



1 CROWN OFFICE ROW

## Paul Reynolds

Call: 2010



Paul has a wide range of experience across indirect tax, rating law, clinical negligence and inquests and inquiries. His experience includes acting as Junior Counsel to the Hillsborough Inquiries, and acting for a wide range of companies, public authorities, and individuals across his areas of specialism. He is on the Attorney General's 'C' Panel of Counsel.

*"Paul is very thorough and meticulous in his assessment of a case, and is pragmatic when considering solutions."*

**Legal 500 2022**

*'Always fights his corner but is straightforward and sensible to deal with.'*

**Legal 500 2021**

## Clinical Negligence

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Paul routinely acts for Claimants and Defendants in a wide variety of high-value and complex clinical negligence cases including, for example, birth injury cases, spinal and head injury cases, and cancer cases. He is very experienced in both complex liability cases, and also high-value quantum cases, and often appears in Court and at settlement meetings against QCs.

### Selected Cases

- Represented a child who had suffered a catastrophic brain injury at birth but had a largely normal life expectancy and level of mobility. Secured a settlement of over £35m, amongst the largest known

- clinical negligence settlements (led by Henry Whitcomb QC).
- Representing a former UK athlete whose meniscal injury went undiagnosed leading to long-term need for joint replacement, and a change in career, with complex issues relating to liability, causation and quantum.
  - Successfully represented a Claimant in a difficult missed diagnosis of metastatic cancer case, where the claim depended upon the ability to successfully advance arguments relating to curability, notwithstanding the fact of the metastatic spread.
  - Represented NHS Trust in a complex multi-defendant action with certain services contracted out to private suppliers, and allegations of negligent spinal surgery, and misdiagnosed radiology.
  - Represented Defendant Trust in a causation-only defence in a brain injury case, with complex issues relating to neuroradiology, neurosurgery and with the overlay of a congenital abnormality. Successfully secured a very significantly discounted settlement.
  - **PDR v Guy's and St Thomas's Hospital NHS Foundation Trust (2020)**: instructed as junior for the claimant in £37 million settlement awarded to young boy left brain damaged at birth.
  - **TS v Orthocare v an NHS Trust (2020)**: Acted for an NHS Trust in case concerning contracting NHS services to a private provider.
  - **SC v Mr D and a Bristol NHS Trust (2020)**: Represented multiple claimants in respect of the wrongful insertion of mesh to resolve pelvic floor problems.
  - **A v Essex Partnership (2020)**: Represented the children of man who committed suicide whilst in hospital care.
  - **FP v Guys and St Thomas (2020)**: Acted for the Claimant in complex wrongful birth injury case.
  - **AM v an NHS Trust (2020)**: Acted for the Defendant in catastrophic brain injury claim.
  - Successfully defended a number of high-value claims against GP involving delayed diagnosis of cancer.
  - Acted for the Claimant in a trial arising out of a misinterpreted x-ray, leading to a failure to properly treat a complex fracture.
  - Acted for the Claimant who suffered almost total loss of vision in one eye following complications arising from cataract surgery.
  - Defended an NHS Trust in a High Court action where claims have been brought by secondary victims who alleged psychiatric injury following death.
  - Advised an NHS Foundation Trust as to its liability in respect of the negligent treatment of an NHS patient whose care was provided in a private hospital, but was funded by the Trust as part of its NHS waiting list reduction initiative.
  - Advised in relation to pure economic loss, in a claim where failure to diagnose was said to have caused the Claimant to have made a less advantageous redundancy agreement than he would have otherwise.
  - Advised as to whether a professional indemnity insurer may refuse to provide indemnity in circumstances where the indemnified party has failed to fully co-operate with its investigation, despite that refusal not prejudicing the insurer.
  - Advised a Primary Care Trust as to its liability in respect of the negligent treatment of a seriously disabled patient by a third party contractor.

## Inquests & Public Inquiries

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Paul has a long experience of representing a wide range of interested person/core participants at inquests and public inquiries respectively, as well as experience of being Counsel to the Coroner in inquests and

Counsel to the Inquiry. He has also acted in a number of sui generis statutory inquiries relating to, for example, tolls that may be charged by a ferry company incorporated by statute.

Paul is very experienced in a wide range of inquest contexts including, deaths in custody or while under Mental Health Act orders, deaths arising out of transport accidents involving aircraft, trains and boats, and all kinds of clinical negligence cases. He represented the full spectrum of interested persons including bereaved families, hospital trusts, GPs, individual doctors (particularly surgeons), government bodies and departments and other interested persons. Below are some examples:

## Selected Cases

- Junior Counsel to the Coroner in the Hillsborough Inquests (led by Christina Lambert QC, now Mrs Justice Lambert DBE) for a period of three years.
- Junior Council to the IICSA inquiry.
- Successfully represented bereaved family in a complex cardiology inquest involving out of hours services, imaging, and specialist interventional radiology, resulting in the conclusion that the Deceased would have survived with the appropriate care, despite this involving an emergency transfer to a different specialist hospital.
- Successfully represented bereaved family in a jury inquest involving the Deceased taking his life while under a Mental Health Act order, with a complex set up in which psychiatry services were contracted out to a separate organisation from the mental health hospital.
- Successfully represented vascular surgeon who was performing an innovative technique, using a newly released device, to treat an aortic aneurysm during which the medical device malfunctioned leading to occlusion of the aorta.
- Representing the Marine Accident Investigation Branch in an inquest involving the death of a fireman during a routine training exercise on board a Fire and Rescue service vessel.
- Acted for family of a patient who died as a result of choking, in which the jury made a series of very critical findings regarding patient care.
- Acted for the family of a man who committed suicide whilst a patient in a psychiatric hospital, in which the jury concluded that a failure to increase observations had contributed to the death.
- Acted for a consultant vascular surgeon in an inquest where a man had died during elective surgery following the use of an innovative technique to treat an aortic aneurysm. Despite the SUI report criticising the surgeon, the Coroner's conclusions made no such criticism.
- Acted for an NHS Trust in a case where a psychiatric inpatient died of a heart attack, and there were concerns about the attention his medical health had received. The jury made no criticisms of the NHS Trusts.

## Tax

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### Selected Cases

- **Build a Bear v HMRC [2022] EWCA Civ 825:** Court of Appeal – Represented the Respondent (led by Owain Thomas QC) in this customs case concerning the correct customs classification of various children's accessories. This case raised points of general application relating to the interaction of

Chapter Notes with the text of headings and subheadings.

- **Ampleward v HMRC – [2021] EWCA Civ 1549, [2022] STC 2260**: Court of Appeal – Represented the Respondent in this complex case relating to excise duty of goods in bonded warehouses moving between member states, and in particular whether they were taxable in the member state
- **SKY CP Ltd v HMRC (2022)**: Representing HMRC in this customs classification case relating to the classification of SKY set top boxes.
- **Sofology v HMRC (2022)**: Representing the Respondent in this case regarding the VAT treatment of advertising services relating to Google pay-per-click advertising, and in particular whether they fell within the insurance exemption.

## Rating Law

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### Selected Cases

- **Tyne & Wear Museums and Archives Service v Listing Officer – UT (2022)**: Representing the Listing Officer in this case relating to the issue of whether only profitability of a hereditament should be taken into account when valuing a museum, art gallery, or other cultural attraction, or whether broader questions of social value are relevant (and if so, how they are to be measured).
- **Aviva Investors v Listing Officer (2022)**: Representing the Listing Officer in this case relating to whether a property undergoing ordinary end of tenancy repairs ceases to be a hereditament if it is de facto incapable of beneficial occupation.

### Appointments

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- Attorney General's civil panel (C panel) (present)

### Awards

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- Levitt Scholarship, Lincoln's Inn (2011)
- Hardwicke Award, Lincoln's Inn (2009)
- Lord Denning Scholarship, Lincoln's Inn (2009)
- Larmor Award (2009)
- McMahon Scholarship (2009)
- Whytehead Scholarship (2009)
- Lovells Prize (2006)
- Rebecca Flower Scholarship (2006)

### Education

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- BCL, University of Oxford (2011)
- Bar Vocational Course (Very Competent), BPP, London (2010)
- MA (Hons) in Law (Double First Class), University of Cambridge (2009)
- Diplôme Universitaire d'études juridiques françaises, University of Poitiers, France (2008)

## Publications

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- “Legitimate Expectations and the Protection of Trust in Public Officials” [2011] Public Law 330. This article has also been published (in Turkish) in the 2013 edition of “Global Perspective: Translation Law Journal”, a publication of the Justice Academy of Turkey.