

Year of Call: 1984

Practice Areas: Personal Injury, , Actions against the Police

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Profile

Paul Sheridan was called to the Bar of Northern Ireland in 1977 having attended Queen's University, Belfast, and subsequently Lincoln's Inn in 1984. He decided to remain in Northern Ireland after graduating because he enjoyed the ambiance and spirit of the Northern Ireland Bar. During civil pupillage with Mervyn Morrow Q.C a (very busy and well respected advocate), he came into contact with many high profile barristers. The Northern Ireland Bar has a library system, and he had a seat next to Brian Kerr, now Lord Kerr, who sits in the Supreme Court, and during pupillage, his pupil master was frequently led by both Brian Hutton QC, subsequently Lord Hutton, and Robert Carswell QC, subsequently Lord Carswell, both members of the Judicial Committee of the House of Lords.

Paul I joined the Chambers of John Wishart in Manchester in 1985, a small set of about 6 barristers which had little in the way of civil work being overwhelmingly a criminal set. His task was to help build up the civil work in chambers. By the time he left in 1999, the civil side were responsible for 60% of chambers turnover.

Paul's practice is mainly personal injury. However, in 1990 he was fortunate to receive a return brief of a trial in a claim against the Greater Manchester Police for False Imprisonment, in which was successful after many days of trial. He then built a substantial practice in claims against the police for assault, false imprisonment, malicious prosecution, misfeasance and other related actions. He was recognised as one of the main claimant practitioners in such claims in the North West of England and has received instructions in a large number of high profile cases.

Alongside his practice in civil actions against the police, Paul continued to build his practice in personal injury work, appearing mainly for but not limited to Claimants in all types of personal injury work, but especially employers liability work, receiving instructions from many trade union panel solicitors firms. He also received instructions in relation to road traffic claims including fraud claims, credit hire claims, occupiers liability claim covering both fast track and multi-track cases.

Paul believes that one of the main roles of a barrister in as an advocate in court and prides himself on his court room ability, coming with practice, experience and good preparation (the latter being essential). However, a barrister also needs good communication skills outside court, on paper, and a good bedside manner with clients and he has acquired such skills with experience.

Paul's hobbies include a passion for horse racing, Manchester United, reading and enjoys a good bottle of wine and traditional beer.

Notable Cases

McManus and Shields v Chief Constable of the Greater Manchester Police Alleged Police Assault Main Injury: Loss of Spleen Case Settled: June 2015 following an earlier preliminary hearing. The Claimants were two armed robbers subsequently convicted of the crime and yet successfully recovered damages against the police arising out of their violent arrest! The Claimants were caught in the act of attempting to rob a security van, and arrested at the scene. Both Claimant's alleged they had been beaten up by the police at the scene with the result that the 1st Claimant sustained a ruptured spleen requiring urgent surgery to remove it, and the 2nd Claimant sustained other injuries. At a preliminary hearing the issue in the case was whether the Defendant had a defence on the grounds that the Claimant could not prove that if they were assaulted, the police officers actions were grossly disproportionate. The Defendant failed at the preliminary hearing and subsequently settled the action. was a new statutory defence, yet there is very little authority on the point. In the circumstances, this proved a good result.

Sinclair v Chief Constable of the Greater Manchester Police Manchester County Court July 2013, Judge and Jury Police Assault and



False Imprisonment on fabricated Charge Result: Jury found for the Claimant. Case Settled following verdict. The Claimant was successful in a claim of assault, false imprisonment when arrested by police officers following an incident at Manchester Airport. Twelve police officers gave evidence against him, yet following a seven day jury trial, he was awarded damages. This was constituted a very good victory. Paul always said that he had faith in his client, even though the cards were stacked against him. Yet, with good preparation the police case was gradually undermined through able cross-examination.

Barker v Chief Constable of the Greater Manchester Police Manchester County Court. Trial by Judge sitting alone Claim: Assault and False Imprisonment Result: Claimant successful - The Claimant was a convicted burglar and robber and had served time in prison. However, despite his character and previous convictions, he successfully sued the Chief Constable when he proved that the arresting police officers had fabricated a case against him and so falsely justifying his arrest. The judge lambasted the police witnesses in this case and found the Claimant to have been an honest and truthful witness. This was a very satisfying result in the circumstances. The downfall for the police officers was the way in which they ran the matter all the way to trial and how they conducted themselves in court.

Rafiq v The Chief Constable of the Greater Manchester Police 1998. Claim Police Assault, Malicious Prosecution, False Imprisonment Settled £145,000. This was a sad case where a young innocent Asian waiter alleged that he was set upon by police officers at Ramadan when he was being picked up from work by his friends, with the result that he (and his friends) were manhandled from the car, the Claimant alleging that he was assaulted in the rear of a police transit vehicle and his face rammed into the fins of a battering ram resulting in the loss of his eye. The matter was fought almost up to trial when the Defendant made a sizable payment into court, and the matter subsequently settled.

A (a minor) v B (a minor) High Court, Liverpool. Brain Injury. Result: Settled for £2.5 million. This was a sad case where a 15 year old boy was injured in a road traffic accident and a number of his friends in the vehicle died, including the driver who lost control of the vehicle when driving too fast. The Claimant sustained subtle brain injury resulting in personality change, a reduction in intellectual capacity and an impact on his cognitive abilities and working capacity for life. The real difficulty in the case was that the Claimant appeared to anyone who met him as a normal individual, and the Defendant and their experts questioned the care requirements (he required extensive use of "buddies" both at home and out) and his working capacity.

Oliver v AQS Pool & Spa Services Limited: October 2014 Personal Injury Electrocutation Settled at JSM for £265,000. An electrocution injury. The Claimant was a young athlete on the verge of the national squad when she was electrocuted at work. She appeared to make a good recovery but suffered the incipient onset of significant symptoms of tiredness and fatigue preventing her from working due to the effect on her nervous system. The main issue was one of causation, and whether electrocution could and did cause such symptoms. This was a very difficult case and the evidence on causation was finely balanced. In the circumstances, the settlement constituted good business, and the client was very satisfied with the result.

Wright v Manchester City Council Manchester CC March 2016: Personal Injury Knee Replacement Although this was not a high value case, it was a difficult case to determine with regards to the appropriate level of general damages where a total knee replacement takes place within a short period of time and when the Claimant is then virtually symptom free. The Claimant aged 55 sustained a severe knee injury but when the fracture repaired he was able to go back to work as a care-taker. However, after three years and 7 month he required a total knee replacement after which time he became virtually symptom free. The main issue was quantum for personal injury. The Judicial College Guidelines offering confusing guidance, and reported quantum cases did not assist. The award for pain and suffering was £30,000. Usually in knee replacement cases, the period of suffering prior to the knee replacement is much longer and more significant. Considering that the Defendant valued this at no more than £10,000, this constituted a good result.

Sharif v Warburton Stockport County Court, 25th January 2016 Road Traffic Multi-track Fraud Issue Fast Track or Multi-track costs The issue in this case is an important one affecting many multi-track cases. The question at issue was whether a the fixed costs regime under CPR 44.1 applied to a case issued under the low value road traffic claims portal and subsequently allocated to the multi-track. The Defendant argued on the basis of a recent county court that only fixed costs applied. I successfully argued that fixed costs did not necessarily apply. The Defendant is attempting to appeal this decision.

Coldridge v Bury County Council, Manchester County Court, 2012 Personal Injury Employers Liability Scalding Injury This claim has been added because this case was accepted this case on a no-win no-fee basis, no-one appeared to agree with his view that the Claimant had a good case. The claim was by a care worker employed by the Defendant council who was preparing an oven-ready meal for the care client. A significant feature was that the meal had been bought by the care client and it was prepared for him in his own home and his own oven by the Claimant. The Claimant was injured when the side of the container allowed the hot contents to spill onto her hand and cause her to sustain severe burns. The Claimant successfully argued that, even though the meal had been bought by the care client, it was nevertheless work equipment provided to the Claimant for her use adopting the reasoning in *Smith v Northampton CC* [2009] UKHL 27 and *Spencer-Franks v Kellog Brown* [2008] UKHL 46. It was a case that, if one followed the correct legal route, success would follow even though on first appearances, the basis of the claim, defective inner packaging over which the employer had little or no control, appeared weak.

Tek v Kalok Royal Courts of Justice, London. October 2014 Road Traffic Fraud This was a three day road traffic fraud trial. I appeared for the 2nd Claimant passenger, the wife of the 1st Claimant who was a foreign national driving a car involved in a suspicious road accident. It transpired the 1st Claimant had connections with a gang involved in staging accidents to bring false personal injury claims. The 2nd Claimant's defence that, if there was a conspiracy, she was ignorant of it did not succeed.

Older Cases

Corley v Chief Constable of the Greater Manchester Police Malicious Prosecution, Misfeasance, False Imprisonment, Conspiracy to Injure Settled: High six figure sum

A very high profile case which Settled for a substantial sum which has to remain confidential. The Claimant was a serving police officer. It was alleged by his superiors that he was the mastermind behind a series of armed robberies, and he was charged, convicted and sentenced to 22 years imprisonment. He was subsequently acquitted after serving two years in prison. He alleged that his superiors conspired against him and brought false allegations against him, which allegations were supported by a report by the West Yorkshire Police. David Poole QC (subsequently Mr Justice Poole) led Paul whilst Brian Leveson QC, subsequently Lord Leveson was for the Chief Constable.

Noi v Chief Constable of the Greater Manchester Police Malicious Prosecution Settled for £60,000 The Claimant was a professional boxer when he was charged with a drive by murder. He successfully sued the police. This case attracted a good deal of press attention, and Noi's up to then successful boxing career was put on hold by his arrest and his subsequent claim.

Warren and Warren v The Chief Constable Malicious Prosecution Settled for £100,000 Another high profile case in which two brothers were arrested and charged in relation to a drive by shooting outside a nightclub in Manchester. It was alleged that the brothers had connections to the drug underworld which was the motive for the shooting, but the evidence against them was tenuous. They recovered a significant level of damages.

Calden v Dr Nun and partners [2003] EWCA civ 200. See also the White Book CPR 35.5.1 Court of Appeal 2003 Fatal Accident claim: The Master of the Rolls described this case as a piece of heavy weight clinical negligence litigation. The Claimant's wife died as a result of breast cancer where it was alleged the Defendant GP failed to notice a lump in her chest and advise her accordingly. The Defendant sought permission to reply on an expert histopathologists report which significantly supported their case because it in effect said that negligence and causation could not be established if one looked properly at the slides of the cancer tumour biopsies. The Court of Appeal upheld the decision of the High Court to refuse them permission despite the strengths of the report. The Defendants were very bullish with regard to their prospects of getting this report in because of its strengths. However, the Courts judgment virtually adopted the skeleton provided by Paul.