

## RICHARD BORRETT

Year of call: 2009

Year of silk:

Clerked by: Paul Clarke Aaron Smith

AREAS OF EXPERTISE:

Abuse and Human Rights Clinical Negligence & Healthcare Court  
of Protection & Mental Health Inquests



## Court of Protection & Mental Health

Richard acts for all interested parties in Court of Protection cases, often those arising from s21A applications, and where there is a crossover with his other areas of practice in clinical negligence or personal injury.

He is experienced in cases where MCA issues arise outside of the court of protection, e.g. in inquests or in civil litigation.

Significant/recent cases

- Representing P's daughter in a contested 3-day final hearing in a s21A application.
- Representing P in a case concerning P's capacity to make decisions about contact in the context of the COVID-19 pandemic.

## Profile

Richard acts for both Claimants and Defendants in Clinical Negligence, Inquests, Abuse & Human Rights, and Court of Protection both alone and as a junior on very large and complex cases.

Much of Richard's work in those areas involves vulnerable adults and children, e.g. adult social care, psychiatric treatment, and children's social services.

Richard has particular experience of:

- Inquests of various kinds, particularly psychiatric treatment, medical/surgical cases, social care/multi-agency deaths, and armed forces.
- The full range of clinical negligence cases, especially delayed diagnosis of cancer.
- Claims and inquests arising from psychiatric treatment, in particular regarding risk assessment, ground leave, s.17 leave, etc.
- Secondary victim claims.
- Claims against local authorities (including ECHR breaches and negligent failure to remove).
- Mental Capacity issues (both in court of protection and litigation).
- Sexual Abuse.
- Claims by Armed Forces personnel.
- Equestrian claims

Much of Richard's work involves vulnerable individuals and state agencies. Human Rights issues arise in all of his practice areas, particularly the positive and investigatory obligations under Art.2 (in inquests and in litigation), Art. 3 (in personal injury/abuse litigation) and Art.5 (in Court of Protection work).

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## Areas of expertise

Abuse and Human Rights

Clinical Negligence & Healthcare

## Memberships

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Personal Injury Bar Association

Professional Negligence Bar Association

## Qualifications

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2007, University of Liverpool (Chester): BSc Hons, First Class

2008, College of Law: Graduate Diploma in Law, Commendation

2009, College of Law: Bar Vocational Course, Very Competent

2009, College of Law: LLB Hons (2:1)

## Recommendations

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Richard is ranked in Band 2 of Legal 500 for inquests in 2022: *"Richard always gets up to speed very quickly on cases with significant documentation. He has an excellent manner with clients, particularly those finding the inquest process stressful. He provides practical and thoroughly thought through advice."*

Chambers and Partners 2021 – Clinical Negligence Band 3

*A popular junior who practises across a diverse caseload including surgical negligence and secondary victim claims. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act.*

*Strengths: "He is approachable, easy to work with and thorough." "He is friendly, enthusiastic, very good with clients and his advice is always well thought through."*

Chambers and Partners 2020: Clinical negligence band 3

- A popular junior who practises across a diverse caseload including surgical negligence and delayed diagnosis. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act.*
- Strengths: "His advocacy is excellent and he is sympathetic in his dealings with clients."*

Legal 500 2021: Personal Injury band 1, Clinical Negligence band 2, Inquests band 2:

- Tenacious and committed to client/case - ever ready to advise/assist when requested. Willing to take on difficult claims and to offer excellent advice/service across the board. Thorough attention to detail throughout duration of case."*
- "...excellent with our Local Authority clients, cutting through the extraneous matters and getting to the issue at hand. Inquests involving social care input are by their nature document heavy and in many cases complex and Richard has a great aptitude for identifying the salient points quickly."*

Legal 500 2020:

*"Always impeccably prepared, he will know every aspect of the case before starting a conference."*

Chambers and Partners 2020:

*A popular junior who practises across a diverse caseload including surgical negligence and delayed diagnosis. He possesses considerable experience in matters of consent and cases relating to the Mental Health Act.*

*Strengths: "His advocacy is excellent and he is sympathetic in his dealings with clients."*

