

## Paul Rose KC

SILK: 2002 | CALL: 1981

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## Overview

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Paul Rose has split his practice between employment law and personal injury in claims. In recent years, he has focused primarily on the latter. He is instructed in high value traumatic brain injury and spinal cord injury claims by specialist firms of solicitors across the country. A sample of his recent work is provided below. Until 2019 he sat as a fee paid employment judge. He is a Deputy Head of Chambers and a member of the Board of Management.

Paul Rose KC is ranked as a Leading Silk in Personal Injury Law in *Chambers & Partners* and *The Legal 500*.

## Personal Injury

Paul Rose KC has many years of experience in personal injury litigation, stretching back to acting on behalf of the claimants in both the Opren and the Benzodiazepine litigation in the 1980's and 90's. Shortly thereafter he acted on behalf of the family and dependants of victims of the Chinook Mull of Kyntyre helicopter crash and the Kegworth M1 British Midland Air crash.

In 1994 he acted on behalf of the claimants in the Camelford water pollution claim. More recently, he acted for the servicemen injured in the Kajaki Dam mine strike in 2006. He has acted in a number of other high profile claims for Service Personnel against the Ministry of Defence. He has extensive experience acting for claimants who have suffered catastrophic injuries.

He has acted for the claimant in the following notable cases:

- *Gul v Mcdonagh [2022] RTR 9 - Court of Appeal - apportionment of contributory negligence - RTA - 13 year old boy.*
- *Mehmetemin v Farrell [2017] EWHC 103 (QB)* -Severe lower limb orthopaedic injury. Court awarded £967,000;
- *JH & SH v SL [2017]* - Contested interim payment application on behalf of two children to purchase new accommodation. Judge awarded: £750,000. Judge also ruled on admissibility of Calderbank offers in interim payment applications;
- *Brown v Mujabi [2017]* -In a claim for damages for personal injury, a defendant was able to rely on CPR r.33.4(1) to cross-examine the claimant on comments made about the effects of her injuries despite her not having served a witness statement;
- *Lightfoot v Go-ahead Group Plc (2011) RTR 27-* contributory negligence of a pedestrian;
- *IB v CB [2010] EWHC 3815 (QB)*- a decision in respect of terms of standard PPO Order;
- *McKinlay v (1) Richard Lambe (2) AIG UK Ltd LTL 12/10/2009 RTA* concerning motorcycles;
- *Sowerby v Charlton [2006] 1 WLR 568* -a decision of the Court of Appeal concerning whether Admissions made pre action may be withdrawn under the CPR;
- *Bici v Ministry of Defence [2004] EWCH 786 (QB)*- a decision by Elias J on the issue of combat immunity invoked as a defence by the defendant to a claim for assault and negligence in relation to the shooting and killing and wounding of civilians in Kosovo during peacekeeping operations;

## Expertise

- Employment & Discrimination
- Environment
- Finance
- Health & Safety & Environmental Law
- Industrial Relations & Employment
- Insurance
- Personal Injury
- Public Law

## Recommendations

"Paul really wins judges around, and his advocacy is second to none. He is excellent at what he does, and his client care skills are really up there." Chambers & Partners 2024

"Paul is a superb tactician and his attention to detail is second-to-none." The Legal 500 2024

"Nothing gets past this silk; he is top-drawer. His cerebral and inquisitive approach with an eye for every detail means that injured claimants always get a superb result." The Legal 500 2023

"Paul is a great strategist; he sees the whole picture in a complex case." "He is very bright and gets on top of complex issues." Chambers & Partners 2023

## Key contacts

### William Meade

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- *Mattis v Pollock* [2003] 1 WLR 2158 – a decision of the Court of Appeal concerning a night club owner’s vicarious liability for the assault by his doorman on a visitor leading to paraplegia;
- *Forey v London Buses* [1991] 1 WLR 327 – Court of Appeal – quantum and costs;
- *Pearson v British Midland Airways* [1988] C.L.Y 1503 – Claim for PTSD arising from Kegworth Air Disaster.

## Employment & Discrimination

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Paul Rose KC has appeared in approximately 25 reported cases covering all aspects of discrimination law, TUPE and general employment disputes. He has sat as a fee paid employment judge for 16 years until 2019.

Paul Rose KC appeared in the following cases concerned with employment status:

- *James v Redcats (Brands) Ltd* [2007] IRLR 296. A decision of Elias P on the word “worker”;
- *Franks v Reuters* [2003] IRLR 423 a decision of the Court of Appeal on the meaning of “employee”.

He has also appeared in the following recent decisions in the field of discrimination:

- *Chief Constable of Lincolnshire v Natasha Caston* [2009] EWCA Civ 1298 Court of Appeal deprecates tribunal’s reference to commentary on extension of time;
- *Okunu v G4S* [2008] ICR 598 burden of proof in discrimination case;
- *Scott v The Commissioners of the Inland Revenue* [2004] IRLR 713 a decision of the Court of Appeal on the assessment of compensation discrimination claims and costs;
- *Croft v Royal Mail Group plc* [2003] IRLR 592 a decision of the Court of Appeal on discrimination on the grounds of gender reassignment and also on the statutory defence;
- *Liversidge v The Chief Constable of Bedford Police* [2002] IRLR 651 a decision of the Court of Appeal on the liability of the Chief Constable for alleged acts of discrimination by police officers;
- *Leicester University v A* [1999] ICR 701 – Restricted reporting orders;
- *London Borough of Lambeth v The Commission for Racial Equality* [1990] IRLR 231 a decision of the Court of Appeal on “genuine occupational qualification”;
- *London Borough of Tower Hamlets v Rabin* (1989) ICR 693;
- *Meer v London Borough of Tower Hamlets* [1988] IRLR 299 court of appeal decision on indirect race discrimination;
- *Balgobin v London Borough of Tower Hamlets* [1987] ICR 829 decision on statutory defence.

He has also acted in a number of TUPE cases most notably:

- *Johnson Controls v (1) Campbell (2) UKAEA* [2012] All ER (D) 220 EAT decision in service provision change;
- *Law Society of England & Wales v Secretary of State for Justice* [2010] IRLR 407 decision of Queen’s Bench Division on whether a transfer of an undertaking;
- *Kerry Foods v Creber* [2000] IRLR 10 a wide-ranging decision on TUPE by Morison P;
- *Whent v Cartledge Ltd* [1997] IRLR 153 a decision of the EAT concerning the impact of TUPE on collective agreements.

Unfair Dismissal

- *Kerry Foods v Lynch* [2005] IRLR 680
- *Crossville v Tracey* [1998] AC 167 House of Lords: Employment Tribunal’s jurisdiction to consider reduction of Compensation in unfair dismissal selective re-engagement for contributory fault.
- *Isleworth Studios Ltd v Rickard* [1988] 2 WLR 1059 EAT appeal on compensation

Other Employment Cases

- *R v West Yorkshire Fire and Civil Defence Authority ex parte McCalman* [2001] OPLR 85
- *Wiluszynski v London Borough of Tower Hamlets* [1989] ICR 493 – Court of Appeal – breach of contract – limited industrial action.

## Recent and current work

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- *BEA v FJD & MIB 2022* – severe brain injury. Claimant aged 20 at date of settlement. Lump sum award £7.6 m Periodical Payment £440,000 p.a. for life. Approved by High Court in July 2022.
- *AV v AB* – Severe Traumatic Brain Injury. Settled at JSM in June

- 2020 for lump sum of £9.75m awaiting approval by Court;
- o *XYZ v FGL* -Severe head injury with complicated issues over compliance with rehabilitation programme, settled at JSM in May 2020 for Lump sum of £2.4m and periodical payments for care and case management of £125,000 p.a;
- o *HPS v PC* - Severe Traumatic Brain Injury: Liability settled at JSM 87.5/22.5 in the claimant's favour approved by Court in March 2020;
- o *SM v TB*- Severe Traumatic Brain Injury settled at JSM for a 8 figure Lump sum award, approved by the Court in January 2020;
- o *HP v ETM Contractors* -Severe Traumatic Brain Injury settled at JSM Lump sum £3m and periodical payments for care and case management £65,641 approved by the Court in December 2019;
- o *MNL v TRW* -Severe Traumatic Brain Injury settled at JSM for 8 figure Lump sum approved by the Court November 2019;
- o *JXS v SXP*- Complex brain injury case where the claimant, a young man, refused to engage with the MDT rehabilitation team, settled at JSM lump sum £3.2m approved by the Court in September 2020;
- o *HH v JB*- Moderate traumatic brain injury settled at mediation March 2019 Lump sum £1.4m;
- o *AB V Smith's Gloucester Ltd* - Traumatic Brain Injury settled at JSM Lump sum £4.2m approved by the Court January 2019.

## Professional Recommendations

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"He has a really strong analytical mind and always finds an additional angle for the case."

### Chambers & Partners 2024

"Paul really wins judges around, and his advocacy is second to none. He is excellent at what he does, and his client care skills are really up there."

### Chambers & Partners 2024

"Paul is incredibly well prepared and very on top of issues in a case. He is very dogged and determined for the claimants he represents."

### Chambers & Partners 2024

"Paul is a superb tactician and his attention to detail is second-to-none."

### The Legal 500 2024

"He is very bright and gets on top of complex issues."

### Chambers & Partners 2023

"Paul is a great strategist; he sees the whole picture in a complex case."

### Chambers & partners 2023

"Nothing gets past this silk; he is top-drawer. His cerebral and inquisitive approach with an eye for every detail means that injured claimants always get a superb result."

### The Legal 500 2023

"A superb, classy operator. A very steely negotiator, not afraid of a fight, opponents respect him and clients love him for it."

### **The Legal 500 2022**

“He has superb attention to detail and takes a tactical approach to cases. He is very approachable and has exceptional negotiation and advocacy skills. He fights to achieve best possible outcomes for his clients.” “He is a real craftsman and has a fabulous eye for detail.”

### **Chambers & Partners 2022**

“He is always extremely well prepared and is a very good advocate.” “He has exceptional negotiation skills and unbelievable tactical abilities.” “He is happy to fight cases and he is very tenacious in his pursuit of the best results for clients.”

### **Chambers & Partners 2021**

“Exceptionally strong in all areas – has a fine tactical awareness and is a warrior when necessary.”

### **The Legal 500 2021**

“An exceptionally knowledgeable barrister and a very safe pair of hands. He’s the barrister you would want to instruct to fight difficult and complex cases and challenge the status quo. He is a true gentleman and a credit to the profession.” “He’s highly analytical, thorough and steely in negotiations.”

### **Chambers & Partners 2020**

“Achieves great results for clients in high-value maximum severity brain and spinal cord injury claims.”

### **The Legal 500 2020**

“Able to analyse difficult liability arguments and construct a workable roadmap for any case.” “Has a superb intellect and is able to see the important points in complex cases. He combines immense cerebral capacity with a down-to-earth bedside manner.” “A leader in his field who is very good at client care and a fantastic advocate with excellent judgement. He spots key issues rapidly and provides very sound and practical advice on difficult cases.”

### **Chambers & Partners 2019**

**Chambers & Partners 2017** states he has an **“incredible eye for detail, he’s excellent”** and **“he’s extremely thorough and he’s got a very nice manner with clients”** with **The Legal 500 2016** praising him as a **“truly exceptional negotiator”**.

**“He has brilliant advocacy skills and isn’t fazed by complex issues”** says **Chambers & Partners 2016** and his **“attention to detail is quite incredible; he misses nothing”** says **The Legal 500 2015**.