



Paul Clark

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Personal

I was born in 1953 in Liverpool. I survived the Christian Brothers' education at St Mary's College Crosby and took my law degree at Liverpool University. I first qualified as a solicitor. I attended Christleton College of Law to pass the Solicitors examinations. I did my 2 years Articles of Clerkship at the solicitors known then as Davis Campbell and Co, who are now considerably larger and known as Hill Dickinson. My articles were with a Defendant company, but on qualification, I immediately chose to work for general Legal Aid Claimant solicitors and did so until 1994.

In my younger days I spent a considerable amount of time fighting cases in the Magistrates' Courts. With time, I found less time to appear in the Magistrates' Courts and became a general civil litigator.

I live in South Liverpool with my wife and 2 daughters. I have always been particularly interested in football. In my younger days I boast that I was a decent amateur footballer and played for Liverpool University and also for many years in the I Zingari League. (The I Zingari League is well known in the Merseyside area for being competitive, but also of a very good standard). The years of football have told on my knees and I now protect my knees for skiing with my family.

In order to keep fit, I attend regularly at a gym and also play the occasional round of golf, if time allows. I am a member of the Woolton Golf Club. However, unfortunately, due to time restrictions, they seem to get a good deal for my subs compared to my number of rounds per annum!

Saturday afternoons are often taken as a first priority by Liverpool FC where I am a season ticket holder.

During Articles I quickly came to realise that lawyers can only use their skills within the law and in order to really change the world one has to obtain political power. I therefore became involved in politics at a young age. Unfortunately, from the point of view of having national power, my principles took me to the Liberal Party, which may not have been the best political career move under our unfair political system. In the 70s and 80s I stood in various General Elections and European Elections. I was the Liberal Democrat candidate in the by-election for the Walton constituency on the death of Eric Heffer MP, where the Liberal Democrats gave Labour a fright by massively reducing their majority.

I have been a Liverpool City Councillor for 25 years. I am very proud to say that I am undefeated in my seat in Walton throughout that period of time. I am very attached to my ward which surrounds Everton Football Club. During the Hatton days I was

involved in vigorous opposition to the infamous activities of Hatton and his colleagues. I used to be the Leader of the Opposition on Liverpool City Council. I was also the Chairman of the Social Services Committee from 1980 to 1983. I was involved with Michael Heseltine as the Chairman of the Partnership Committee when he was Minister for Merseyside. Nowadays, I take a back bench role but advise the Leader of the Council, almost, on a consultancy basis using my knowledge of Local Government finance which has been acquired over the years.

Practice

I believe strongly that what the Bar can offer is specialist expertise. I have developed specialist expertise in the fields of personal injury and clinical negligence. In time, I feel that barristers will all have to be solicitors before being called. I think the system will mirror the medical profession and solicitors who show a special expertise or flair in one area coupled with advocacy powers will switch to becoming barristers after a minimum period of practice of, say, 5 years.

I appear mainly for Claimants. I strongly believe that the law is supposed to compensate an injured person to attempt to place them in the situation they would have been other than for the accident. This requires suitable expertise on behalf of their barrister coupled with forensic experience and knowledge.

A few examples of cases in which I have been involved may show the wide experience I have in personal injury matters.

1. In the case of Roy v. Tappex Thread Inserts Ltd [Kemp E3-023/1] I acted for the Claimant. This was a difficult case involving chronic pain syndrome. My argument, which was successful, was that the constitutional problems in the Claimant's back which would have come on in any event would not have caused such problems in terms of employment if they had come on gradually rather than by way of a traumatic event. This argument was accepted by the Judge who made a gross award of £123,000. The Defendants were so annoyed that they took the matter to the Court of Appeal. The Court of Appeal rejected their arguments and said that the Judge was entitled to make such an award. The Court of Appeal also rejected the Defendants' argument that the future loss of earnings should have been calculated by way of a multiplier/multiplicand rather than a Blamire approach put forward by the Defendants.

2. A substantial brain injury case in which the Defendants sprung video evidence of the Claimant only a few weeks before the 4 day hearing. The Defendants used every tactic to attempt to pressurise the Claimant into settling for only £250,000. The case was fully fought. I was the Junior assisting Bill Braithwaite QC. After 4 days' hard argument, the Judge found for the Claimant in virtually every aspect of the case and made an award of more than £600,000.

3. A Head Teacher was seriously injured and suffered brain damage by way of a traffic light controlled junction collision. She could not remember anything about the accident and had no independent witnesses to support her. By way of careful examination and discussions with the road traffic reconstruction expert, the Claimant was able to show that the filter light for the Defendant was highly unlikely to have been showing in his favour despite his clear assertion that the filter light had been on green for some time when he went through the junction. From the case being virtually not worth pursuing on reading the first instructions, the Claimant obtained 90% liability by way of a compromise settlement. The significant quantum levels which are likely to be more than £1m are still being determined.

I have contributed articles to Kemp Quantum Update and have lectured at Seminars in relation to whiplash injuries and the impact of the Human Rights Act 1998 and the ECHR on personal injury practice.

I believe strongly that the correct approach for barristers, solicitors and medical experts is by way of a team approach. I positively encourage solicitors to telephone me to discuss problems with cases as they go along rather than being presented with a difficulty near to trial which could have been resolved at an earlier date with appropriate advice from Counsel.