

Richard Wilcock

Call 2012



Clerks' Details

Joe Mawson
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Tom Gornall
0161 817 7139

Membership

- Northern Circuit
- Inner Temple

Education

- University of London - Bachelor of Laws (external)
- Open University - LLB (Hons)
- De Montford University MSc Accounting & Finance
- BBP Law School - BPTC

Beyond the Bar

Away from the Bar, Richard is a keen aviator, holding a pilot's license and being a member of the BAE Systems Flying Club at Wharton, Lancashire. He is also plays jazz bass and piano and has performed internationally in a number of jazz bands.

Overview CV

After a 20 year successful career in civil & commercial litigation, Richard came to the bar in 2012 and joined Exchange Chambers in 2017.

Commercial Litigation

His practice covers all aspects of commercial litigation work including contractual disputes, sales of goods, consumer credit, insolvency, professional negligence, banking & asset recovery, insurance disputes and director disqualification .

He has particular expertise in motor insurance disputes including the long standing challenge between motor insurers and credit hire organisations. He has advised and acted for all of the major credit hire company heavyweights on matters of policy and litigation procedure & practice. He is also regularly instructed by motor insurers to defend claims for credit hire, especially when an element of exaggeration or fraud is suspected.

Costs & Litigation Funding

Since joining the bar, Richard has developed a successful and extensive costs practice. Having spent in excess of 20 years in a solicitor's environment, he is well placed to understand the commercial needs of solicitors in relation to all legal costs & litigation funding issues.

He regularly advises solicitors and costs draftsman on all aspects of costs, including funding, recoverability of additional liabilities, retainers, cost budgeting, security for costs and solicitor & client assessments. Richard is retained counsel for NHS Resolution and regularly represents them and the MDU in the County & High Court (SCCO) and appellate courts dealing with high value costs arising out of clinical negligence claims.

Richard has represented the NHS in a number of high profile cases including an examination of the relationship between cost budgeting and detailed assessment and the application of the *'recoverability of costs insurance premiums in clinical negligence proceedings (No 2) Regulations 2013'*.

Recommendations

“Handles the technical aspects of these cases exceptionally well and always gives a fair and reasoned opinion. He is an excellent advocate who is clear and concise, and builds up an excellent rapport with judges.”

Chambers and Partners 2021

“Richard’s ability to absorb the information and get to the heart of the issues mean that he can always be relied upon to provide sound, proactive and well reasoned advice.”

The Legal 500 2021

“His submissions are articulate and detailed.”

The Legal 500 2020

“Highly experienced across a broad range of costs matters.”

The Legal 500 2018/19

Cases

PLK & Ors (Court of Protection : Costs) [2020] – Instructed on behalf of number of professional deputies in a conjoined appeal. In a landmark judgment, the Court accepted the argument that a failure to consider an increase in the hourly rate which was broadly set in 2010 based upon Guideline Hourly Rates.

Merrix v Burton Hospitals NHS Foundation Trust [2016] The Court considered the relationship between CPR 3.18 and CPR 44 & CPR 47

Murrells v Cambridge University NHS Foundation Trust [2016] Senior Courts Costs Office – the applicability of the new test of proportionality to pre Jackson additional liabilities.

Rezec-Clarke v Moorfields Eye Hospital NHS Foundation Trust [2017] Senior Courts Costs Office – Master Simons held that an ATE premium of £31,000 was disproportionate against a claim for damages which would never have exceeded £5000, applying the new test of proportionality.

McMenemy v Peterborough & Stamford Hospitals NHS Foundation Trust [2015]
Ongoing – Appeal against decision to dismiss ATE premium as not being reasonably incurred. Second appeal heard by Court of Appeal in October 2017 – judgment awaited.

Mewis v Burton Hospitals NHS Foundation Trust [2016] – Appeal against decision to disallow an ATE premium as not reasonably incurred. Apology by NHS Trust amounted to a de facto admission of breach.