



Richard Wheeler

Year of Call: 2004

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Personal Injury

Richard has extensive experience in substantial claims in all areas, with particular emphasis upon employer's liability for accidents and stress at work and industrial injury and illness litigation. Instructions have included claims valued in excess of £1m.

Recent cases

- 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 involves wide ranging issues of law including personal injury, negligence, vicarious liability, common design, false imprisonment, breach of human rights, trespass to the person.
- Acted for Claimant in £2.2m High Court 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.
- Acted for child Claimant in £2m 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. Led by Stuart Brown QC but conducted successful JSM as junior alone against leading counsel.
- Acting for lady knocked down by a van and crushed against a wall. Experts: neurology, psychology, neuropsychology, care. Issues: capacity, care requirements, loss of earnings, loss of pension.

Government Defence Work

- Acted for Ministry of Defence defending claim by female officer for workplace stress. Claim brought for loss of lifetime earnings in the army, loss of pension etc c. £500,000. Experts: psychiatric. Issue: breach of duty, causation, quantum. Ongoing.
- Acted for Ministry of Justice in High Court defence of claim brought by convicted murderer and his family claiming damages for breach of Art. 8 Human Rights Act 1998. Trial heard by Mr Justice Blake. Submissions on quantum drawing on European Court of Human Rights case law. Amount awarded for general damages was exactly the sum Richard had advised would likely be awarded.
- Acted for Ministry of Justice in claim brought by prisoner for alleged negligent use of force by officers. Issues: correct application of control and restraint procedures, de-escalation techniques, causation, quantum.
- Acted for Ministry of Justice in 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.

- Acted for Ministry of Justice in claim brought by prisoner for alleged inhuman treatment (Art 3) and breach of Art 8 arising out of alleged failure by prison to provide access to medical care.
- Acted for the Ministry of Justice striking out a claim by witness in criminal proceedings who alleged her personal details had been wrongly disclosed. Issues: breach of confidence, breach of the Data Protection Act, immunity from suit.
- Acted for Ministry of Justice striking out claims for misfeasance in public office brought by prisoner against two prominent MPs.

Asbestos

- Acted for Claimant husband in fatal accident claim arising out of his wife's 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.
- Several other asbestos cases with issues surrounding exposure levels, multiple defendants, causation and quantum.

Employers Liability

- Acted for Claimant in High Court claim. Claimant suffered life changing injuries when knocked down by a forklift truck. Suffered de-gloving injury to lower limb. Issues: Workplace Regulations, contributory negligence, withdrawal of admissions. Experts: orthopaedic, plastic surgery, prosthetics, care. Settled for £700,000.
- Many other cases involving workplace accidents, scaffolding, construction, docks, ladders, machinery, etc.

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.

Publications

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 Publication](#)

Academic qualifications

- Warwick University Philosophy and Literature First Class, 2000
- CPE, Merit, 2003
- BVC, Very competent, 2004
- Inner Temple Horace Avory scholar 2004

Professional qualifications & appointments

- Appointed Recorder, South Eastern Circuit 2019
- Accredited Mediation Advocate
- Appointed Western Circuit Representative to the Inner Temple Bar Liaison Committee 2013
- Appointed by Attorney General to Treasury Council Regional Panel 2012
- Appointed Legal Assessor to the General Council of Osteopaths 2014
- Appointed Deputy District Judge (Civil) South Eastern Circuit 2015
- Junior Counsel to the Crown (B panel) from September 2015
- New practitioner advocacy trainer, Inner Temple

Professional bodies

- Personal Injury Bar Association