hailshamchambers

Clerks: **020 7643 5000**

Nicholas Pilsbury

Call: 2008



Overview

Nicholas specialises in professional and clinical negligence. He also acts in commercial matters, often involving insurance disputes or allegations of fraud.

Nicholas has acted in a wide range of cases against IFAs, accountants, insolvency practitioners, surveyors, planners and auctioneers. He has particular expertise in claims against lawyers, arising out of almost all areas of legal practice.

Nicholas has a busy clinical negligence practice, where he acts for both Claimants and Defendants on high value cases ranging from birth injuries to fatal accidents.

He is an editor of Atkins Court Forms Volume 32(2) on Professional and Clinical Negligence (Butterworths).

Professional liability

Nicholas has acted in cases involving almost every type of professional liability. He has particular experience of cases against solicitors, barristers, accountants, IFAs, tax advisors, insolvency practitioners, auctioneers, planners and surveyors. He is frequently instructed to act in document-heavy cases and has had considerable success in striking out many unmeritorious claims brought against professionals.

Nicholas has acted in many cases where there are allegations of fraud and dishonesty, including those cases where urgent applications for freezing injunctions or other interim relief are required.

Finance

Nicholas is frequently instructed in claims involving financial professionals whether they are practising as independent financial advisors, accountants, or tax professionals. His cases have included acting for claimants in respect of failed SDLT

schemes, defending professionals against allegations of defective tax planning, advising IFAs on their liability for the allegedly fraudulent investment advice of an employee, and defending claims made against accountants following the sale of businesses to investors. Nicholas has acted for insolvency practitioners accused of wrongdoing whilst carrying out their duties.

Nicholas has a particular interest in claims arising out of defective tax advice, whether they be claims against tax advisors, scheme promoters, solicitors or accountants.

Lawyers

Nicholas has acted in numerous claims against solicitors arising out of almost every area of legal practice. He is experienced in dealing with cases against criminal, family and civil practitioners alike.

Typical cases include claims arising out of failed litigation across all areas of legal practice (from criminals alleging they were wrongly convicted, to clients alleging that their ancillary relief claims were negligently pursued, to allegations that personal injury claims were under-settled), mistakes in residential and commercial conveyancing, breaches of warranty of authority, allegations of breach of trust and breach of fiduciary duty (including Dreamvar-type claims), errors in preparing wills and the wrongful administration of estates.

Nicholas' recent cases have seen him acting for a firm of solicitors who have been defrauded by one of their employees (including applications for injunctive relief in order to preserve assets), acting in a loss of a chance claim where the underlying lost litigation was valued at around £9.5m, and representing a firm of solicitors pursued by over 50 claimants where a developer failed to construct properties that the claimants had agreed (and paid) to purchase.

Nicholas is frequently instructed to defend wasted costs applications made against solicitors. He has also acted in litigation brought against members of the Bar.

Lender Claims

Nicholas acts in lender claims brought against solicitors and valuers. His cases have involved overvaluation claims, imposter frauds, lender money disappearing whilst (purportedly) in the possession of a firm of solicitors, a failure on the part of solicitors to complete mortgages and obtain the discharge of pre-existing charges, and alleged failures by solicitors to carry out express instructions and comply with undertakings. Nicholas is familiar with the range of equitable and common law remedies arising in these cases, as well as issues such securitisation and the typical arguments about contributory negligence that are often deployed in response to such claims.

Property

Many of Nicholas' cases arise out of the sale and purchase of property. As well as numerous claims against conveyancers, he is frequently instructed in claims against valuers / surveyors for failures to detect problems with properties, and under- or

over-valuations. Recent cases have included a claim against architects whose design of a swimming pool is alleged to have been defective (and where there is a dispute as to whether the fault is one of design or construction), a claim against a surveyor who is alleged to have missed serious structural problems (a wall collapsed shortly after purchase), and a string of cases concerning cavity wall insulation. Nicholas has acted in claims against planners and affordable housing experts.

He is often asked to advise on issues such as when best to seek contribution between the different professionals acting on property transactions.

In addition to his broad diet of commercial and domestic property cases, Nicholas appeared in the case of Coleridge v Sothebys [2012] EWHC 370 (Ch), one of only a handful of claims about the valuation of chattels by auctioneers.

Medical law

Nicholas has a busy clinical negligence practice, including cases brought against NHS Trusts, private nursing organisations, individual doctors and dentists.

Nicholas has experience of birth injuries, Fatal Accidents Act claims and everything in between.

By way of example, Nicholas' recent cases have included:

- a series of cases arising out of shoulder surgery performed by a consultant orthopaedic surgeon, whose practice has been the subject of a patient recall exercise by two hospitals;
- numerous shoulder dystocia / Erb's palsy cases including some of particularly high value (one notable case pleaded at over £8m);
- a claim against a private fetal scanning clinic for alleged failure to detect antenatal abnormalities leading to the birth of a severely disabled child;
- a group action by 52 claimants against various English Trusts and Welsh Health Boards arising out of a disruption in supply of total parenteral nutrition;
- a claim by a patient who suffered a substantial brain injury leaving him unable to walk and mentally impaired as a result of admitted clinical negligence, settled for £6 million;
- a claim by a patient who required a stoma, but whose claim on loss and damage raised issues of dishonesty;
- a claim that an aortic dissection was not promptly diagnosed leading to the tragic death of a high-earning claimant.

Nicholas was trial counsel and junior counsel before the Court of Appeal for the successful NHS Trust in the case of *Shaw v Kovac* [2017] EWCA Civ 1028, a case dealing with whether there should be a freestanding right for patients to claim damages when there is a failure to obtain proper consent prior to surgery.

Nicholas also appeared at first instance and as junior counsel in the Court of Appeal in *Harrison v University Hospitals of Burton NHS Foundation Trust* [2022] EWCA Civ

1660, which considered issues arising under QOCS.

Nicholas' experience of costs issues arising in the clinical negligence context is also illustrated by his success in *Begum v Barts Health NHS Trust* [2022] EWHC 1668, which departed from earlier obiter dicta on whether the Court had the power to extend the relevant period for acceptance of a Part 36 offer.

Personal Injury

Nicholas is instructed in claims for personal injury following serious road traffic accidents or catastrophic accidents at work. Recent cases have included several accidents between bicycles and vehicles leaving the cyclist with serious injuries, and falls from height on building sites and other places of employment.

Nicholas has successfully taken many personal injury claims to trial. He draws on his experience of this type of litigation when frequently asked to advise his professional negligence clients on lost litigation claims.

Commercial law

Nicholas' commercial work is focused on insurance litigation and contractual disputes. He has particular experience in obtaining freezing injunctions in support of claims of fraud.

Recent cases have included:

- recovery proceedings against a firm of solicitors arising out of the late notification of claims to the insurer;
- a challenge by an insured against an ATE insurer's refusal to indemnify;
- advising insurers on coverage following alleged dishonesty and misrepresentation by the policyholder;
- acting for a franchisor in various disputes with franchisees, including in one case obtaining a non-party costs order against the directors of the franchisee (*Venture Foods Ltd v Little Dessert Shop* Ltd [2022] Costs LR 1515);
- obtaining a freezing injunction and later judgment against a former employee who had set up business in opposition to his employer's interests;
- obtaining a freezing injunction for a firm of solicitors whose employee had stolen a large six-figure sum;
- a partnership dispute arising out of the supply of medical services.

What others say

"He is approachable, flexible and is always very on top of the detail." *Chambers UK, 2027*

"His advocacy in court is robust and persuasive, and he works with clients in a

supportive, pragmatic and thoughtful way." *Chambers UK, 2027*

"He's an expert in all aspects of clinical negligence and has an unparalleled ability to expertly and confidently deal with even the most complex of cases." *Chambers UK, 2027*

"Nicholas has an excellent ability to get to the heart of matters and identify the best route to resolution, taking into account the merits of arguments and the commercial considerations involved. He is a strong advocate and extremely pleasant to deal with." *Chambers UK, 2027*

"A delight to work alongside, he is unflappable. His written work is clear, concise and tactically astute. He has received rave reviews from clients who are impressed by his problem-solving and detailed analysis of the dispute." *Chambers UK, 2027*

"Nick is an excellent choice for technical claims against professionals, including claims against solicitors. He is straightforward in his approach and gives detailed and considered advice." *Chambers UK, 2027*

"Nicholas is superb: he is very quick to grasp the issues, gives very clear advice on the merits and strategy, and is a pleasure to work with." *Chambers UK, 2027*

"Fantastic! I love working with Nick; he is calm, gives careful and prompt advice and is excellent on his feet." *Chambers UK, 2027*

"Nick is very easy to work with; he is responsive and keen to discuss strategy. In settlement negotiations, he is assertive and collaborative and achieves great results." *Legal 500, 2027*

"Nick is incredibly thorough and not afraid to really get stuck into the details of the case. He provides timely and detailed advice and gives confidence that no stone has been left unturned. Clients are impressed by his knowledge, and his personable nature puts clients at ease." *Legal 500, 2027*

"Nick consistently provides exceptional and quality advice." *Legal 500, 2026*

"A master tactician who is always thinking two steps ahead of his opponent." *Legal 500, 2026*

"Nicholas is a safe pair of hands with superb attention to detail. He is really good in court and very knowledgeable." *Chambers UK, 2025*

"Nicholas is a fantastic and incredibly helpful counsel who provides clear and concise advice on very complicated issues. Nicholas is a joy to work with." *Chambers UK, 2025*

"Nicholas is an incredibly personable and detail-focused individual. He has excellent client care and tactical judgement." *Chambers UK, 2025*

"Nicholas is excellent: his astute technical ability, incredible eye for detail, and sound strategic thinking truly make him an exceptional advocate." *Legal 500, 2025*

"Nick is technically astute and has excellent attention to detail coupled with strategic thinking" *Legal 500, 2024*

"Nick is a fantastic advocate. Extremely clear and persuasive. His advice is always excellent" *Legal 500, 2024*

"Nick has proven to be an indispensable resource on this case: he has familiarised himself with the detail of this unusual claim very quickly, and has deftly handled a number of tricky legal and strategic problems. He is efficient, sharp and very easy to work with. Have not seen his advocacy, but would not hesitate to instruct him again." *Legal 500, 2023*

“An excellent advocate who is calm, composed and clinical. Superb on the details.” *Legal 500, 2022*

“Gets to the heart of the problem immediately. Identifies very quickly the strengths and weaknesses of the case. Also exceptional at analysing legal issues.” *Legal 500, 2022*

“Down to earth and commercial in his advice. Nick’s specialist knowledge of accountancy and financial claims is invaluable. Nick is effective and easy to deal with.” *Legal 500, 2021*

“An impressive junior” *Legal 500, 2020*

“He is good at explaining complex issues in a clear and concise manner” *Legal 500, 2019*

Further information

Education

- King Edwards’ School, Birmingham (1995 – 2002)
- BA Philosophy and Theology, University of Oxford (2002 – 2005) (2:1)
- Graduate Diploma in Law, College of Law (2006 – 2007) (Distinction)
- Bar Vocational Course, College of Law (2007 – 2008) (Very Competent)
- Nicholas was awarded an Exhibition by Inner Temple whilst studying the BVC
- Nicholas is a member of the Professional Negligence Bar Association (PNBA)

Personal: In his spare time, he is a keen rock climber, trail runner and cyclist and enjoys most outdoor pursuits.

Memberships: Nicholas is a member of the PNBA.

ICO Data protection registration number: **Z2972485**.

Nicholas Pilsbury is a barrister regulated by the Bar Standards Board. Click to view Nicholas Pilsbury’s Privacy Notice.