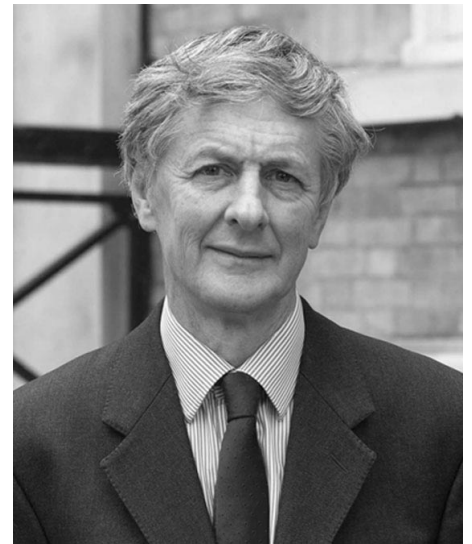


Nicholas Leviseur

Year of Call: 1979

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Overview

Nicholas Leviseur specialises in chancery and common law disputes with particular emphasis on professional disciplinary and regulatory cases, including medical negligence. He also regularly undertakes serious personal injury claims, particularly those involving serious disputes between experts about causation, or in high value cases where quantification of damages raises difficult issues of principle. He has considerable experience in bringing actions against the M.O.D.

Recent chancery and commercial cases have included an indemnity claim arising out of the sale of heavily polluted land (itself the subject of litigation in the House of Lords) and defending a claim for run-off damages flowing from the sale of an offshore telecommunications company.

Nicholas Leviseur is committed to protecting and respecting your privacy. Please contact Nicholas for a copy of his privacy policy which sets out the basis upon which any personal data he may collect about you, or that is provided to him, will be processed by him. He will provide a copy of this policy to you within 2 working days of its request.

Academic qualifications

MA (Oxon)

Professional qualifications & appointments

- Legal Adviser to the General Dental Council
- Legal Assessor to the General Optical Council
- Called to the Bar of Southern Ireland
- Legal Assessor to the Nursing and Midwifery Council
- Legal Assessor to the General Chiropractic Council

Expertise

Commercial

Nicholas Levisieur has an extensive practice in and considerable experience of commercial litigation in the High Court and Court of Appeal in London and in the negotiated and arbitral resolution of profit sharing, commercial development and buy out agreements and partnership disputes. He is also instructed in arbitral appeals to the High Court.

A significant proportion of Nicholas practice encompasses claims of defamation and malicious falsehood, privacy and data protection. He regularly advises in relation to all aspects of defamation cases, including territorial jurisdiction and serious harm. In addition, Nicholas advised potential defendants in relation to the various defences open to them, and the level of likely damages.

Nicholas Levisieur's practice also extends to disputes including passing off, telecommunications, rectification, gas supply solus agreements, land development and mineral extraction contracts, director and shadow director share and bonus agreements, commercial hold harmless clauses and avoidance of liability in commercial insurance contracts.

He is regularly instructed in disputes involving entrepreneurs, businesses and banks and in partnership disputes between doctors, dentists and veterinary surgeons, restaurateurs and solicitors, as well as in negligence actions against solicitors and other professionals.

He has considerable familiarity with pre-action remedies and injunction relief and, in appropriate cases, with the grant and discharge of Anton Piller, Mareva, Norwich Pharmacal, and Khanna orders and in working knowledge of the methods commonly used to place funds in offshore jurisdictions.

Nicholas Levisieur accepts instructions under the CCG's Standard Contractual Terms for Professional Services.

Clinical Negligence

Nicholas Levisieur has an extensive practice and considerable experience in serious personal injury and clinical negligence claims particularly those involving disputes between experts as to causation and high value cases where quantification of damage raises serious issues of principle. He is regularly instructed in brain injury cases and has a particular expertise in managing multi disciplinary teams of experts from an early stage in the litigation process.

Clinical negligence cases of interest have included genital surgery, general practitioner want of care, obstetric disasters, neurological misdiagnosis and those in which there has been a real absence of consent to surgical intervention. He has also appeared in a number of important cases in which very real issues of contributory negligence have been addressed by the Court of Appeal.

He has considerable familiarity with issues which commonly arise in whole life loss of earnings and care cases and is a contributor to the PNBA publication Facts and Figures.

Nicholas has considerable experience in multiparty and lengthy inquest hearings both with and without juries involving the examination of experts particularly in cases of public interest. His expertise includes: death in care homes, workplace deaths, toxicology, systems analysis and structural failure, public space deaths, cases involving the police and armed forces and multi vehicle collisions. He has a particular interest in inquest work as a necessary preliminary to the issue of civil proceedings and associated costs protection.

Notable Cases

- Akers v Heald and the MIB The Times 14 January 2003 CA

- Eagle v Chambers (No 1) [2004] RTR 9 CA
- Eagle v Chambers (No 2) [2005] 1WLR 3081 CA
- Roe v Novak and Manchester City Council The Times 27 November 1998 CA
- Stacey v Joint Mission Hospital Equipment Board The Times 5 November 2001

Personal Injury

Nicholas Levisieur has an extensive practice and considerable experience in serious personal injury and clinical negligence claims particularly those involving disputes between experts as to causation and high value cases where quantification of damage raises serious issues of principle. He is regularly instructed in brain injury cases and has a particular expertise in managing multi disciplinary teams of experts from an early stage in the litigation process.

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Nicholas has experience with marine accidents to include off shore rig cases, falling into holds and two liner holiday cases.

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Public and Regulatory

Nicholas Levisieur is a well-known regulatory barrister with considerable experience of appearing in regulatory tribunals both as an advocate and as a legal assessor. His experience extends beyond the formally regulated sectors to include the disciplinary bodies set up by private organisations to control the conduct of their membership including political, trade and professional bodies.

He has considerable experience in advising at an early stage before proceedings are instituted, in helping to negotiate consensual disposals, and of appearing at interlocutors and final hearings. His experience covers all the medical, dental, nursing and ancillary medical professions as well as accountancy, education, ecclesiastical, environmental, health & Safety and the legal services professions. He also has considerable related experience of judicial review proceedings before the High Court.

Nicholas is regularly appearing in the first and upper tier tribunals and the High Court in relation to all aspects of local authority work and ancillary criminal enforcement proceedings brought by a variety of government agencies.

Over the years Nicholas has built a reputation and solid practice working for and against many regulators and is often found as an opponent to KC's and leading counsel. Nicholas has recent experience working for and against the following regulators: NMC, CQC, GMC, SRA, UKCP, GPHC, BACP, OFSTED, GDC, CIMA,

Recent significant cases have included:

Medical/Care

Advising on the admissibility of highly prejudicial medical evidence given before a coroner and of the narrative verdict of the coroner itself, and subsequently successfully excluding both evidence and verdict

Negotiating successfully with the SRA as to the terms of a compromise agreement not involving the striking off of either client in a case involving the misuse of client funds totalling more than £500,000 over a 4-year period

Representing a distinguished practitioner at the end of her career before 3 separate tribunals and professional bodies in cases involving probity, clinical judgement and root and branch attacks on competence, resulting in complete acquittals in all cases.

Defending a primary school teacher against allegations of physical violence against young children, cross examining hostile teaching assistants, analysing data and social media records and securing acquittals in respect of each allegation.

H v GMC: Successfully appealing to the High Court against a striking off decision made by the General Medical Council in a case, against a KC as opposing counsel, involving financial dishonesty and the improper use of reserved medical qualifications

D v GMC: Successfully appealing to the High Court to force the reconsideration of orders made against a doctor by the General Medical Council

General Pharmaceutical Council v A: Representing a pharmacist accused of long standing sexually motivated conduct towards a junior member of staff and avoiding strike off

General Pharmaceutical Council v B: Successfully resisting an application for an interim order against the managing director and owner of a pharmacy chain accused of supplying and facilitating the improper transfer of the active ingredients of new wave recreational drugs to unqualified persons

Professional Discipline

Pearson v SRA: Successfully representing a solicitor in the evening of his professional career before his professional regulator against allegations of misuse of client account funds, over charging and accounts irregularities such that strike off was avoided

CQC v Oakdene: Representing a nursing home, its owners and manager against charges brought by the CQC for significant failings in care resulting in serious harm to an elderly disabled resident under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

D v Association of Dance Movement Psychotherapists UK Ltd: Acting for the successful claimant in the High Court against striking off decisions made by her professional body in breach of its internal procedures

Licensing / Animal Welfare

H v Crawley Borough Council: Advising, representing and successfully overturning a local authority decision to close kennels on animal welfare and fit and proper person grounds in a case in which the documentary evidence exceeded 10,000 pages.

Health and Safety

C BC v N: Advising, appearing and successfully striking out charges brought against a night club for significant breaches of

covid regulations.

Ecclesiastical Law

Van der Zyl v Sizer: Appearing as prosecution counsel in the only Church of England Bishop's Disciplinary Tribunal to be heard in public. Prosecuting allegations that a clergyman provoked and offended the Jewish community and engaged in anti-Semitic behaviour.

Environmental Law

Low v Z and H: Representing landlords in court in respect of statutory nuisances under the Environmental Protection Act 1990 and successfully negotiating agreed outcomes before judgement.

Articles

Our legal assessors – David Swinstead, Peter Jennings, Nicholas Leviser, Timothy Bradbury, Lachlan Wilson and Mark Sullivan – share with you hints and tips from their own experience, focused for the second time on the use of language: the different ways in which people use language, and which words can mean different things to different people.

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