

Johnathan Payne

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Johnathan is in demand to represent both claimants and defendants.

He undertakes most of his claimant work against silks. Before commencing at the Bar he worked in the City for Barlow Lyde & Gilbert (as they were then known) specialising in insurance risks for local authorities and insurers (ranging from serious injury in RTAs to defamation claims).

In practice Johnathan is known for his hard work, succinct presentation style and attention to detail. His case load regularly involves brain and spinal injuries. He has been regularly representing JD Wetherspoon Plc for the last 12 years on cases ranging from basic injury claims to tetraplegia and brain damage. He undertook the leading authority on expert shopping for JDW (*Edwards-Tubb v. JD Wetherspoon Plc*) and his knowledge of privilege and experts marks him out.

He has been involved in leading cases at first instance in the QBD and Court of Appeal ranging from the duties under the OLA 1957 (*Everett & Anor v. Comojo*) to the extension of the principle in *Wilkinson v. Downton* [1897] 2 QB.57 (C v. WH).

Areas of Expertise

Personal Injury

The full range of serious personal injury litigation for both claimants and defendants. Substantial experience of brain/head injury claims, claims involving spinal injuries and chronic pain. He specialises in cases with thorny issues in them some of which have been rejected by other lawyers. Strong range of court experience including all aspect of Multi-Track litigation in the County and High Court in addition to appellate work (including extensive Court of Appeal experience).

Notable Personal Injury cases

L v. ZM (2020)

Represented the pedestrian claimant in collision with car. Pedestrian engaged in alleged drunken game of 'chicken' with London taxi (driven by professional driver). Questions of liability and contributory negligence. Detailed reconstruction evidence was required. Client sustained severe head and bodily injuries. Case was settled at round table meeting held remotely. Case settled at RTM with D represented by Julian Picton QC.

P v. (1) BB (2) CFV (2019)

Representation of claimant in a complicated causation case dealing with chronic pain and serious orthopaedic injuries (following multiple incidents) which ended the career of a skilled manual worker. Because of chronic pain (effect of the accident) no hospital was prepared to undertake the (two) total knee replacements which the client needed. Case settled at RTM with D represented by Dominic Adamson QC

ABC (by L.F DEF) v. (1) GHI (2) JKL (2020)

Cyclist v. car – traumatic brain injury claim. Settled by way of remote JSM which needed court approval. Case explored issues concerning the lack of cycle helmet and the effect of brain damage on the risk of dementia (which is a particularly important current topic in head injury litigation). Case settled at RTM with D represented by Nina Goolamali QC

The Estate of B (by Executrix) v. JD Wetherspoon Plc (2021)

Death following tetraplegia case. Johnathan represents JDW. C is represented by Lizanne Gumbel QC. C brings a claim in negligence and breach of the duty under the OLA 1957 on behalf of the deceased claimant who fell from a staircase in one of the pubs run by the defendant. C frames the claim as breach of duty but focusses on the design of the staircase. Liability disputed. Case ongoing.

Kasey Hogarth v. Marston's Plc [2021] 3 WLUK 229

Represented D in a fundamental dishonesty trial. C's case was struck out for FD under s.57 of the 2015 Act. Case concerned a girl of 15 at the time of the accident. This is a particularly noteworthy case on the knowledge of a 15 year old in terms of reduction for contributory negligence and her susceptibility to having her claim dismissed for dishonesty.

R v. (1) WDR (2) CVU (2020/2021)

I represent a claimant who suffered serious spinal injuries when he fell from height whilst undertaking work at a third party premises. The cradle rail he was attached to had been altered to remove the end-stop resulting in the claimant falling a considerable distance. Both defendants were prosecuted by the HSE and fined £400,000. Link to media coverage: <https://www.bbc.co.uk/news/uk-wales-49069633>

Sports Law

Cases include mountain bike and road race claims, time trials and sportives. Johnathan was engaged by UK Athletics in a claim brought by Olympic Triple Jumper Nathan Douglas. Link to media coverage: <http://en.espn.co.uk/athletics/sport/story/94379.html> He has conducted numerous claims both defending governing bodies in addition to making claims for seriously injured individuals.

Johnathan will often be asked to represent those who have been injured in sports event held as part of social events

(such as obstacle races).

Professional Negligence

Johnathan is regularly instructed in claims of professional negligence acting almost exclusively for the claimant. These may include claims against medical or legal professionals. Recent instructions have included the areas of dental, ophthalmology, spinal surgery and misdiagnosis (including unnecessary drugs).

Costs

Johnathan is regularly instructed to deal with complicated costs issues. Recent work has included FD and cost recovery, multi-party litigation and discontinuance and wasted costs. He is particularly noted for his cost budgeting where he continues to have very good outcomes for both claimants and defendants particularly in complex claims.

Education

- BSc (Hons) Management Science, CPE (College of Law, Chester)
- Bar Finals Inns of Court School of Law (London)

Memberships

- PIBA

Awards

