

Personal Profile



Richard Anthony Cole

PERSONAL DETAILS

Date of Birth:	10/03/1978
Call to the Bar:	2000 (Grays Inn)
Pupillage:	2001-2002 (33 Park Place, Cardiff). Civil Pupil to Jonathan Walters
Tenancy:	2002-2008 (33 Park Place, Cardiff)
Joined Civitas:	2008 (Founder Member)
Contact:	richard.cole@civitaslaw.com

PRACTICE PROFILE

Personal Injury

Richard undertakes all aspects of personal injury work. He advises, drafts pleadings (including schedules of loss) and appears for both Claimants and Defendants in fast track and multi track cases, including applications, case management conferences and trials. He has experience in a wide variety of personal injury actions, including highway tripping, road traffic accidents, occupiers' and employers' liability. Richard is happy to undertake appropriate cases on a CFA basis. Interesting cases have involved the successful defence of a multi track claim brought by a rugby player who suffered a double fracture of the jaw in an amateur match; low velocity impact road traffic accidents where causation of injury is denied and cases where fraud is alleged; drafting of questions to and holding conferences with expert surgeons in a variety of cases; advising in a claim where there was a dispute as to whether the accident had caused the Claimant's death; advising the mother of a child patient who died following medical negligence in relation to psychiatric injuries suffered as well as novel areas of special damages; advising in a high value dentistry claim; successful defence in a multi track claim brought against a nightclub chain involving indemnity issues as against a sub contracting door security firm.

Public Law, Planning and Regulatory

Regulatory

Richard has a varied and interesting regulatory practice. He is on a small panel of counsel who are regularly instructed by Royal Mail Legal Services in matters of fraud. Richard advises and appears on behalf of the Royal Mail in South and North Wales, the South West and across the Midlands. Most cases concern dishonest practices involving large sums. Richard has appeared in the Court of Appeal on behalf of the Royal Mail.

Richard is instructed by the Force Solicitors at South Wales, North Wales and Gwent Police in general matters but more specifically in relation to Disciplinary Panels chaired by the respective Deputy Chief Constables. He also has experience in civil cash seizures and the mass of case law in that field as well as representing the Chief Constable of Dyfed Powys Police in a variety of shotgun/firearm appeals.

Richard is on the Attorney General's panel of prosecuting counsel and represents Government departments, including H.M Revenue and Customs, the Department for Business Innovation and Skills (formerly the DTI) and DEFRA. Interesting cases include the prosecution of a sports agent, charged with numerous offences contrary to the Insolvency Act 1986 and the Perjury Act 1911. The case concerned the Defendant obtaining hundreds of

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thousands of pounds in credit whilst bankrupt. The Defendant was eventually imprisoned. The POCA aspect of the case included enquiries on the Isle of Man, in Dubai and Spain and applications in courts in those jurisdictions. Richard provided advice to BIS in relation to a multi million pound allegation of fraud involving the aeronautical industry where contracts emanating from Holland and Prague had to be considered. DEFRA cases include cattle identification and arable crop fraud and the prosecution of a farmer for breach of an enforcement notice contrary to Section 17A of the Forestry Act 1967. Richard has also prosecuted on behalf of the Environment Agency in relation to the pollution of rivers, involving scientific expert evidence.

Richard prosecutes on behalf of Companies House. He also defends directors of companies charged with offences brought by them.

Public Law

In 2010 Richard was appointed to the Regional Panel of Treasury Counsel. Since his appointment he has represented a number of Government Departments such as HM Revenue and Customs, the Home Office, and the Department of Transport in a variety of cases. Highlights include defending in a libel/slander claim brought against officials at the Inland Revenue; representing the UK Border Agency in a number of civil penalty appeal cases; and representing the Department of Transport in a noise pollution/trespass claim.

Richard was Junior Counsel to the Pennington Inquiry into the E Coli O157 outbreak in South Wales in 2005, which led to widespread illness and a fatality. He was led by James Eadie QC (now First Treasury Counsel). The role involved analysis of approximately 45,000 pages of documents, preparation of lines of examination for senior counsel to the Inquiry as well as his own examination of witnesses. Richard was instructed by the Treasury Solicitor Public Inquiries Team and was heavily involved for approximately one year on the case during which he worked closely with senior civil servants and a senior solicitor from T.Sols. He also gained some experience of managing the work of second junior counsel to the Inquiry. Professor Pennington's report was published in March 2009. In the foreword to the report, Professor Pennington thanked Richard for his help and for his "visible contribution to the elicitation of evidence at the oral hearings". As a result of his involvement in the Inquiry, Richard has amassed a wide knowledge of Local and Assembly Government, the NHS (both clinical and managerial), food procurement systems at a local and national level, as well as food hygiene legislation generally and more specifically in relation to butchers.

Richard has experience of representing parties (usually families of the deceased) at Coroners Court Inquests.

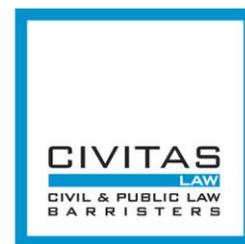
Planning

Richard has begun to develop experience in planning matters. He has been instructed by local authorities in cases involving allegations of breach of planning permissions.

Chancery, Business and Consumer Law

Richard represents several large Pub Co's (Punch Taverns, Admiral Taverns, Mitchells and Butler, Greene King) in re-possession claims, often involving large arrears and breach of contractual purchasing obligations. Interesting cases involve allegations of trespass by bar staff who were not assigned rights under the tenancy; the enforceability of a contract signed by a tenant who was subject to a Mental Health Order, and whose affairs were dealt with by a local authority, a fact which was not apparent or disclosed to the brewery at the time the

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agreement was signed; and cases where the Official Solicitor is approached following the death of tenants where no probate exists.

Richard has experience of litigation involving the Sale of Goods Act and the Sale and Supply of Goods Act. Richard has a particular interest in building disputes and related expert evidence. An interesting case involved a dispute over the installation of drainage systems in a luxury barn conversion. Richard undertakes cases involving contractual disputes between both individuals and companies.

Richard has experience of housing law litigation representing both the landlord (usually local authorities and housing associations) and more recently the Defendants. He has dealt with many actions based on alleged anti social behaviour of tenants and their families as well as claims against the landlord for disrepair. Interesting cases include the application of the Disability Discrimination Act 1995 in a local authority's decision to bring proceedings against a tenant and; the rights of succession to a council owned property balanced against the local authority's need for housing.

ADR

Richard is qualified as a Civil and Commercial Mediator and is accredited by the ADR Group. He is a member of the Civitas ADR Division. He has conducted mediations, usually with commercial issues in dispute, and takes an active and enthusiastic part in seminars on mediation held by the team for Government and well regarded firms of solicitors.

NOTABLE CASES

- The Pennington Inquiry into the E Coli O157 outbreak in South Wales in 2005, the first Inquiry to be established in Wales following the Inquiries Act 2005. Richard was Junior Counsel to the Inquiry, led by James Eadie QC.
- BIS v Russell Morgan, Cardiff Crown Court, September 2009. Offences contrary to the Insolvency Act 1986 and Perjury Act 1911. The amount of credit obtained was in excess of £400,000 and the deficiency in the bankruptcy was £750,000.
- ARA v Grainger, Swansea Crown Court, June 2007. Proceeds of Crime Act proceedings following copyright and trademark offences. Benefit figure assessed at £475k. Assets assessed at £630k. Richard was instructed by the Assets Recovery Agency in London.
- Lazenby v Caerphilly CBC, October 2006. Contempt of Court proceedings before Mr Justice Davis involving a claimant who made a fraudulent personal injury claim.
- R v Bainton, Court of Appeal, December 2005. Prosecution of a post mistress who stole £220,000 from her employer.
- R v Binley, Court of Appeal, December 2007. Prosecution of a postman who stole and then used credit cards he was supposed to deliver.



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- RCT CBC v (A Child). Obtained an anti social behaviour order on behalf of the local authority against a 13 year old boy (the then youngest recipient of such an order in Wales)

EDUCATION

1999-2000:	University of Cardiff Centre for Professional Legal Studies Bar Vocational Course – Very Competent
1996 -1999:	University of Warwick LLB – 2:1
1994-1996:	Neath College 4 A levels (3 As 1 B)

APPOINTMENTS

2006	Attorney General’s C List of Prosecuting Advocates
2007	Crown Prosecution Service Grade 3 Prosecutor
2007	Nomination from the Attorney General in order to undertake appointment as Junior Counsel to the Pennington Inquiry
2009	Accredited Civil and Commercial Mediator
2010	Treasury Counsel (Regional Panel – covering the whole of Wales)

DIRECTORY ENTRIES

- Listed in Legal 500 as “popular” and “one to watch”

INTERESTS

- Family life – Richard is married with a daughter and a son
- Rugby union - Neath RFC
- Cricket – Glamorgan and England
- Tennis – Plays for Cardiff Tennis Club (luckily I have an understanding doubles partner)
- Political History