

Jonathan Gaydon

Year of Call: 2013

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Overview

Jonathan specialises in clinical negligence, personal injury, inquests, public law and costs. He is frequently instructed in complex and high value litigation.

Jonathan is an experienced Court advocate who appears daily at trial, inquest, case management and application hearings. He accepts instruction on behalf of both claimants and defendants in the High Court and County Court.

Jonathan has particular expertise in matters involving allegations of fraud and fundamental dishonesty. He regularly provides advice, conducts conferences, settles pleadings and attends trials on behalf of insurers.

Jonathan successfully represented the claimant in *Kenton v Slee Blackwell PLC* [2023] EWHC 2613 (SCCO). Before Senior Costs Judge Gordon-Saker in Solicitors Act proceedings, the claimant was awarded a costs refund of over £200,000. The judgment provides important guidance as to the significance of solicitor-client cost estimates.

From 2015 to 2018, Jonathan acted as JJ for the Foreign and Commonwealth Office in the successful defence of the largest group action ever brought against the UK Government (*Kimathi and others v Foreign and Commonwealth Office*). Jonathan's work with the team included drafting pleadings, assisting in the High Court during trial and conducting research.

Jonathan takes pride in delivering practical advice, effective advocacy and approachable service in each and every case. Outside of his practice, Jonathan enjoys distance running and playing acoustic guitar.

Academic qualifications

- LLB, King's College London (First Class Honours)
- MSc, New College, University of Oxford
- BPTC, The City Law School

Scholarships

- Law School Prize in Jurisprudence and Legal Theory (2010)
- King's myScholarship for excellence and contribution (2010)
- Winner, Inter-Inns of Court Debating Competition (2013)
- President of Debating at the Honourable Society of the Inner Temple (2013)
- President of King's College Debating Society (2009)

Professional bodies

Personal Injuries Bar Association

Expertise

Personal Injury

Jonathan has a busy personal injury practice. He is experienced in cases involving serious injury and complex issues of liability/causation. Jonathan acts for both claimants and defendants across a broad spectrum of work including:

- Employers' liability
- Public liability
- RTAs
- Credit Hire
- Highways Act claims
- Product Liability

Jonathan has considerable expertise in cases involving allegations of fraud and fundamental dishonesty. Jonathan regularly advises and appears on behalf of defendant insurance companies.

In addition to Court advocacy, Jonathan is happy to provide written advice as to issues of liability, causation, quantum or procedure, to assist in conference and to draft pleadings.

Recent instructions include:

- Advising and drafting pleadings in a claim involving a pilon fracture, calcaneal fracture and acute compartment syndrome following an accident at work.
- Advising, drafting pleadings and attending at Court in a claim involving open tibia, fibula fractures and significant scarring to a young girl after she was hit by a motor vehicle as a pedestrian.
- Advising in a claim involving a serious left humerus fracture sustained in an accident at work resulting in permanent restriction of shoulder movement, ongoing symptoms and future expenses.
- Kenyan Emergency Group Litigation (KEGL): From 2015 to 2018, Jonathan was instructed as JJ (Junior Junior) for the UK Government in a group action brought by 40,000 claimants arising from alleged mistreatment during the Kenyan Emergency in the 1950s. KEGL was one of the longest-running trials in English legal history. The litigation was successfully defended.

Clinical Negligence

Jonathan is a clinical negligence specialist. He acts for both claimants and defendants. Jonathan offers advice and representation at all stages of litigation in the following areas:

- Surgical negligence
- Pharmaceutical negligence
- Misdiagnosis and delayed diagnosis
- Dental negligence

- Cosmetic negligence
- Unnecessary and inappropriate treatment
- Failure to obtain informed consent
- In cases involving a fatality, Jonathan is also experienced in providing representation at inquests on behalf of families, local authorities and other interested persons.

Recent instructions include:

- P v An NHS Trust: Drafting pleadings, conducting conference and providing advice to the claimant in a case involving delayed diagnosis of spinal tuberculosis. The claim was successfully settled in the sum of £500,000.
- C v A Health Board: Advising NHS Wales and attending a JSM in a case involving allegations of delayed diagnosis/treatment of a scapholunate injury.
- A v An NHS Trust: Drafting pleadings, conducting conference and providing advice to the claimant in a successful claim involving the delayed diagnosis of a developing cauda equina syndrome.
- B v S and another: Drafting pleadings and assisting in a successful claim involving failure to treat dental carries resulting in significant infection.
- F v An NHS Trust: Drafting pleadings for the claimant in a successful claim involving a failure by the defendant to remove retained products of conception in the course of a birth.

Inquests

Jonathan provides representation to local authorities, bereaved families and other interested persons at inquests. He is able to provide ongoing advice and advocacy in any civil claim arising from fatalities. Jonathan has considerable experience of inquests involving complex medical issues, sensitive circumstances and the questioning of expert witnesses.

Jonathan's experience includes:

- Hospital deaths
- Suicides
- Article 2 inquests
- Emergency services attendance
- Road traffic deaths

Recent inquests include:

- Re J: Representing the local authority (adult safeguarding) in an inquest touching the tragic drug-associated suicide of a vulnerable young man in his twenties.
- Re P: Representing an insurance company in an inquest touching the death of an elderly woman arising from a brain injury following a fatal road traffic collision.
- Re S: Representing the family in an inquest dealing with the tragic death of a young woman who suffered a fatal stroke secondary to acute pyogenic meningitis which was not diagnosed upon her initial attendance at hospital.
- Re A: An inquest involving two deaths following a high-speed road traffic collision with a motorcyclist.

Articles

3PB's Personal Injury team provides legal update on Disclosure, Fraud, Fundamental Dishonesty and Contempt Proceedings

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Following new evidence which amounted to a prima facie case of perjury and fraud concerning the independence of a witness, Spencer J ordered that a county court judgment be referred back to the trial judge to determine whether judgment should be set aside. Jonathan Gaydon reviews Brighthouse Ltd v Tazegul [2016]

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