salisbury. Soldier A suffered injuries to his left knee whilst carrying out a fireman's lift in a training exercise in the UK. He underwent a number of surgical interventions but following the development of a chronic pain syndrome it was recommended that he should have an above knee amputation. The case settled at a JSM for a gross value to include Guaranteed Income Payments of £4.2 million.

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## **Judgment for Royal Marine suffering from Q Fever Syndrome**

26/11/2016

Barristers involved: Paul Kilcoyne

Mr Eaglesham is a former Royal Marine commando who developed Q Fever whilst serving in Afghanistan in 2010. It was not identified or treated with doxycycline (an antibiotic) and as a result he has developed Chronic Q Fever Syndrome. He has been discharged from the Navy and suffers from a disabling fatigue syndrome. The Claim proceeds to an assessment of damages hearing in the High Court.

Mrs Justice Andrews ruled that although the application to extend was "in time" and therefore technically this was not an application for relief from sanctions it was appropriate to apply the Denton principles.

Please click [here](#) for Judgment.

Please see following links to news coverage: [Daily Mail](#), [The Sun](#) and [The Guardian](#).

