

Year of 2005

Call:

Practice Personal Injury, , Clinical Negligence, Insurance –

Areas: Including Fraud and Fundamental Dishonesty

Email: clerks@cobden.co.uk

An experienced and fantastic advocate - he is wonderful on his feet."

"He is very good in conference and very pragmatic. He understands insurer clients and the economies of settling and fighting. He is always aware of the bigger picture and takes into account where clients are coming from."

Chambers and Partners (2022)



Profile

Jonathan Boyle is a specialist personal injury practitioner. His practice is focused on representing both Claimants and major insurers in all aspects of personal injury litigation including high value catastrophic injury claims.

Sports Injury

For several years Jonathan has acted in the most notable cases involving injuries to sportsmen and women. He acted in *Collett v Middleborough* (the seminal case on damages in this field), both at first instance and in the Defendants' appeal (award of over £4.5M in damages upheld). Since then he has continued to represent professional footballers, golfers, cricketers and various other sportsmen and women, as well as insurers defending such claims. Recent cases in this field have continued to focus upon Premier League Footballers and other elite sportsmen and women.

Such claims are typically the subject of confidentiality clauses e.g. Rule K arbitrations, but have continued to result in multi-million-pound awards and settlements.

Insurance – Including Fraud and Fundamental Dishonesty

With the introduction of section 57 Criminal Justice and Courts Act 2015, Jonathan has found that the skills required of an experienced

fraud practitioner are increasingly in demand in areas of litigation not previously associated with allegations of fundamental dishonesty.

He has advised in innumerable cases relating to the deployment of surveillance and other evidence derived from social media etc. Jonathan has extensive experience defending claims where fraud is alleged or suspected. He has defended numerous cases where findings of fundamental dishonesty have been made and the Claimant's QOCS protection removed. Jonathan frequently advises upon claims in which, based upon the insurer's evidence, a counterclaim is made against the injured party for damages in the tort of deceit.

He frequently deals with staged/contrived, slam on, LSI, exaggeration, fraud ring and inception fraud defences. His experience encompasses both RTA and liability fraud.

Jonathan has worked closely with leading telematics ('black box') insurers. He has significant experience advising on tactics for the presentation of telematics evidence, as well as issues associated with disclosure of data, witness statements, Scott schedules etc. He is comfortable dealing with GPS, accelerometer and associated data.

He provides training seminars to solicitors and insurers on a range of topics.

Catastrophic and Fatal Injuries

Jonathan is experienced with cases where the Claimant has suffered life-changing injuries including amputation, spinal cord damage and brain injury. He has advised numerous bereaved families and dependents in claims arising from fatal accidents and is known for his down to earth manner.

Expert Evidence

Jonathan has extensive experience working in collaboration with solicitors, clients and experts in order to ensure evidence is thoroughly prepared for exchange of primary reports, part 35 questions, joint statements and trial.

Testimonial Quotes

Chambers and Partners 2022

Jonathan Boyle is well regarded for his adroit handling of serious injury claims arising from sporting accidents. He is often instructed to act on behalf of injured professional sportsmen and women. He is also noted for his expert representation of defendants in cases involving allegations of fundamental dishonesty.

Strengths: "An experienced and fantastic advocate - he is wonderful on his feet." "He is very good in conference and very pragmatic. He understands insurer clients and the economies of settling and fighting. He is always aware of the bigger picture and takes into account where clients are coming from."

Chambers and Partners 2021

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Strengths: "*He is a great advocate - very pragmatic and tactical.*" "*Very sensible and measured.*" "*An exceptional barrister with particular expertise in fraud cases.*"

Notable Cases

- Instructed by an international footballer in their claim for damages arising from a negligent tackle in the professional arena. Liability denied but established at Rule K Arbitration of the issue of breach of duty. Extremely complex evidence as to causation and whether their career would, in any event, have been curtailed by non-accident related injuries. Claim compromised at JSM.
- Represented a professional sportsman in their claim following serious injury suffered in a road traffic accident. Claim predicated upon loss of chance of a career in professional sports. Claim compromised at JSM (significant seven figure sum, net of reduction for contributory negligence for failure to wear a seatbelt).
- Junior Counsel for Claimant in serious traumatic brain injury claim suffered during a fall from height on a construction site. Issues between Defendant employer and Defendant lead contractor. Each denies liability to the Claimant in any event. He has not worked since the date of the accident and is unlikely to return to gainful employment. Significant care, rehabilitation and accommodation packages are claimed.
- Counsel for the Claimant in an acquired brain injury claim. Extensive case manager and expert involvement in the lead up to trial. Claim failed to settle at JSM but was compromised in the period immediately prior to trial.
- Instructed by insurer in claim alleged to be fundamentally dishonest based upon surveillance footage of the injured party as

contrasted with their presentation to experts, within lay evidence and the schedule of loss. Instructed to bring counterclaim for damages in the tort of deceit.

- Represented Defendant insurer in defence of suspected fraud ring. Issues included disputed expert evidence regarding telematics data. Listed for 10-day trial. HHJ Simpkins held the telematics data was accurate. All claims in the ring withdrawn in advance of or during the currency of the trial. Successfully applied during the currency of the trial to have a single notice of discontinuance set aside and the relevant Claimant was held to have attempted to perpetrate a fraud.

Membership

Personal Injuries Bar Association (PIBA)

Manchester Law Society

Qualifications

BSc (Hons) Pharmacology

PGDipLaw

BVC - Very Competent