



## Paul Kilcoyne

Call 1985

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Paul Kilcoyne has a well-established common law practice, specialising in personal injury and clinical negligence work.

It encompasses all aspects of employer's liability and includes experience of cases involving catastrophic injuries, chronic pain and fibromyalgia, amputations, subtle brain injury and multiple/complex orthopaedic injuries. He works exclusively for Claimants and has a well-recognised specialist niche as an expert in civil military claims.

Paul has built up an extensive practice in military claims including:

- Non-Freezing Cold Injury claims
- Noise Induced Hearing Loss claims
- A range of clinical negligence claims brought by service personnel
- Stress, harassment and bullying claims
- Sexual abuse, assault and rape cases within the armed forces
- PTSD and psychiatric injury claims
- Parachute accidents
- Adventurous training accidents and fatalities

Paul is a well-recognised specialist in military claims. He regularly acts for injured service personnel and is instructed by:

- Royal British Legion Panel solicitors
- Forces Law solicitors

He is instructed by military claim specialists in all leading national firms.

Paul is also actively 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*.

## Expertise

### Personal Injury / Military Claims

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Paul has built up an extensive practice in military claims. He regularly acts for injured service personnel and is instructed by, amongst others:

- Royal British Legion Panel solicitors
- Forces Law solicitors

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

- Pelvic stress injury claims
- Lariam claims
- Non-Freezing Cold Injury claims
- PTSD claims
- The Voyager (air accident) claims
- Parachute accidents
- Bullying assault and harassment in the armed forces
- Sexual abuse and assault claims

Further Paul also has an extensive Claimant based general personal injury/clinical negligence practice. This includes all claims arising out of accidents at work and road traffic accidents.

Paul has developed a specific interest in advising and valuing Fatal Accident cases.

### Notable Personal Injury / Military Claims cases

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#### Serviceman A v B

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Paul was instructed as Lead Counsel by Irwin Mitchell Sheffield to represent a former Navy officer who suffered brain injuries following a hit-and-run accident. The Claimant lacked capacity and required ongoing care needs. Issues surrounded his likely Naval career. A JSM took place in 2020. A global lump sum settlement was reached in the sum of £6.5 million. Approved in 2021 by Her Honour Judge Richardson sitting as a Deputy District Judge in the RCJ.

#### Soldier MT v MOD

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Paul 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. The case settled for a six-figure sum.

#### Eaglesham v MOD

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Paul Kilcoyne together with Theo Huckle QC were instructed in this matter. Mr Eaglesham, a former Royal Marine Commando, developed Q fever while serving in Afghanistan in 2010. It was not identified or treated with doxycycline (an antibiotic) and as a result he developed Chronic Q fever syndrome. He was discharged from the Royal Marines and suffered from disabling fatigue syndrome.

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## Clinical Negligence

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Paul is a recognised specialist in relation to clinical negligence cases. He has been involved in cases concerning:

- Misdiagnosis and delayed diagnosis
- Cosmetic surgery
- Dental negligence
- General practice
- Gynaecology
- Obstetric and neonatal management
- Oncology
- Orthopaedic negligence
- Psychiatry
- Surgical negligence

Paul has also experience of clinical negligence claims brought on behalf of members of the Armed Forces.

## Notable Clinical Negligence cases

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### Q fever litigation

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Paul was involved in the Q fever litigation. This involved allegations of clinical negligence in relation to failing to provide doxycycline as a preventative treatment in relation to both malaria and Q fever.

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### PTSD

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Paul has a specific interest in failing to diagnose and treat PTSD particularly with the Armed Forces community.

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### Soldier X v MOD

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The Claimant was a soldier serving in Afghanistan. There was a failure to diagnose and treat his significant PTSD. This ultimately resulted in his medical discharge from the Army. The severity of the PTSD was such that the Claimant was unable to significantly engage in post-discharge civilian employment. Following a lengthy JSM the case settled for £4 million.



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## Child A v Oxford University Hospitals NHS Foundation Trust

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Ongoing case involving a minor who underwent spinal surgery at the age of 7 to correct potential cauda equina. A decompression operation on the spine was performed. During the operation concerns were raised with the lead surgeon that they were within the spinal canal. The lead surgeon reviewed the radiological evidence and then continued with the decompression using a pituitary rongeur. Thereafter a CFS leakage was noted. A neurosurgeon was urgently called in. He noted that there had been a complete transection of the S2 nerve root. The client has been left with substantial bowel and bladder deficit and is likely to suffer from significant sexual dysfunction and fertility issues. The client has also suffered from a significant psychiatric reaction. Allegations of negligence relate to failing to interpret correctly radiological evidence and noticing the absence of the sacral laminae which if noticed would have led to adopting a single surgeon technique with magnification avoiding damage to the sacral nerves. Breach of duty was admitted in 2021. The case continues.

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## Inquests

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Paul has been actively involved in a number of Inquests. He was Counsel involved in the seminal case of *R v Jamieson ex-parte HM Coroner for North Humberside (1995) QB*.

### Notable Inquests cases

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Inquest in relation to Flight Lieutenants Alan Scott, Geraint Roberts of RAF Benson and Gordon Emin

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All three died when their Puma Mark 2 helicopter collided with a balloon's tether and crashed near NATO's Resolute Support mission headquarters in Kabul on 11 October 2015. Paul was instructed by Keith Barrett, partner at Field Fisher London to represent the family of Gordon Emin at the Inquest. Mr Emin was a civilian contractor working in Afghanistan who died in the helicopter incident.

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Re White (Deceased)

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Paul was instructed by Anne Maguire of Geoffrey Lever Solicitors to represent the family of Mark White. Mark was a construction worker who was electrocuted when an extendable metal rake he was holding to lay a concrete bed came into contact with an overhead power line. Mr White was 47 at the time of his death. It was established during the inquest that no risk assessment had been performed by his employers K J Pickering Limited, nor were any restrictions in place in relation to working near the power lines. It also became clear that the HSE Guidelines GS6 "Avoiding danger from overhead power lines" 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. Following the Inquest, Paul was involved in the civil action. This settled on behalf of the Estate and dependants of Mr White for a significant six-figure sum.

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The Inquest in relation to Nicholas Rice

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Paul was instructed to act on behalf of the Mother of Nicholas Rice who was killed in an air collision over Oxfordshire. Nicolas was 15 at the time and was training as an air cadet. The pilot of the Grob 115 E Tutor aircraft was Fl Lt Blee. The plane collided mid air with a glider. The jury found that Fl Lt Blee ( who suffered from a serious spinal condition, a rigid ankylosed osteoporotic spine) was likely to have sustained a fatal fracture at the time of the mid air collision. The aircraft was seen to hit the ground nose first after spiralling out of control. Fl Lt Blee was found fit to fly by Dr Wyper who accepted that he should have arranged for further fitness tests to have been undertaken. The jury found that Fl Lt' Blee's medical condition would have compromised his ability to keep a good look out. The Jury returned a verdict of Accidental Death with contributory factors being Fl Lt Blee's serious spinal condition and a lack of abandonment training.

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## Professional Discipline

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Paul has been the Legal Adviser to the General Dental Council since 1995.

## Appointments

- Legal Advisor to the General Dental Council

## Awards

- Hardwicke Scholar, Lincolns Inn

## Education

- LLB (Hons), University of Birmingham

## Memberships

- APIL
- PIBA

## Recommendations

- "Paul Kilcoyne has great attention to detail in difficult cases." "He is excellent with clients and in his

thorough and tactical approach to litigation." "Paul provides incisive and pertinent advice. **Chambers & Partners 2024**

- "A very experienced and approachable barrister who is very good at putting his clients at ease. His knowledge in relation to military matters is superb." **Legal 500 2024**
- "He is a leading choice for members of the Armed Forces. He is very knowledgeable and able to provide clear guidance." **Chambers & Partners 2022**
- "Unrivalled depth of knowledge of the military and how it functions. A go-to barrister for military personal injury claims." **Legal 500 2022**
- "He is extremely impressive and robust when dealing with complex and challenging litigation." **Chambers & Partners 2021**
- "Has a thorough and detailed knowledge of personal injury law and how it is applied to service personnel." **Legal 500 2021**
- "Paul Kilcoyne provides skilful representation and insurers in litigation concerning catastrophic injuries. He is a leading choice for members of the Armed Forces bringing claims against the MOD and has expertise in that area relating to Non-Freezing Cold Injuries, harassment and training accidents, amongst other things. He is also noted for his expertise in Inquests concerning military deaths." "He is excellent to work with and very knowledgeable. His vast experience really shines through and he is quick to get to the important issues. He is also very approachable and excellent with clients and experts alike." **Chambers & Partners 2020**
- "He is the leading barrister for military claims." **Legal 500 2020**
- "He has a very good understanding of military claims and a very good knowledge of cases with a military spin. He is an effective negotiator in settlement meetings and is a practical, determined and calm advocate." **Chambers & Partners 2019**
- "Personal injury specialist with a niche practice in claims against the Ministry of Defence." **Legal 500 2019**
- "An approachable and sound barrister. He has fantastic knowledge of military claims." **Chambers & Partners 2018**
- "He's first rate and very proactive. His advice is always concise and to the point, he is good in conference and a brilliant negotiator. Clients like him because he speaks their language which is so important for clients in the military." **Chambers & Partners 2017**
- "Recommended for military claims." **Legal 500 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. 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." **Chambers & Partners 2016**
- "A heavyweight in the field." **Legal 500 2016**
- "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. 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**
- "A brilliant negotiator." **Legal 500 2015**
- "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." "He is very good. His advices are clear-cut and to the point, and he is a brilliant negotiator who relates very well to clients. His communication is excellent and he is very flexible." **Chambers & Partners 2014**
- "His advice is always sound and well presented." **Legal 500 2014**



- “Personal injury specialist Paul Kilcoyne has niche expertise in claims against the MOD and is regularly involved in high profile Inquest work. Claimants’ 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**