



# Paul Williams

Call to the Bar: 1994

Paul specialises in regulatory work, inquests and crime.

In regulatory, Paul regularly presents to the Medical Practitioners Tribunal Service and is an active member of chambers' GMC team. Paul is frequently instructed in lengthy and complex fitness to practice hearings (FTP's) as well providing a regular Interim Order Tribunal service.

In addition to GMC work Paul is regularly instructed to defend medical professionals before a range of other tribunals. He has an established client base who specialise in representing nurses and dentists and will also accept instructions in HCPC matters.

The service provided to health care professionals very regularly extends to those who are interested parties in inquests. He is adept at representing both individuals and bodies that might be exposed to criticism during inquests and inquiries and, whilst the majority of this work focusses on the health care professions, Paul has significant experience in a wider range of areas such as health & safety failings, accidents and situations involving psychiatric issues.

Paul exclusively defends in serious crime and continues to be instructed in complex crime on a regular basis. Paul has experience across the full spectrum of criminal offences but is most often retained in sexual offences and dishonesty matters. Paul does not accept legally aided instructions unless the client is a medical professional.

Paul has a keen interest in cases with complex medical and procedural issues and was junior counsel in the case of R v Norris, an allegation of serial murder by a practicing nurse.

Instructed in large operational cases, Paul has extensive experience of cases involving covert surveillance, cell site analysis, telephone record analysis, RIPA applications, and terrorist related matters.

Paul is the Discipline Chairman at York RUFC. He represents senior players and the club at county disciplinary hearings. He oversees the junior section for their discipline and safeguarding issues. He is also Captain of the York Cavaliers veterans rugby team.

## Inquests and Inquiries

Paul has dealt with a very broad range of cases representing lay people, health care professionals and corporate bodies. This is a significant part of Paul's practice and he is frequently instructed in matters involving large volumes of evidence and complex legal/factual issues. Paul is highly experienced at considering issues of failure by both individuals and systemic failure and, whilst he often deals with deaths occurring as a result of health & safety failures, accidents and situations involving psychiatric issues, the majority of his work in this area involves deaths in a health care setting.

**Manchester Arena Inquiry** - an independent public inquiry to investigate the deaths of the 22 victims of the 2017 Manchester Arena Terror Attack. Representing MA, a security officer who was a central eye witness to the action of the bomber. Instructed by Gareth Martin of Markel Law.

**Inquest into the death of A and B (Coroner's Court at Cockermouth)** - representing the Director of Nursing in a 6 week inquest; issues of alleged individual and systemic failure; failure to follow local and national procedures; failure to adhere to national Alerts pertaining to the use of NG feeding tubes. High volume of complex factual material and contested expert evidence.



## CONTACT DETAILS

Email:

paul.williams@lincolnhousechambers.com

Telephone:

0161 832 5701

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**Inquest at Kendal** – Representing the Head of Nursing in a complex four-week inquest relating to the deaths of three patients arising from misplaced NG feeding tubes. The Trust, and ten different parties were involved, dealing with highly specialist medical issues and national policy up to NHS England level. Successfully guiding client and defence team through complex preparation and execution of the hearing strategy to achieve significant damage limitation.

**Winter & Goldwater** – Band 6 and 7 nurses accused of failing to ensure the proper care of a bed-ridden elderly patient cared for by a relative in the own home. Issues as to internal communications, internal procedures, causation of death. Nurses initially said to be negligent, ultimately cleared of all wrong doing.

**RCN Nurse A** – Nurse accused of failing to attempt resuscitation of an elderly patient who was in collapse and died. Required detailed questioning of expert witnesses on Accident and Emergency care, collapse and resus, nursing policies, standards, and compassionate questioning of the distraught family. Nurse was cleared of any suggestion of having contributed to the death or to have been negligent in the care that she provided.

**Inquest S** – Represented the family of the deceased where they felt the apparent suicide by car exhaust inhalation by suspect. Thorough examination of the expert witnesses, including issues of post-death injuries and pathology findings. At the conclusion of the case the family were reassured that the suicide was genuine.

## Professional Discipline

In 2012, Paul completed a Master's Degree in Healthcare Law and Ethics, studying a range of legal issues arising in healthcare and the philosophical bioethics that underpin the areas that it encompasses; producing a final dissertation focused toward defence of the protection of the intellectual property in the pharmaceutical industry. Such work involved a detailed analysis of both the law and the ethical principles that justify the global patent systems and included an exploration into the copyright protection in the creative industries to use as comparison.

Paul continues developing interest into the ethics that underpin all professional and commercial regulation.

Paul is regularly instructed to present the most serious and complex cases on behalf of the General Medical Council (GMC), he is also frequently instructed to defend cases involving Nurses. As previously mentioned, the work undertaken on behalf of these, and other medical professionals, often extends to representation at inquests and in the Crown Court.

Furthermore, Paul has conducted numerous cases of sub-standard surgical procedures across a number of general and specialist fields, expert evidence has been central, the ability to understand the particular surgical procedure, and the standards, procedures, and relevant guidance. A good working knowledge of NHS, local Trust, and Performers List investigations underpins many of the cases that Paul is instructed in.

## Most Notable Cases

**Prosecuting for GMC** – Presenting the case against an experienced surgeon who had previously been convicted of Gross Negligence Manslaughter in the Crown Court, then acquitted on appeal. This case involved extremely complex medical, legal, and governance issues.

**Defending before the GDC** – Representing one of the country's leading maxilla-facial surgeons in a dishonesty case where a clear grasp of the expert evidence was central.

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**GMC v B** – Prosecution of a DR who owned and controlled a chain of private clinics for numerous breaches of CQC regulations and dishonesty connected to seeking to cover up the same.

**GMC v Dr B** – Senior consultant surgeon who wrongly removed a patient's healthy kidney, leaving the cancerous kidney in place. The case necessitated an understanding of complex technical issues involved in MRI, ultrasound scans and surgical protocol. The deadlines for preparing the case and setting up the legal team were restricted; however, the preparation was first-class with the right finding being delivery by the tribunal.

**GMC v Dr L** – Drugs trial. A case involving numerous breaches of protocols and ethical guidance relating to Phase 2 trials. Requiring research into both UK and EU regulations and advise on the appropriate charges to be pursued and the evidence necessary to support the case. Involved the hearing of video evidence from different time zones. A successful prosecution against a defence team led by an experienced QC.

**GMC v Dr A & Dr B** – This trial involved two consultant doctors who were accused of manipulating and faking data for a clinical paper that they were presenting a pharmaceutical conference. It involved in quickly coming to an understanding of the accepted proper usage of statistical data to support research findings and discussion as to the legal ownership of the intellectual property that underpinned the research. Paul gave direction to the junior members of the legal team on the analysis and implications the datasets.

**GMC v Dr T** – GP accused of sexually assaulting 3 different patients during the course of their "treatment" over a period of several months. The first in time consulted him with fibromyalgia and emotional problems stemming from serious childhood sexual abuse. He used the cover of providing counselling for free wherein he had the patient perform the sexual acts that she was afraid of upon him. He attempted a similar plan with a second patient without the same success. For the third patient, he prescribed viagra to a female for low libido and then "tested" the result by performing inappropriate intimate examinations. Each of the complainants were highly vulnerable because of the incidents and the first victim suffered from a history of mental health issues. Complex and sensitive questions. Case stopped because of the risk of evidential contamination between the complainants. Involved issues arising from the local Performers List investigation.

**Dr S** – Dr prosecuted for signing off death certificates at the hospital mortuary without seeing the body contrary to procedure and the signed legal declaration. Involved a detailed examination of both the regulations and the practice on the ground of the certification process.

**Dr X** – Sexual assault on a female on a night coach from London to Scotland. The doctor used a blanket to cover his lap under which he exposed himself and thrust repeatedly over a prolonged period. It required sensitive questioning of a vulnerable victim of abuse. The case was thoroughly investigated by Inspector Stiff.

**Dr O** – A consultant psychiatrist who oversaw an in-patient ward, misconduct in the care of several patients, failure to follow guidance under the MHA and the DOLS provisions, leading to accusations of patient harm and acts of dishonesty by the doctor.

**GMC v Dr B** – Consultant psychiatrist who embarked on a sexual relationship with a female patient whilst he was treating her that lasted several months. He also used inappropriate sexual conversation while treating another female patient. The doctor lost his representation mid-case because of a change in his instructions. Paul successfully ensured that he was prosecuted fairly and the case continued to its conclusion.



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## Criminal Law

Paul has been instructed in long and complex cases covering a vast range of offence groups. He is particularly popular for cases which involve complex medical issues and difficult expert evidence. Paul generally only accepts criminal cases on a private basis but will consider legally aided cases that match his practice profile. He is able to provide advice and manage legal teams from the earliest stages of criminal investigations.

Paul has a particular niche specialism in defending the children of professionals in the juvenile court where the result could have had a serious negative effect on the youth's future.

## Judicial Review and High Court

Paul has appeared in the High Court on behalf of Claimants for Judicial Review and other applications on numerous occasions in relation to medical regulation cases, criminal law and prison Inquests.

## Fraud

**R v Y** – Pre-charge advice and representation in negotiations on behalf of a director of a subsidiary of a large pharmaceutical company being investigated by the SFO and the US Justice Department for corruption.

**R v D** – Banking Fraud where D was central to an identity theft fraud that allowed him to defraud several high street banks of £3M through faked loans, the monies being laundered through his legitimate business bank accounts.

**R v Ashleigh-Nicholson** – The defendants were accused of an advance fee fraud whereby they undertook to be able to forfeit or discount letters of credit that were worth ten's of millions of US\$; their advance fee was 2% of the letter. The case involved many complex transactions between banks across the world. The trial took four-months before the prosecution case collapsed.

**R v Holland** – The Defendant, a property developer with a portfolio of £18 million, was accused of Fraudulent trading when he bought and renovated the Grand opera House, York. His business collapsed in the property crisis of 1990-1991. The case revolved around expert accountancy evidence and company law.

**R v Owens** – Importation and "washing" of red diesel in excess of £10M at the behest of IRA from Armagh, via Holyhead, to Doncaster.

**R v Arthur** – A three-handed conspiracy to evade VAT amounting to £5 million whereby several tankers per-week were brought into England from Northern Ireland. The police mounted a covert surveillance operation over a period of months. The Defendant was the "banker" for the operation utilising accounts in the Republic of Ireland.

**R v Owens** – An eight-handed conspiracy of diesel brought into England from Northern Ireland. The Defendant owned a haulage firm in Armagh that provided the tankers. Again, a large scale covert surveillance was undertaken.

## Murder

**R v Norris** – The Defendant was a male nurse practicing in Leeds. Having been investigated for eighty-one suspicious deaths, he was eventually tried in relation to five of them. There were 4,500 witnesses and 800 lever arch files of papers. The trial lasted five-months. It involved many complex medical issues of causation and procedure. Pathology, neuropathology, endocrinology and cardiology were particular areas of concern, as were medical procedures and standards within the hospital.



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**R v Fitzgerald** (retrial after appeal, old lady injured in burglary to her house, broken clavicle, causation in context of pre-existing heart condition) and **R v Byram** (assisting with heroin injection that led to an overdose); both of these cases involved the close examination of the work of the pathologist who has been before a GMC fitness to practice hearing.

Paul has also been instructed in shaken baby cases, gang related killings, as well as the more regular homicides.

## Sexual Offending

Paul has defended in a very large number of sexual offence matters. Consent in both law and philosophical ethics is a key area of interest to Paul and his cases in this area have previously encompasses medical, crime, and HR law.

**R v Coates** – Allegations of rape and indecent assault, with the help of his two sons, of a number of adult women over a period of several years. The Defendant was 79-years old with profound deafness and very poor eyesight. Successful argument as abuse of process arising from the inability of the Defendant to effectively take part in his trial.

**R v Kennedy** – Historic sexual abuse of young men whilst army cadets by their adult instructor. The prosecution sought to have the complainants' evidence read without cross-examination on the basis that their psychiatric problems, that stemmed from the abuse, prevented them from giving evidence. Complex and sensitive legal argument based upon the evidence of several psychiatrists.

**Obscene Publication case** – Defence of an accountant prosecuted for his part in the running of a pornography business run in the UK with off-shores accounts for the collection of there money. 600 "films" were seized, production equipment, data bases of clients, accounting information. Complex arguments as to what amounts to "obscene material" on a human rights basis (freedom of expression and consent). Successfully excluded the accounting information so that the client was found Not Guilty on the order of the judge.

**R v Dransfield** – Hypnotherapist accused of sexually assaulting 2 female patients whilst under hypnosis. Successful acquittal on both counts in less than an hour. Case involved expert evidence on hypnosis and false memory from leading psychologists.

## Importation of Drugs

**R v Shannon** – A six-handed conspiracy whereby two Lorries were followed, by the police, from Spain via Germany into England. Each lorry carried two-tonnes of cannabis hidden in machine parts and travelled to a warehouse in the midlands. The evidence included transcripts from powerful directional microphones that had recorded conversations between the conspirators whilst out on a pleasure cruiser owned by one of them on the fens.

**R v Mckray** – The defendants were under covert observation before the commission of the offence. They were followed to Heathrow airport, where they met a man arriving on a flight from Jamaica who was brought back to Coventry, and out up in a safe house, from which, cocaine was distributed. The house was raided and a kilo of cocaine and cash were discovered.

**R v O** – Importation of £115 million of cocaine and cannabis by lorry into Leeds from Germany. The defendant and his partner owned a small business on an industrial estate that was used as the UK drop off and re-distribution centre. Cut-throat defence between the partners, cell-site, phone traffic, and covert surveillance evidence.



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## Armed Robbery

**R v Mason** – Multiple armed robberies, CA authority on judicial bias, and covert surveillance.

**R v Waite** – The defendants travelled from Leeds to Portsmouth and to the South to commit two armed robberies with sophisticated planning. Stolen cars were used with fake number plates appropriate to the make, model and colour of the car concerned. The prosecution relied upon telephone traffic and cell site analysis.

**R v Kavanagh** – The defendants committed nine robberies of small supermarkets and petrol station shops over three counties. Guns, baseball bats, and a samurai sword were used as weapons. The robberies were professionally planned, the defendants using plain black clothes and balaclavas; on one occasion fourteen members of staff were tied up. The evidence included CCTV, cell site, telephone traffic analysis.

**R v McGurk** – The defendants' stole a skip lorry and used it to forge a hole in a bank cash depositary, absconding with £1.85 million. They were eventually caught by a combination of an informant, cell site and telephone traffic analysis; and the fact that the Defendant's car was covertly fitted with a tracking device and sound recording equipment.

## Driving Offences

Paul has represented professional people in RTA matters on a private basis where they were at risk of losing their driving licence.

## Significant Court of Appeal Cases

**R v Mason [2002] 2 Cr.App.R.38** – Admissibility of covert recordings made whilst the defendants were held in police cells. Conversations elicited by trickery. Also, impartiality of trial judge where he knew the Chief Constable of West Midlands who was a key witness in the case.

**R v Fitzgerald** – Successful appeal based upon new medical evidence and non-disclosure during trial by the prosecution. Issue of causation in manslaughter case where deceased was elderly with a number of co-existing medical problems, including significant heart failure.

**R v Byram** – Change in the law case. Guilty plea to manslaughter successfully appealed after the leading authority (*R v Kennedy*) was reversed in the House of Lords.



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