



Richard Wheeler

Year of Call: 2004

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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.

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 understand 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