

Dr Kevin Naylor

Call 1992



Clerks' Details

Joshua Finn
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Appointments

- Accredited Mediator

Memberships

- Personal Injuries Bar Association
- Founder member Society of Doctors in Law (SODIL)

Education

- MB.Ch.B. MRCP LL.B. (Hons) LL.M.
- 1985: Qualified in Medicine.
- 1985-1989: Practised in University Teaching Hospitals in the following disciplines: General Medicine, General Surgery, Accident & Emergency, Obstetrics, Paediatrics, Medicine for the Elderly, General Practice and Psychiatry.
- 1989-1991: LL.B. (Hons). Studied law whilst working full time as GP Deputy.
- 1991-1992: Inns of Court School of Law. (Very Competent)
- 1992-1993: LL.M. (International and Commercial Law)
- 1993 to date: Barrister practising on the Northern Circuit.

Personal Injury CV

Overview

Kevin originally qualified as a doctor and practised medicine for 7 years. He is one of a small number of dual qualification barristers practising in the UK, and has held University Teaching Hospital posts in the following disciplines: general medicine, general surgery, accident & emergency, obstetrics, paediatrics, medicine for the elderly, general practice and psychiatry.

Kevin practises in the fields of clinical negligence and personal injury, acting for both claimants and defendants. His broad based medical knowledge is an enormous asset. His practice also includes coroner's inquests and solicitors' negligence claims arising out of the conduct of clinical negligence and personal injury claims. Kevin is also an Accredited Mediator.

Kevin is well known for advising both claimants and defendants in high value quantum cases. He has particular expertise in cases where medical causation is complex. His practice encompasses all areas of personal injury including:

- Traumatic head injury, resulting in severe permanent brain injury
- Spinal cord injury causing permanent neurological deficit
- Peripheral nerve and brachial plexus injuries
- Loss of sight
- Deafness
- Single and multiple orthopaedic injuries
- Traumatic amputation
- Soft tissue injuries
- Burns and scarring
- Injury caused by occupational exposure to hazardous substances
- Psychiatric injury
- Chronic pain

Recommendations

“He is very knowledgeable and his medical background is extremely useful when dealing with negligence claims.” “Extremely thorough and very detailed.”

Chambers and Partners 2021

“Kevin has a sound knowledge of medicine previously working as a doctor and therefore is able to carefully analyse complex medical negligence issues. He is very capable in dealing with complex, high value matters and is strong tactically and in settlement meetings.”

The Legal 500 2021

“He provides a very good analysis of the strengths and weaknesses in a case, and is tactically astute and very commercially aware.”

Chambers and Partners 2020

“Excellent insight in GP negligence and multiple defendant cases.”

“He was very robust with a difficult expert and incredibly analytical in his approach.”

Chambers and Partners 2019

“He has a very analytical approach to cases.”

The Legal 500 2018/19

“He is very robust and is incredibly analytical in his approach.”

“Given his medical background he is particularly strong at assessing the strength and weaknesses of expert evidence.”

Chambers and Partners 2018

“His medical expertise gives him the edge when examining medical evidence.”

The Legal 500 2017

“He was formerly a GP, which gives him some really good insight into clinical negligence cases.”

“He’s very accommodating via email and always gets back to me quickly.”

Chambers and Partners 2017

“A master tactician who can immediately identify the key issues in a complex case. He is one of only a handful of UK barristers who is also a qualified doctor and his input in a case is invaluable. A silk in all but name.”

Sarah Barclay, Partner, Sarah Barclay and Co.

“A very persuasive advocate with great courtroom skills. He prepares cases meticulously

and fights very hard for his clients. His medical knowledge gives him a tremendous advantage dealing with expert witnesses”

Michael Saul, Partner, TJJ Solicitors

“A very sound counsel who has a calm, measured and empathetic manner with clients. Engagingly unpretentious. Helpful and approachable to those instructing him, always personable; a good eye for detail and excellent on analysis of complex issues.”

Elaine Meehan, Head of Clinical Negligence, Ralli Solicitors

“Kevin is the leader in his field. He brings a calm and measured approach to cases and has an outstanding track record. His medical background puts clients at ease as they quickly realise that they are dealing with an exceptionally knowledgeable barrister”

Pam Roberts, Head of Clinical Negligence, WHN Solicitors

“Kevin Naylor is an excellent barrister and advocate. I have always found him most efficient and reliable and I have never experienced any delay in my cases when Kevin is involved. His practical and sensible approach to his work is refreshing and I find him an absolute pleasure to work with. I cannot recommend him highly enough and I am delighted that I came across Kevin when I did because his work makes my life a little easier and it keeps my clients very happy”

Carol Sinnott, Principal, Sinnott Solicitors

“Kevin is easy to work with and provides a very personal service. He is very knowledgeable and his advice is always thorough. As a personal injury and clinical negligence specialist his medical knowledge is of considerable benefit”

Caroline Marchbank-Counce, Partner, Simon A Holt & Co.

Cases

CLINICAL NEGLIGENCE

Hartley v Blackpool Fylde & Wyre Teaching Hospitals NHS Foundation Trust The 35 year old female Claimant suffered life-threatening intra-abdominal sepsis as a result of anastomotic leakage following an elective anterior resection. She required multiple further operations and suffered a recto-vaginal fistula, para-colostomy and incisional herniae and she has a permanent colostomy. Breach of duty and causation were robustly denied. Causation was complex, the Claimant arguing that her main injury (the inability to restore gastro-intestinal continuity) was materially contributed to by the negligent delay in diagnosing the anastomotic leak. The claim settled at a JSM for £250,000.

Daniels v Dr Hadoke The 22 year old Claimant suffered injury 12 years ago whilst working as an aircraft engineer in the RAF. He suffered avascular necrosis of the right (dominant) scaphoid and ultimately required a wrist fusion, as a result of failure to diagnose a scaphoid fracture. The Defendant was working as a GP sub-contracted to the MOD. The Claimant had to overcome significant limitation difficulties, the index treatment having taken place over 12 years ago. The Claimant succeeded at the trial of the preliminary issue of limitation. After detailed quantum investigations, the claim settled at a JSM in the sum £310,000.

Fahey v (1) Bolton Salford & Trafford Mental Health NHS Trust (2) Trafford Borough Council. The case concerned a 5 year old girl who was stabbed to death in a ritualistic killing, by her mentally ill mother. Kevin represented the victim's father in the civil claim, having earlier represented the family throughout the statutory Inquiry which heard evidence over several months. The civil claim was settled for a substantial (confidential) sum, shortly before trial.

Bravo v Royal Brompton and Harefield NHS Foundation Trust

The 79 year old male Claimant underwent elective coronary artery bypass grafting [CABG] followed by a revision operation. He suffered an adverse reaction to the sternal wires and clips used in the operation, both of which are standard components used throughout the NHS. The case concerned issues of informed consent and the technical performance of the 2 operations. Liability and causation were denied. After lengthy negotiations, the claim settled, the Claimant accepting £75,000 in damages.

Rafferty v Dr Weis Negligent delay in diagnosing and treating the deceased's malignant melanoma. Liability and causation admitted following service of proceedings. Quantum is yet to be determined. Claim pleaded in excess of £750,000.

COSMETIC SURGERY

Kevin has been instructed in over 100 cosmetic surgery cases in the past 2 years. The cases cover the entire spectrum of cosmetic surgery including laser eye surgery, face lift, brow lift, blepharoplasty, rhinoplasty, facial fillers, mastopexy, breast augmentation, buttock augmentation, abdominoplasty, Plasmalite (laser hair removal), liposuction etc. Examples:

S v (1) Dr Kramer (2) Dr Alexandrides (3) 111 Harley Street Clinic Ltd (4) American Cosmetic Surgery Clinic Ltd. A novel and complex cosmetic surgery claim. The 39 year old female claimant underwent buttock augmentation with insertion of implants. The claim proceeded against 4 defendants: the operating surgeon; a different surgeon who treated the Claimant post-operatively and the 2 companies responsible for the clinic where the Claimant received treatment. The claim required expert evidence in cosmetic surgery, microbiology and clinical psychology. The issues included the technical performance of the original operation and the failure to offer adequate post-operative treatment together with complex causation issues. The treatment in question took place over a 2 year period, encompassing over 40 consultations. Liability and causation were robustly denied by each defendant. The claim settled, the Claimant accepting an offer of £70,000 in damages.

Raper v (1) Dr Almeida (2) The Hospital Medical Group Limited The 25 year old female Claimant underwent breast augmentation. The issues in the claim against the operating surgeon included pre-operative consent and the performance of the index operation. The claim against the Second Defendant alleged breach of contract, both in relation to the definition of "Surgeon" within the Second Defendant's standard terms and conditions and breach of section 13 of the Supply of Goods and Services Act. The claim had wide implications for the Second Defendant, a national provider of cosmetic surgery, since it was alleged that the surgeon selected by the Second Defendant and advertised on its website was not adequately trained and qualified. The claim was robustly defended by both Defendants. The claim settled on the first day of the trial, the Claimant accepting an offer of £100,000.

Pennington v Dr Paul McArthur The 56 year old female Claimant underwent a facelift operation performed by the Defendant. The claim concerned issues of informed consent relating to the positioning of the operation scar and the technical performance of the operation. The claim was robustly defended, the Defendant being anxious to protect his professional reputation. The trial took place over 3 days. The claim succeeded and the Claimant was awarded damages in the sum of £30,000.

Simpson v (1) Dr Khalid Khan (2) Optical Express Limited The 36 year old male Claimant underwent laser eye treatment [LASIK (Laser Intrastromal Keratomileusis)] performed by the first Defendant on behalf of the Second Defendant. He was left with a significant visual defect. The underside of the corneal flap had been negligently lasered by the First Defendant before being replaced, producing a contour deformity which was the cause of the visual defect. Liability was denied by both Defendants. Following

exchange of expert evidence the case settled, the Claimant accepting £100,000 in damages.

PERSONAL INJURY

Ball v Sagar The 42 year old Claimant suffered severe injuries when his motorcycle was struck by the Defendant's vehicle. In addition to suffering multiple orthopaedic injuries the claimant suffered CRPS with 70% left upper limb deficit. The Claimant was unable to continue working as a helicopter pilot. Damages agreed at £950,000.

Gwynne-Lyons v Swindon Borough Council The 46 year old Claimant suffered a whiplash injury in what appeared to be an innocuous low speed road traffic accident. He developed fibromyalgia with significant generalised disability. The Defendant's insurer sought to resile from a pre-action admission of liability. The Defendant's application was successfully opposed. The claim settled with damages agreed in the sum £400,000.

Dockery v Wilkinson The 46 year old Claimant suffered a whiplash injury in a road traffic accident resulting in chronic occipital neuralgia. The claim was presented on the basis that her continuing symptoms rendered her disabled within the meaning of the Equality Act 2010 and she lost the chance to progress her teaching career. After lengthy negotiations the claim was settled for £310,000.

Lench v Curtain An unusual case. The 64 year old Claimant suffered segmental fractures of the tibia and fibula when his cycle was struck by the Defendant's vehicle. The orthopaedic injuries largely settled. However, the Claimant also suffered psychiatric injury in the form of an obsessive compulsive disorder [ICD F42.1] with a guarded prognosis. Damages were eventually agreed in the sum £130,000.

Jackson v Smethurst The 25 year old Claimant suffered a brachial plexus injury when her motorcycle was struck by the Defendant's vehicle. She worked as a PCSO and it was her wish to apply for a job as a Police Constable in the Lancashire Constabulary. The Claimant claimed damages for her lost chance of a career as a Police Officer. Damages were agreed in the sum £350,000.

Obayuwana v Pahirathan The 51 year old Claimant suffered various injuries in a road traffic accident including a comminuted fracture of the tibial plateau. In addition, she suffered a deterioration in her pre-existing diabetes mellitus. The worsening diabetes increased the risk of micro-vascular and macro-vascular complications together with an increased risk of joint infection and aseptic loosening of the knee prosthesis which would be required within 10 years. Medical evidence was obtained in 5 different disciplines. Damages were agreed in the sum £330,000.

Murray v Lambe The 22 year old university student suffered a whiplash injury which, on her case, materially contributed to an exacerbation of CFS/ME [chronic fatigue syndrome/ myelopathic encephalomyelitis]. Damages were agreed in the sum £75,000. Reported Cases

Carr v Stockport Health Authority CA (Civ Div) 23/03/1999 Severe birth injury. (1) Ann Enright (2) John Enright v (1) Dr Kwun (2) Blackpool Victoria Hospital NHS Trust [2003] EWHC 1000 (QBD) Wrongful birth. Birth of child with Down's Syndrome following failure to provide appropriate antenatal screening.

Bottomley v Todmorden CC [2003] EWCA Civ 1575
Duty of care at common law and under O.L.A. 1957. Claimant severely injured in pyrotechnic display.

Casey v East Lancs HA [2004] EWHC 289
Causation. Delay in diagnosing ganglio-neuroblastoma.

Glass v Surrendran [2006] EWCA Civ 20 Extension of time for service of Claim Form. Hullock v East Riding of Yorkshire County Council [2009] EWCA Civ 1039 Costs.

Ellis v Lokat QBD (Birmingham) (Judge Oliver Jones QC) 06/10/2011
Motorcyclist suffered fatal injuries Driver of vehicle transporter and his employer held liable where the driver had turned too slowly at a traffic light controlled cross-roads junction, causing collision with motorcyclist travelling on the opposite carriageway.

The Shipman Inquiry Kevin was involved in the Shipman Inquiry over a period of 4 months, representing Dr Alan Banks, an employee of West Pennine Health Authority who assisted the Police in their initial investigation into Shipman, 6 months before his eventual arrest.

Inquiry into the death of Chloe Fahey Kevin represented the father of Chloe Fahey, a 5 year old girl who was stabbed to death in a ritualistic killing, by her mentally ill mother. The wide ranging Inquiry heard evidence over several months and in the Inquiry Report, widespread criticisms were made against the police, mental health personnel and social workers who missed crucial warning signs of her deteriorating mental health.

Publications

Co-author of the 2016 British Society of Gastroenterology Guidelines (publication awaited) “Guidance for Obtaining Valid Consent for Gastrointestinal Endoscopy Procedures”

Beyond the Bar

Kevin enjoys skiing. He is very enthusiastic but essentially unskilled despite over 400 hours of personal instruction. His other interests include fishing, topiary and walking to the village pub with his family and trusted labradors, Malt and Harry.