

Nicholas Pilsbury

Call: 2008



Overview

Nicholas specialises in professional and clinical negligence. He also acts in commercial matters, often involving insurance disputes. He offers clients rigorous legal analysis together with pragmatic, commercial advice.

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 also has a busy clinical negligence practice with recent cases ranging from birth injuries to fatal accidents. He is also instructed to appear at inquests where there is the potential for claims later to be brought against treating clinicians.

Professional liability

Nicholas has experience of claims against a wide variety of professionals including 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 is well-versed in cases involving allegations of fraud and dishonesty, including those cases where urgent applications for freezing injunctions are required.

Finance

Nicholas is frequently instructed in claims involving financial professionals whether they are practising as independent financial advisors, accountants, or tax professionals. Recent cases have included acting for claimants in respect of a number of failed SDLT schemes, advising IFAs on their liability for the allegedly fraudulent investment advice of an employee, and defending claims made against

accountants following the scale of a business to investors. Nicholas has also defended insolvency practitioners against allegations 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. Nicholas has represented both claimants and defendants in this type of litigation.

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, errors in preparing wills and the wrongful administration of estates.

Nicholas was part of the team acting for the successful defendants in the *Innovator* litigation [2012] EWHC 1321. He has also acted in litigation brought against members of the Bar.

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. He has also 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 appears 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. He is also instructed to attend inquests in cases where there is the possibility of later litigation against the treating clinicians.

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

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

- allegations of a failure to promptly diagnose cancer leading to a miscarriage and a very substantial shortening of life expectancy;
- allegations of a failure to recognise, diagnose and treat cauda equine leading to permanent disability;
- allegations of mistakes in the performance of spinal surgery leading to cord damage and permanent disability;
- allegations of a failure to properly perform bowel surgery leading to infection, multiple operations and permanent stoma;
- allegations of a failure to properly treat lower limb fractures leading to amputation;
- allegations of delay in the treatment of a patient suffering from severe stenosis in the left main stem supply blood to the heart, leading to cardiac arrest and death.

Personal Injury

Nicholas is well versed in dealing with personal injury claims following road traffic accidents or accidents at work. He is often instructed to settle pleadings and to advise on merits, quantum, evidence, tactics and settlement. He has successfully taken a large number of personal injury claims to trial. His experience of this type of litigation pays dividends when advising his professional negligence clients on the merits of lost litigation claims arising out of earlier personal injury litigation.

Commercial law

The majority of Nicholas' commercial work is focused on insurance litigation. For example, Nicholas has been instructed to pursue recovery proceedings against a firm of solicitors arising out of the late notification of claims to the insurer, he has been instructed on behalf of an insured under an ATE policy to challenge the ATE insurer's refusal to indemnify, and has dealt with insurers declining cover for alleged dishonesty.

Nicholas has been instructed as junior counsel in a paper arbitration in a trusts and property law dispute. He acted for the claimant in a property fraud dispute between members of the same family. He also has experience in obtaining orders for enforcement before the Courts.

What others say

"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 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](#).