



## Nicola Greaney KC

Year of call: 1999 | Silk: 2023

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*"She's very astute and gets to the crux of even the most complicated matters."* Chambers and Partners 2024

*"She is intelligent, bright and brilliant with clients."* Chambers and Partners 2024

Nicola is a versatile advocate with a diverse and multi-disciplinary practice encompassing clinical negligence, Court of Protection (COP), public and regulatory law, personal injury, costs and litigation funding and sports law.

She is instructed in high-value, legally and procedurally complicated cases which often have a high degree of sensitivity or novelty, and generate press and public interest.

Nicola is instructed by the NHS, central government, private health care providers, individuals, corporate bodies, regulators and other public authorities. She is frequently instructed in cases raising public and private law issues which cross-over a number of her practice areas.

Before taking silk, she served on all three Attorney General panels.

She is an experienced advocate in a variety of courts including the Court of Appeal and the High Court and has appeared before a range of regulatory tribunals.

She is experienced in group litigation, specialist group litigation costs and litigation funding.

She has an expertise in safeguarding arising from her work with vulnerable adults in the COP and in sexual abuse claims in the civil context. She sits as an arbitrator on Sports Resolution's Safeguarding Panel and has acted for governing bodies and individuals in safeguarding cases in sport.

## Areas of expertise

Clinical Negligence

Personal Injury

Healthcare

Court of Protection and Medical Treatment

Civil Liberties and Human Rights

Administrative and Public

## Costs and Litigation Funding

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Nicola has considerable experience in dealing with group litigation costs (having been instructed to deal with costs matters in the Coal Coke Ovens Group Litigation). She has expertise in litigation funding and has advised and acted in a number of funding disputes including the first case in the Competition Appeal Tribunal dealing with the enforceability of funding arrangements post- PACCAR. Nicola advises on and appears at detailed assessment hearings and other costs cases in the Senior Court Costs Office and the County and High Courts on behalf of paying and receiving parties. She frequently acts in costs cases arising from clinical negligence and personal injury litigation and Court of Protection cases. She has experience in damages-based agreements and the application of set-off in different contexts. She has acted in legal aid costs applications against the Lord Chancellor and wasted costs applications. Nicola is one of the authors of the White Book Costs & Funding following the Civil Justice Reforms.

*"Nicola Greaney is a great opponent who always thinks deeply about her cases."* Chambers and Partners 2024

*"Nicola is very level-headed, an effective advocate and a good communicator."* Chambers and Partners UK 2023

### Cases of note:

- ***Alex Neill Class Representative Limited v Sony Interactive Entertainment Limited & Anr (CAT) [2023] CAT 73*** - Acted for the Proposed Class Representative in the first judgment from the CAT dealing with the enforceability of litigation funding arrangements post-PACCAR. The CAT certified collective proceedings brought on behalf of 8.9 million Sony PlayStation UK customers for damages for breach of competition law.
- ***RPB v HMRC [2022]*** - Acted on behalf of HMRC in detailed assessment proceedings which raised points of principle about mixed claims in publication and privacy proceedings and the recoverability of success fees and after the event (ATE) insurance premiums.
- ***Dalia El-Demellawy v European Bank for Reconstruction and Redevelopment [2020]*** - Detailed assessment proceedings before Master Leonard. Interest ran at Judgments Act rate on the defendant's costs despite an order for set-off against the claimants costs by the trial judge (application of *Fearn v Anglo-Dutch Paint*).
- ***Momonakaya v Ministry of Defence [2019] EWHC 480 (QB)*** - Whether a claim had been settled pursuant to Part 36 in circumstances where clarification of the offer following receipt of the Compensation Recovery Unit (CRU) certificate had not been provided.
- ***Dewhirst v South Tees Hospital NHFT [2019]*** - Represented claimants in contested High Court costs hearing in judicial review claim following a compromise agreement.
- ***Holmes v Brighton & Sussex University Hospitals NHS Trust [2020]*** - Appeal in refusal of an application to set aside a notice of discontinuance in a clinical negligence claim.
- ***Marsh v Ministry of Justice (Court of Appeal) [2018]*** - Acted for the Ministry of Justice in the appeal against the judge's order that it would be unjust for the usual Part 36 consequences to apply due to the change in the personal injury discount rate. Appeal compromised.
- ***In the matter of AE, FW, SC and JB and ors [2017] COP*** - Costs dispute in the Court of Protection about costs sanctions for failure to give full and frank disclosure.
- ***Pearce v Secretary of State for Energy & Climate Change, Coal Products Limited,***

**National Smokeless Fuels Limited [2016 – 1019, Turner J, Master Gordon Sakar)** - Group litigation costs. Instructed as junior counsel to Alexander Hutton QC to deal with costs management and other costs issues for the defendants including an application for early disclosure of ATE policies.

- **Bakhtiyar v Secretary of State for the Home Department, Upper Tribunal [2015]** - Represented the SSHD in a challenge to the SSHD's reliance on the Re Eastwood approach of assessing the costs of in-house lawyers.

## Recommendations

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- *"She is excellent in advisory work and on her feet, and can contend with complex facts with ease."* Chambers and Partners 2023
- *"She is very straightforward and clear in addressing judges."* Chambers and Partners 2023
- *"Nicola is incredibly diplomatic."* Chambers and Partners 2023
- *"She is able to break down complicated legal problems."* Chambers and Partners 2023
- *"She is empathetic and practical to the client's needs."* Chambers and Partners 2023
- *"Nicola is very legally and technically accomplished."* Chambers and Partners 2023
- *"Nicola has very good attention to detail and gets straight to the heart of the issue."* Chambers and Partners 2023
- *"A clever and insightful lawyer able to develop and articulate complex legal issues. A silk in waiting."* The Legal 500, 2022
- *"She is very thorough, experienced and incredible at drafting."* *"She is incredibly professional with an abundance of integrity."* Chambers and Partners, 2022
- *"Very personable and bright". "She's both good with clients and articulate on paper."* Chambers and Partners, 2022
- *"She has a really good calm manner that instils trust in the panel. Doesn't take points that are too high or impossible to back up."* *"Impressive, practical and very good with clients."* Chambers and Partners, 2022
- *"Her legal knowledge is fantastic, and she has the ability to frame submissions in an intelligent, yet easy to digest manner that the court loves."* The Legal 500, 2022
- *"A clever and insightful lawyer able to develop and articulate complex legal issues. A silk in waiting."* The Legal 500, 2022
- *"A terrific junior with good judgement, who is hard-working, knows her stuff and is good at meeting deadlines."* *"She is incredibly detailed in her approach – a spreadsheet queen."* Chambers and Partners UK 2021
- *"Extremely professional and knowledgeable. She is able to give exceptional yet compassionate advice in very complex cases."* *"She puts up a good fight for her clients."* Chambers and Partners UK 2021
- *"She is personable, calm and unflappable in court."* *"She is always extremely approachable. She gives robust and clear advice."* Chambers and Partners UK 2021
- *"Extremely bright, thorough and thoughtful."* Chambers and Partners UK 2020
- *"A robust advocate who is very down to earth. She provides very sound advice."* Chambers and Partners UK 2020

## Memberships

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- Association of Regulatory and Disciplinary Lawyers (ARDL)
- Personal Injury Bar Association (PIBA)
- Court of Protection Bar Association (CPBA)
- Administrative Law Bar Association (ALBA)
- Professional Negligence Bar Association (PNBA)
- Liberty

## Qualifications

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### Education

- BA (Hons) Law, New Hall, Cambridge, 1998
- Bar Finals, Inns of Court School of Law (1999)
- King Edward VI Grammar School, Chelmsford, Essex
- Ursuline High School, Brentwood, Essex

### Scholarships and prizes

- Von Moltke Scholarship, Inns of Court
- Inner Temple Bursary (1998)
- Duke of Edinburgh Entrance Scholarship (1998)
- Cambridge European Studies Scholarship for Italian Studies in Italy (1998)

## Additional Information

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### Appointments

- Committee member of Cambridge Medico-Legal Conference (2021 to date)
- Sport Resolution's National Safeguarding Panel, Legal member (2021 to date)
- Member of Bar Council Remuneration Committee (2018 to date)
- Equality, Diversity and Inclusion Officer, 39 Essex Chambers

### Languages

- German
- French

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