



Matthew Boyle



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“A bright individual with excellent turnaround times. He provides sensible and pragmatic advice and goes the extra mile for his clients.”
(Chambers & Partners, 2021)



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Matthew Boyle practices in the areas of personal injury, industrial disease and sexual abuse claims.

He acts for Claimants and Defendants and combines a robust advocacy style with a commercial approach to advisory work and is sensitive to the particular requirements of individual solicitor and lay clients.

Matthew has been rated in both Chambers & Partners and the Legal 500 since 2012 for his approachable and effective manner.

Personal Injury

Matthew's experience is concentrated in the following areas:

- **Catastrophic injuries:** principally quantum only cases featuring traumatic brain injuries or life changing spinal injuries. Recent experience includes involvement in two subtle brain injury claims where damages in excess of £1m are claimed and where capacity, future care and residual earnings are all hotly contested.
- **Fatal Accident Act claims:** Matthew is regularly asked to advise on complex claims for financial dependency. He appeared in the High Court case of *Mosson* which clarified the recoverability of a number of heads of loss (loss of a spouse, probate, the cost of a wake) under the 1976 Act.
- **Road traffic and employers' liability cases:** typically where liability is in dispute or where substantial damages are claimed. He has significant experience of cross-examining accident reconstruction and other liability experts. Recent trial experience includes the successful defence of a motorist sued following a fatal collision with a speeding motorcyclist.
- **Chronic pain:** Matthew often advises in cases where an apparently minor accident has resulted in complaints of significant ongoing disability and potential issues of exaggeration or malingering arise.
- **Public liability claims:** Matthew's experience includes a number of sporting injury cases (arising from rugby, bouldering and skiing accidents) where liability has been successfully resisted at trial.



Claims Relating to Physical & Sexual Abuse

Matthew has acted for Claimants and institutional Defendants in cases of intentional physical and sexual abuse, including those featuring historic allegations. He is sensitive to the human and tactical considerations that typically arise in such cases.

Recent experience has included joint settlement meetings in which he has acted for local education authorities who have successfully recovered their outlay from former employees who carried out sexual abuse upon minors.

Matthew's recent experience in this field has included:

June 2017

P v London Borough of X

This was a litigated claim in which Matthew acted for the Defendant education authority. The case arose out of an historic rape allegation by a student against a school caretaker, who had pleaded guilty and received a term of imprisonment. Matthew drafted the Defence and advised on bringing the perpetrator into the proceedings as a third party. He then acted at a successful joint settlement meeting, achieving a good result for the authority by simultaneously minimizing its outlay and recovering the majority of it from the perpetrator.

September 2017

T v A City Council

This claim concerned the alleged abuse of a vulnerable minor by a foster parent engaged by the social services department of the local authority. Matthew drafted the Defence and advised on a number of issues. These included (a) whether vicarious liability could arise on the part of the Council in the particular circumstances and (b) consideration of how the *Bolam* test applied to the decisions made by social workers in relation to the handling of the foster parent and the placement of the Claimant. The case is on-going.

December 2017

Re: a Sports Organisation

Matthew advised a well-known sporting body (in conjunction with leading Counsel) on the heads of loss recoverable in sexual abuse claims.

January 2018

London Borough of Y v A

This case arose out of sexual abuse upon a young student by a school teacher. Following the successful resolution of the claim, Matthew acted for the education authority in recovering its outlay against the teaching pension of the perpetrator.

Selected Cases

- *Mosson v Spusal (London) Limited* [2016] EWHC 53 (QB) – Counsel for the Defendant in the leading High Court case on recoverable losses under the Law Reform (Miscellaneous) Provisions Act 1934 and the Fatal Accidents Act 1976.
- *Sutton v Syston Rugby Football Club* [2011] EWCA Civ 1182 – A successful appearance in the Court of Appeal (on behalf of the appellant), in a case concerning the standard of care to be expected of rugby clubs towards their players.
- *Huscroft v P & O Ferries* [2010] EWCA 1483 – Matthew has had involvement in a wide range of employers' and public liability claims. His experience includes RTA, tripping and slipping claims, cases against occupiers and those relating to defective premises. He has a particular interest in pure psychiatric injury and was involved in claims arising out of the Chancery Lane derailment. He is also fully conversant with all aspects of the CPR, including an appearance in the Court of Appeal on the correct ambit of CPR 3.1(3).
- *Davies v Global Securities* [2010] EWCA Civ 648 – Junior counsel in a case which the Court of Appeal considered the extent of a military contractor's duty to an operative working in post- invasion Iraq.
- *Phillips v Henlys Limited* [2006] EWHC 1806 – Mathew's trial experience includes a four day VWF claim heard in the High Court.
- *Hartman v South Essex Mental Health & Community Care NHS Trust* [2005] EWCA Civ 06 – Matthew was junior Counsel (on behalf of Staffordshire University) in the group of cases heard by the Court of Appeal.
- *Slipper v Pamire* – Round table settlement of a £1.3m head injury case involving a 23-year-old claimant with a severe traumatic brain injury and resultant life-long care requirements.

Industrial Disease

Matthew has experience of the following types of claim:

- **Asbestos:** he is well versed in all aspects of mesothelioma and lung cancer claims. He regularly undertakes show-cause hearings in the High Court and appears as Counsel when evidence is taken on commission. He has conducted liability, causation and apportionment trials as well as assessments of damages. His practice also includes cases of asbestosis and diffuse pleural thickening.
- **Stress claims:** regularly instructed to draft pleadings and to advise on workplace psychiatric injury claims (including cases of over-work and bullying). He has secured successful outcomes at trial and in the Court of Appeal.
- **Upper limb disorders:** he is often briefed in manual handling matters and claims involving allegedly defective workstations.
- **Noise Induced Hearing Loss:** Matthew has cross examined medical and engineering experts in NIHL cases. He has successfully argued breach of duty, diagnosis and *de minimis* issues at trial.
- **Hand Arm Vibration Syndrome:** trial experience includes a four day case for a Defendant heard in the High Court, where the claim failed in relation to exposure/breach of duty.



Civil/Insurance Fraud

Matthew has significant experience of seeking findings of fundamental dishonesty in motor, EL and PL claims. He is regularly asked to advise on tactics when surveillance and social media evidence have been obtained.

Recent examples include:

- Seeking a finding of FD where the Claimant's Facebook wall contained evidence directly contradicting the alleged accident circumstances;
- Acting for insurers who received a tip-off that the Claimant was exaggerating her disability following a successful JSM and advising on how to avoid paying the agreed settlement;
- Obtaining findings of FD in phantom passenger and low velocity / no damage road traffic collision cases at trial.

Qualifications

- MA Jurisprudence (First Class), Lincoln College, University of Oxford

Memberships

- PIBA
- PNBA

Recommendations

"He is bright, committed, sensible and eager. He has a good rapport with clients and his client service is second to none."

Chambers & Partners, 2022

"He is a superb tactician and provides excellent advice."

Legal 500, 2022

"A great advocate who is very bright and persuasive on his feet."

Chambers & Partners, 2022

"Always shows excellent attention to detail."

Legal 500, 2021

"A bright individual with excellent turnaround times. He provides sensible and pragmatic advice and goes the extra mile for his clients."; "He is very pleasant, approachable and sensible."

Chambers & Partners, 2021

"He is very personable, good with clients and offers straightforward advice."; "He's very analytical and has



a nice manner with clients."

Chambers & Partners, 2020

"He provides excellent advice and is a pleasure to work with. He is first class and always on the top of my list as a barrister to instruct."

Chambers & Partners, 2018

"A very bright and very good technical lawyer."

Chambers & Partners, 2018

"A solid performer who provides sensible and pragmatic advice."

Legal 500, 2017

"He is great to work with and always goes the extra mile."

Legal 500, 2017

"He is very personable, approachable and always gives realistic advice...very articulate and has a very good way of presenting issues to clients in a way they can understand."

Chambers & Partners, 2016

"He has a very good cross-examination style, which is calm, methodical and very effective."

Chambers & Partners, 2015