



# Richard Wheeler

**Year of Call:** 2004

**Email Address:** [richard.wheeler@3pb.co.uk](mailto:richard.wheeler@3pb.co.uk)

**Secure Email:** [richard.wheeler@3paper.cjsm.net](mailto:richard.wheeler@3paper.cjsm.net)

**Telephone:** 01962 868884

## Overview

Richard Wheeler specialises in personal injury, clinical negligence, public and coronial law. In 2022 he was appointed a member of the Attorney General's London A Panel (Treasury Counsel).

Between 2016–2018 he was instructed by the Foreign and Commonwealth Office (as it then was) in the multi-million pound Kenyan Emergency Group Litigation. In the last few years he has specialised in high value personal injury and clinical negligence, acting in multiple cases valued in excess of £1m. He is often instructed as junior alone against King's Counsel.

Richard has appeared in all three divisions of the High Court and in the Court of Appeal. He sits as a Recorder in Central London and across the South Eastern Circuit. He teaches ethics and advocacy annually for the Inner Temple and is a member of the Board of Trustees for Advocate, the Bar's pro bono charity.

'Richard is a brilliant barrister. He is a fearsome and well prepared advocate, who pushes hard for his clients.' – **Legal 500 2023/Personal Injury/Leading Juniors/London Bar**

### Sample of recent cases:

- M v MOD (High Court, 2023): defending £2m claim. Electric shock on board naval vessel.
- M v NHS (2023, pre-issue): acting for claimant in £1m fatal accident claim arising from clinical negligence. Death of mother of two young children.
- H v MOD (High Court, 2023): defending £¾m claim. Accident on Diego Garcia, British Indian Overseas Territory. Ongoing.
- W v HF (2023, pre-issue): acting for claimant in inquest and subsequent civil claim arising from death of farm hand on a farm in Dorset.
- T v MOD (High Court, 2023): defending £1.6m claim. Soldier injured in two accidents in the army. Acting as junior alone against KC. Settled at JSM.
- B v MOD (High Court, 2023): defending £1m claim. Soldier injured in non-freezing cold injury. Contested medical causation, neurological and rheumatological experts. Ongoing.
- MOD (High Court, 2023): defending £¾m asbestos claim. Acting as junior alone against KC. Settled at JSM.
- P v MOD (High Court, 2023): defending £1.7m claim for functional neurological disorder. Settled at JSM.
- M v MOD (High Court, 2022): defending £2.5m claim for neurological injuries sustained in a tank in Canada. Settled at JSM.
- A v MOD (High Court, 2022): defending £1.5m claim for non-freezing cold injuries, sustained in Germany.
- B v MOD (High Court, 2022): defending £1m claim for sexual harassment in the RAF.
- MOD (High Court), 2022: defending £¾m for workplace bullying in the RAF.
- Day v DWP & Capita (High Court), 2021: defending £½m claim for negligence and breach of human rights. Led by Neil

Sheldon KC.

- Kimathi & Others v FCO (High Court, 2016–2018): defending a group action involving 40,000 claimants, arising out of the Kenyan Emergency in the 1950s. Led by Guy Mansfield KC and Neil Block KC.

Richard has acted in many claims involving sexual harassment and bullying in the workplace, brain injuries, functional neurological disorder, chronic pain, myofascial pain syndrome, CRPS, breach of data protection, false imprisonment, contempt of court, and costs.

His clinical negligence work has involved claims of breaches of duty in obstetrics, cardiology, geriatric care, dentistry, orthopaedics, urological, and many other medical fields.

Richard also accepts instructions in counter-fraud and has acted for insurers defending many cases involving fundamental dishonesty in personal injury and credit hire fraud.

#### **Reported cases:**

Emoni v Atabo [2020] EWHC 3322 (Fam) (contempt of court)

R (on the application of Antonio Boparan) v Governor Of Stoke Heath Prison [2019] EWHC 2352 (Admin)

Kimathi & Ors v Foreign & Commonwealth Office [2018] EWHC 2066 (QB)

Kimathi & Ors v Foreign & Commonwealth [2018] EWHC 1169 (QB)

Yirenkyi v MOD (QB) [2018] EWHC 3102

Van Niekirk [2012] EWCA Crim 2607

Macleod [2012] EWCA Crim 1916.

[Access Richard Wheeler's privacy policy here.](#)

## **Recommendations**

'Richard is excellent at inquest work. He is a tenacious advocate but is also very intuitive and can read a coroner well in order to adapt his approach. He is excellent with clients and extremely personable, which is so crucial in inquest work. Richard is always fully prepared and readily grasps the key points in any inquest.'

**Legal 500 2024**/Inquests and Inquiries/Western Circuit/Leading Juniors

'Richard is an excellent barrister. He has a great eye for detail and is able to pick up on salient points quickly.'

**Legal 500 2024**/Personal Injury, Industrial Disease and Insurance Fraud/ London Bar/ Leading Juniors

'Richard is probably one of the best all round barristers around. Both his advocacy and paper work is exceptional. He is excellent with clients and extremely personable,

**Legal 500 2024**/Personal Injury/Western Circuit/Leading Juniors

'Richard is able to approach difficult issues flexibly and pragmatically to achieve the best outcome for his client. He is very personable and builds up a good rapport with his clients.'

'very knowledgeable' and 'meticulous with his preparation and attention to detail'

**Legal 500 2024**/Personal Injury/ South Eastern Circuit/ Leading Juniors - Tier 1

'Richard is excellent and extremely detailed when assessing quantum and has a particular speciality in dealing with complex fatal cases. His advice is always meticulous and considered.'

**Legal 500 2023**/Personal Injury/South Eastern Circuit - Ranked Tier 1

'Richard is a brilliant barrister. He is a fearsome and well prepared advocate, who pushes hard for his clients.'

#### **Legal 500 2023/Personal Injury/Leading Juniors/London Bar**

Richard Wheeler is 'tenacious' and 'excellent tactically with significant insight and experience to progress complex cases'.

'Richard is very knowledgeable, and quick to get to grips with the essential elements of the case. His advice is always meticulous and considered.'

#### **Legal 500 2023/Personal Injury/Western Circuit**

'Richard is a determined advocate who is always thorough and well-prepared. He leaves no stone unturned when investigating complicated quantum issues. You know if he is fighting a case to trial he believes in it.'

#### **Legal 500 2022/Personal Injury/South Eastern Circuit**

'Richard is tenacious and works hard in preparation and in action for his clients. His advice is clear, concise and tactical reflecting a keen analytical mind, and his advocacy is both engaging and persuasive. He understands the pressures affecting the client and he is able to address their concerns sympathetically.'

#### **Legal 500 2022/Personal Injury/Western Circuit**

What Treasury Counsel Panel referees say:

*"He's great – advices are clear and concise, skeletons are accurate and tactical."*

*"his advocacy was both engaging and persuasive"*

*"I instruct Richard in complex matters ... his analytical skills are always an asset and he always adds to the case."*

*"He has a keen analytical mind."*

*"great knowledge of the issues and pressures affecting the client"*

*"I have always found his advice to be practical, thorough and clear."*

*"clear, fluent and efficient in handling the complex issues in the case"*

*"Richard is excellent – nice relaxed style, makes him compelling in conference as well as in trial. He's very good at explaining even complex issues."*

*"personable and easy to talk to quite often we will just talk out any issues over the phone which is really helpful."*

## **Academic qualifications**

- BA Hons, Warwick (First Class, 2000)
- CPE, Merit, 2003
- BVC, Very competent, 2004
- Inner Temple Horace Avory scholarship, 2004

## **Professional qualifications & appointments**

- Recorder, South Eastern Circuit, 2019
- Deputy District Judge, South Eastern Circuit, 2015

- Treasury Counsel (London A Panel)
- Inner Temple Bar Liaison Committee member
- New practitioner advocacy trainer, Inner Temple
- Mediation Advocate

## **Professional bodies**

- Personal Injury Bar Association

# Expertise

## Personal Injury

Richard has extensive experience in all areas of personal injury, with particular emphasis upon employer's liability for accidents and industrial injury and illness litigation (asbestos). Many claims valued in excess of £1m.

Richard is frequently instructed by defendants in civil fraud work. He recently acted for the successful applicant in the High Court in the first reported contempt of court case under the new procedural rules.

He is also regularly instructed by the Government Legal Department in false imprisonment (unlawful detention) cases and claims involving breaches of the Human Rights Act 1998.

Richard is also very experienced in inquest work (including Article 2 and jury inquests). He also accepts instructions in detailed costs assessments.

### Recent cases

#### Claimant Work

- B v A: £2.2m (High Court, London) catastrophic injuries claim arising out of road traffic accident. Experts: orthopaedic, general surgery, psychology, psychiatry, neurosurgery, neurology, care. Claimant confined to wheelchair and in need of 24 hour care.
- S v A: £1m (High Court, London) brain injury claim arising out of knocked down by a car in London. Experts: educational psychology, neurology, care. Issue: causation of the injuries, whether non-negligent speed would have led to same injuries.
- P v P&I (High Court, London): £34m High Court employers liability claim serious degloving injury of left foot in workplace accident. Multiple experts on both sides.
- G v NHS (High Court, Birmingham): £1/2m clinical negligence, fatal accident claim following hypoxic brain injury consequent upon surgery. Multiple dependants.
- W v NHS: clinical negligence during delivery of child, major PPH, lifetime consequences for mother.
- B v BN: asbestos fatal accident claim by wife for mesothelioma contracted while washing husband's overalls in the 1960s. Experts: respiratory surgeon, workplace hygienist evidence. Issue: whether exposure was de minimis / in excess of acceptable levels in the 1960s. Settled eve of trial for £150,000.
- Many other asbestos cases with issues surrounding exposure levels, multiple defendants, causation and quantum.

#### Defence Work

- Member of senior counsel defence team in Kenyan Emergency Group Litigation (multi-million pound group action by 40,000 "Mau Mau" and related claimants alleging UK Government responsibility for alleged mistreatment during the Kenyan Emergency in the 1950s). Multiple allegations of torture, beatings, rape, breach of international conventions. The litigation involved wide ranging issues of law including personal injury, negligence, vicarious liability, common design, false imprisonment, breach of human rights, trespass to the person.
- MOD (Army): many High Court Non-Freezing Cold Injury claims. Claims usually pleaded in excess of £1m for career loss. Richard's expertise in drafting complex counter schedules involves all aspects of high value loss of earnings and pension personal injury calculations. Many settlements for substantially less than pleaded by Claimants.
- RTA fraud & credit hire claims, fundamental dishonesty.
- MOJ (CPS) Data Protection Act 2018 / privacy / breach of Art 8 claims.
- MOD (Army): workplace stress. Claim brought for loss of lifetime earnings in the army, loss of pension. Settled for fraction of pleaded case.

- MOJ: claim brought by a Muslim prisoner alleging endemic racism in a particular prison. Issues: breach of Art 3, Art 8, Art 14 HRA 1998; application for specific disclosure, lifting of redactions; issues of data protection, relevance, proportionality.
- Acted for Ministry of Justice in claim brought by life sentence prisoner seeking damages for alleged unlawful restrictions on his licence. He alleged he was unable to visit his relatives or tend wife's grave due to restrictions. Claim pleaded breach of Art 8 and Art 14 of the Human Rights Act 1998.

## **Costs**

Richard has also appeared in many detailed costs assessments in the county court and in the SCCO. He acted for the Defendant in the costs management appeal *Yirenkyi v MOD (QB) [2018] EWHC 3102*.

## **Inquests**

Richard has broad experience of coronial law. He has appeared on behalf of bereaved families and has acted many times for Government Departments in inquests. Richard has appeared in several inquests where the Coroner has appointed Counsel to the inquiry and has frequently appeared alone where other interested parties having instructing Queen's Counsel.

Most recently Richard was instructed by the MOD in the Deepcut inquest (Sean Benton) arising from a death from gunshot wounds in alleged mysterious circumstances at Deepcut Barracks over 20 years ago. Richard was instructed to represent three former soldiers accused of bullying Sean Benton prior to his death. The case involved applications for special measures, reporting restrictions and cross-examination of a vulnerable witness.

Several inquests have raised issues such as to whether Article 2 is engaged, whether a jury should be summoned. Richard has frequently dealt with submissions involving allegations of unlawful killing, neglect, and Reg. 28 type issues. Richard has attended many PIRs on behalf of interested parties and bereaved relatives and secured the necessary evidence and directions for an effective inquest. In one ongoing matter cross-jurisdictional issues arise involving disclosure from French, Dutch and German military authorities.

### **Recent notable cases include:**

- Acting for MOD in inquest into sinking of French fishing vessel the *Bugaled Breizh*. The families and boat owner allege involvement of HM naval submarine in the sinking, denied by MOD.
- Acting for family in inquest arising from alleged negligent care in a hospital resulting in hypoxic brain injury. Acted for three former soldiers in Deepcut inquest (Sean Benton). The three were accused of bullying Sean Benton prior to his death from gunshot wounds, in 1995.
- 14 day Article 2 inquest into death of prisoner at Winchester prison. Neglect, breach of human rights, negligence, ACCT process.
- Acted for motorist in 8 day jury inquest into death of undercover policeman in Southampton. Public interest immunity regarding the operation the police were conducting at the time of the fatal accident. Article 2 jury inquest involving a prisoner suicide in Exeter prison. Alleged early closure of ACCT, safeguarding, and mental health issues.
- Article 2 inquest following prisoner suicide in Chelmsford prison.
- Acted for family in 3 days, jury inquest. Window fitter killed working at height.
- Inquest following death of prisoner, inquiry into use of prisoner restraints.

# Clinical Negligence

Richard has extensive experience in all areas of clinical negligence. Many claims valued in excess of £1m.

Richard is also very experienced in related inquest work (including Article 2 and jury inquests). He also accepts instructions in detailed costs assessments

## Recent cases include:

### Claimant work:

- B v NHS: missed diagnosis Acting for man diagnosed with terminal lung cancer, alleged missed diagnosis on several chest images. Breach of duty, causation in dispute. £100k claim.
- G v NHS: inquest and civil claim for multiple dependents following hypoxic brain injury. £½ million claim.
- H v NHS: facial paralysis following maxillofacial surgery. Causation in dispute. £200k claim.
- L v NHS: negligence and breach of Human Rights Act 1998 following death in secure hospital.
- M v NHS: missed diagnosis of cardiac problem in neonate. Breach of duty and causation in dispute.

### Defence work:

- C v MOD: alleged late diagnosis, and incorrect treatment for shin splints. C. £200k claim.
- J v MOJ: prisoner contracted HIV in a prisoner on prisoner assault. Alleged negligence in failing to screen for HIV. Causation, prognosis, quantum. £100k claim.
- G v MOD: alleged failure to treat back complaint, leading to loss of career: £½ million claim.

## Inquests

Richard has extensive experience of related litigation in the Coroner's Court, for example:

- Re Gray; Benton (Art 2): acting for soldiers in two of the Deepcut inquests (families alleged foul play at army base)
- Re Bugaled Breizh: Acting for Royal Navy (families allege naval submarine caused French trawler to sink).
- Re G: acting for husband in death arising from clinical negligence.
- Re L (Art 2): acting for family in self-inflicted death while in care of secure hospital.
- Re B & many others (Art 2): acting for Ministry of Justice in self-inflicted deaths in prisons.

## Costs

Richard has also appeared in many detailed costs assessments, in the county court and in the SCCO. He acted for the Defendant in the costs management appeal *Yirenkyi v MOD (QB) [2018] EWHC 3102*.

# Public and Regulatory

Richard has extensive experience in public and regulatory law. He has been Attorney General Panel Counsel for 8 years and has acted for Government Departments in a range of cases, often engaging both public and private law issues.

## Unlawful Detention Judicial Review & False Imprisonment

Richard has acted in a range of unlawful detention prison and immigration matters engaging *Hardial Singh* principles and related case law. He has experience in relation to asylum application procedures, trafficking and modern slavery cases, criminal casework, Adults at Risk policy, and issues relating to claims for aggravated and exemplary damages.

Richard has acted in judicial review proceedings brought by prisoners challenging detention decisions See, for example, R (on the application of Antonio Boparan) v Governor Of Stoke Heath Prison [2019] EWHC 2352 (Admin) (challenge to home detention curfew policy).

### **Human Rights Act**

Richard has acted in many claims against Government Departments involving allegations of breach of Art 2 (right to life), Art 3 (torture) and Art 8 (private life) of the European Convention on Human Rights.

#### **Examples of recent cases:**

- W v HCC & Ors – instructed in breach of human rights claim brought by estate of deceased prisoner. Alleged breaches of Art 2 (right to life), Art 3 (torture) and Art 8 (private life) European Convention on Human Rights.
- S v SoS – Appearing for Secretary of State. Immigration and Asylum Act 1999. Defeating appeal of fines imposed for carrying illegal immigrants across UK border.
- K v Ministry of Justice – High Court trial, human rights claim by convicted murder. Acting for Secretary of State.
- T v SoS – for Justice Life sentence prisoner, restrictions on licence; Art 8, Art 14 European Convention on Human Rights
- M v MOJ – Human Rights Art 3 (inhumane treatment), Art 8 (right to life), Art 14 (discrimination) – alleged failure by prison to provide access to medical care.

### **Data Protection & Privacy**

Richard has acted for several Government Departments defending claims of alleged breach of the Data Protection Act 1998 and DPA 2018, GDPR, LED and related legislation. He has acted in claims involving breach of Art 8 of the Human Rights Act 1998, privacy and breach of confidence.

Many cases involve significant claims for distress and/or psychiatric damage, alleged diminution in house value, costs of moving home, costs of increased security.

### **Civil Proceedings Orders**

Richard has acted in several cases on behalf of the Attorney General seeking an order from the High Court restraining vexatious litigants from issuing civil proceedings.

### **Inquests**

Richard has extensive experience of related litigation in the Coroner's Court, for example:

- Re Gray; Benton (Art 2): acting for soldiers in two of the Deepcut inquests (families alleged foul play at army base)
- Re Bugaled Breizh: Acting for Royal Navy (families allege naval submarine caused French trawler to sink).
- Re G: acting for husband in death arising from clinical negligence.
- Re L (Art 2): acting for family in self-inflicted death while in care of secure hospital.
- Re B & many others (Art 2): acting for Ministry of Justice in self-inflicted deaths in prisons.

## **Mediation**

Richard is an Accredited Mediation Advocate.



## Articles

3PB specialist Civil barrister Richard Wheeler has produced an article on how to get the Court to hear your case during the Coronavirus pandemic.

The article "Getting the Court to Hear Your Case During the Pandemic" provides an insight into county court civil listing during the pandemic which may assist litigants to retain their current court listings. It provides answers to the following questions:

- What does the court's triage process involve?
- What considerations might the court have in mind during triage?
- Why was my case adjourned when it was suitable for remote hearing?
- What practical issues do judges face during a remote hearing?
- What can litigants do to help ensure a case remains listed and is effective as a remote hearing?

[View Article](#)