

# 12

King's Bench Walk

## David Sharpe QC

Call: 1999

Silk: 2020

sharpe@12kbw.co.uk



### AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Industrial Disease, Professional Negligence, International & Travel, Product Liability, Inquests, Property, Construction, Mediation, Arbitration, Other

### JUDICIAL APPOINTMENTS

Legal Chair Valuation Tribunal: 2008 to present

David is a specialist practitioner focusing on clinical (and professional) negligence, industrial disease/personal injury, Coronial and property law. David practices within all areas of England & Wales but also within Northern Ireland (and the Republic of Ireland) and considers himself to be the Irish branch of 12KBW.

He practiced as a doctor up to Consultant level in Emergency Medicine prior to qualifying as a Barrister and is able to bring this additional expertise and knowledge to all cases relating to medical practice and/or trauma.

As a practitioner within multiple jurisdictions David has developed expertise of jurisdictional issues and has built an international aspect to his practice. He regularly receives instructions from overseas.

David has adopted ADR and is a qualified arbitrator and mediator. He is happy to act either as arbitrator/mediator or as counsel in such ADR process.

David has embraced modern technology into legal practice and is able to accept e-briefs and undertake video-conferencing.

### Industrial Disease

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David has considerable experience of advising and advocacy in relation to both liability and quantum in industrial disease claims, particularly in the context of noise induced hearing loss, HAVS, mesothelioma and other asbestos-related diseases.

Over the past five years David has acted on behalf of the MOD, MOJ and Police in hundreds of claims from police officers, soldiers and prison officers who underwent regular weapons training without adequate hearing protection. In addition he has also been instructed on behalf of Claimants in respect of a large number of asbestos related disease cases arising mainly out of the ship-building industry.

David brings together a medical knowledge of the disease and a thorough understanding of the legal issues including causation issues and limitation.

## **Qualifications & Awards**

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Called to the Bars of England & Wales, Northern Ireland and Ireland

International Bar Association

MCI Arb 2015

Direct Access Training Course 2014

Member Faculty of Forensic & Legal Medicine 2006

Accredited Mediator 2004

Fellowship of the Royal College of Surgeons 2000

Certificate in Professional Legal Studies 1999

Bachelor of Legal Science Hons (QUB) 1998

DPH (University of Cambridge) 1995

Membership of the Royal College of Physicians 1993

Bachelor of Medicine, Bachelor of Surgery, Bachelor of Obstetrics (Distinction) Queen's University of Belfast 1990

Finance Monthly UK Corporate Barrister of the Year 2016

## **Appointments & Memberships**

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Legal Assessor MPTS 2009 to present

Legal Assessor NMC 2011 to present

Attorney General's Panel of Counsel – Panel A (NI)

Non-Executive Director HTA 2005-09

Professional Negligence Bar Association

Personal Injury Bar Association

Chartered Institute of Arbitrators

London Common Law & Commercial Bar Association

British Irish Commercial Bar Association

Commercial Bar Association

## **Publications**

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Regular articles on Property Law Lexis PSL

Lawyer Monthly – Article on ADR December 2015

## Cases

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*Breslin & Others v Murphy & Daly [2013] NICA 75 and [2013] NIQB 15* – Fatal Accident claim by 12 Claimants for unlawful killing arising out of the terrorist bomb in Omagh Town Centre on 15<sup>th</sup> August 1999. Reported by BBC as the largest civil action in UK legal history.

*The Commissioners for Her Majesty's Revenue & Customs –v- Aiga Spiridinova [2014] NICA 63* – European law meets UK tax. This case considered the issue of right of residence and tax status.

*DHSSPS v The Information Commissioner and The Attorney General for Northern Ireland (EA/2013/0081)* – Case considered whether the Attorney-General's advices could ever be disclosed under FOI;

*The Public Inquiry into Hyponatremia-related Deaths – 20/2/12 to 30/10/13*. Acted for Department of Health and Former Chief Medical Officer in respect of deaths caused by hyponatremia and alleged cover-up of deaths.

*Donnelly v Police Service of Northern Ireland and Northern Ireland Court Service [2011] NICA 66, [2010] NIQB 5* – Judicial Review in respect of police powers under POCA 2002

*Thiruvengadam v General Medical Council [2010] NIQB 123* – successful appeal by doctor against strike-off by GMC.

*Twibill v Pharmaceutical Society of Northern Ireland [2010] NIQB 41, [2011] NIJB 9*– successful appeal against Pharmaceutical Society;

*Re PF's and JF's Application for Judicial Review [2011] NIQB 20, [2011] NI 210*- Successful JR in respect of payments for care of a severely disabled adult;

*Re Turley [2013] NIQB 89* – Judicial Review of a Housing Association's allocation of housing including allegations of bias;

*McLarnon & Others, Re Judicial Review [2013] NIQB 40* – successfully acted for police in defence of claim for false arrest/imprisonment;

*Atkinson v Police Service of Northern Ireland [2015] NIQB 92*– Noise Induced hearing loss test case in which quantum for police cases was considered;