

Richard Stead



YEAR OF CALL: 1979

INN: MIDDLE TEMPLE

JUDICIAL OFFICE: RECORDER
1996

“ Richard is reliable and gives bulletproof advice. He is pragmatic and very easy to work with.”

LEGAL 500, 2022
COMMERCIAL LITIGATION

Practice Overview

One of Chambers' most senior barristers, Richard has an extensive practice which encompasses personal injury, clinical negligence, professional negligence claims and property damage matters, including a number of high profile cases. Richard's practice is also complemented by his highly sought-after expertise in construction disputes.

Renowned for his skills as an excellent advocate, Richard always commands respect and attention in Court. His reputation means he is regularly called to represent clients at joint settlement meetings and mediations in negotiating resolutions in high-value cases.

Richard also acts as a mediator.

Richard shares his experience and expertise through lectures given to legal professionals and organisations across the country. He is willing to tailor seminars to suit individual requirements.

Areas of Expertise

Agriculture & Rural Affairs

Richard specialises in matters concerning agriculture and rural affairs, and has extensive experience of working on cases relating to property damage, defective equipment, accidents on farmland and with farming machinery. Property damage may arise from flooding, landslip and subsidence amongst other causes.

Problems often encountered on farms can arise from defective buildings, equipment or plant. The impact on farming operations of such problems needs to be understood: for example, the consequences a defective milking parlour can have upon milk production, the incidence of mastitis, infertility and culling all need to be recognised and understood.

Richard has undertaken many such cases. He has also acted in numerous cases concerning accidents on farms involving animals, farming equipment and working practices. He has particular experience of accidents arising from falling trees and from cattle handling.

Clinical Negligence

One of Chambers' most senior barristers, Richard has extensive experience in high-value claims in clinical negligence and personal injury. Most recently he represented the claimant in a successful claim arising out of the treatment of mental illness.

Renowned for his skills as an excellent advocate, Richard always commands respect and attention in Court. His reputation means he is regularly called to represent clients at joint settlement meetings and mediations in negotiating resolutions in high-value cases.

Commercial Dispute Resolution

Richard has considerable experience in the fields of commercial disputes. He is highly sought-after in construction and engineering matters as well as being highly recommended in professional negligence cases concerning architect, engineers and surveyors. He also offers expertise in insurance elements of property damage cases.

He has recently represented Croydon Hotels in a claim against Ardmore, a construction company, for defective works and liquidated damages.

Renowned for his skills as an excellent advocate, Richard always commands respect and attention in Court. His reputation means he is regularly called to represent clients at joint settlement meetings and mediations in negotiating resolutions in high-value cases.

Construction & Engineering

Richard has experience and expertise in a large variety of construction and engineering matters. Examples of his experience in specialist issues and subject matter are as follows:

- ▶ Commercial property and residential developments
- ▶ Condensation and thermal insulation
- ▶ Curtain walling
- ▶ Defective works and other contractual disputes
- ▶ Final account, extension of time and defect claims
- ▶ Mundic Block and pre-fabricated concrete construction in residential buildings
- ▶ Product liability with particular reference to building materials
- ▶ Roads, bridges, drains and waterways
- ▶ Sports stadia and leisure facilities

Recent work includes:

- ▶ **Burges Salmon LLP v Temple Quay 20 Ltd** – acting for the tenant claiming damages from a developer / landlord for late completion of the development prior to occupation by the tenant.
- ▶ **Al Khalaf v Brill & Owen** – defending a claim against architects for the design and supervision of building works, with a claim in respect of delay in the completion of the building works.
- ▶ **Taylor Wimpey v HGH Groundworks Ltd** – defending a claim in respect of defective foundations on an estate of dwelling houses.
- ▶ **Castle Building & Construction Ltd v Brake** – representing the employer in a construction case. Sued by the contractor and counterclaiming in respect of defective works and the final account in respect of a holiday development. 2 week trial in TCC.
- ▶ **Croydon Hotels v Ardmore Construction Ltd** – acting for the claimant in a claim arising out of the defective installation of cladding and roofing materials and a claim for liquidated damages.

- ▶ **Denton v TH White Ltd / Delaval** – acting for the claimant farmers in a claim in respect of the defective installation / supply of a milking parlour leading to significant loss of profits – compromised following lengthy litigation including a Court of Appeal decision on relief from sanction [2014] EWCA Civ 906.
- ▶ **Leumi ABL Ltd v Tinnelly Construction Ltd** – acting for the defendant contractor in respect of a claim by debt factors acting on behalf of a building cladding material supplier suing for £500k.

Inquests & Public Inquiries

Richard represents interested parties at Inquests and Inquiries. He provides guidance, advice and representation throughout the whole Inquest process and regularly acts in cases where deaths has resulted from either a fatal workplace accidents or industrial disease.

Recent work includes:

- ▶ Representing the wife and dependants of a lorry driver killed in the M5 crash allegedly caused by smoke from a firework display. Richard represented the family at the Inquest and subsequently in civil proceedings, claiming under the Fatal Accidents Act.

Mediation

Richard has been a qualified mediator for over 10 years, and has extensive expertise in personal injury, clinical negligence and professional negligence claims, and property damage matters. Richard's practice is also complemented by his highly sought-after expertise in construction disputes.

Richard's reputation means he is regularly called to represent at mediations in negotiating resolutions in high-value cases, and has a good success rate for achieving settlements at mediation.

As a mediator he has been involved in disputes involving construction contracts, property damage / construction-related professional negligence, property interests and personal injury.

Personal Injury

Richard is one of the leading practitioners on the Western circuit handling claims of catastrophic injury. He is highly regarded for his expertise in a wide array of complex and specialist liability claims including agriculture, animals, trees and construction. He has considerable experience in employer's liability, sports injury and RTA claims, and regularly handles extremely high-value claims for claimant and defendant solicitors, particularly those involving brain injury.

Richard represented the claimant at first instance through to the House of Lords in the case of *Mirvahedy v Henley* [2003] UKHL 16 at which the claimant's argument prevailed. The claimant was severely injured when his car collided with a horse that had escaped from a field. The case has become the leading case in respect of s2 (2) (b) of the Animals Act 1971.

Recent work includes:

- ▶ Acting for the claimant who was rendered paraplegic when a tree fell on him whilst visiting a house – issues of liability and quantum. Liability is denied. The claimant requires suitable accommodation and a 24-hour care package.
- ▶ Representing the wife and dependants of a lorry driver killed in the M5 crash allegedly caused by smoke from a firework display. Richard represented the family at the Inquest and subsequently in civil proceedings, claiming under the Fatal Accidents Act.
- ▶ The claimant suffered brain and physical injuries in an RTA – change in character and left-sided spasticity, reduced mobility with likely reliance on wheelchair – claim in excess of £6m.

- ▶ The claimant was injured in an RTA with catastrophic head and facial injuries, leaving him with brain damage and total blindness. He is particularly incapacitated by reason of his inability to remember routes. Now unemployable and requiring 24-hour care/assistance. Case finally settled prior to trial at a value in excess of £3m.
- ▶ Acting for the defendant (instructed by insurer) in a claim by a widow in respect of the death of her husband caused by a bullock owned by her husband's company – issue as to whether the company was liable for the death when the accident was due to the husband's own fault. The defendant succeeded in the trial at first instance.

Professional Negligence

Richard has considerable experience in professional negligence cases in the construction industry. Richard acts for claimants, defendants and their insurers and has strong expertise in negligence claims against:

- ▶ Architects
- ▶ Engineers
- ▶ Quantity and Building Surveyors
- ▶ Project Managers
- ▶ Solicitors (in respect of claims arising out of litigation involving construction / personal injury disputes)

Recent work includes:

- ▶ Acting for the defendant architect in a £1m-plus claim brought by the owner of a refurbished mansion following flooding of the property due to the escape of water from the fire suppression system.
- ▶ Defending the architect in respect of a claim for alleged negligence in the design and inspection of works to a dwelling house.
- ▶ Acting for the claimant in a claim against a quantity surveyor for negligent mismanagement of a construction contract of approx. £1m and negligent advice.
- ▶ Acting for the claimant in a claim against his ex-solicitor for damages due to settling liability at too high an element of contributory negligence following a failure to obtain the Police Accident Reconstruction Report.
- ▶ Advising the estate of a claimant in respect of an alleged failure by his ex-solicitor to obtain representation by the Official Solicitor for the deceased who was being sued in the High Court for child abuse and was, at the time, psychologically unwell. Issues of breach of duty and causation.
- ▶ Advising ATE insurers as to the prospects of success of claims by 51 claimants against a solicitor acting for the claimants in the purchase of shares in a hotel and its business.
- ▶ Advising ATE insurers as to the prospects of success of a claim by a claimant against his ex-solicitor and QC for under-settling a personal injury claim for damages for brain injury.
- ▶ Advising ATE insurers as to the prospects of success of a claim by the West London Synagogue against accountants following losses caused by a fraudulent employee.

Property Damage & Insurance Disputes

Richard has considerable experience in property damage cases arising from fire, flooding, tree root induced subsidence, land slip etc., and in insurance coverage matters.

Throughout Richard's time at the Bar, he has undertaken civil jury trials and trials before a single judge where fraud is alleged. Fraudulent claims related particularly to fire, flooding and other forms of property damage, burglary and motor-car theft / damage.

Recent work includes:

- ▶ Acting for claimants in a case concerning insurance coverage of a claim for landslip / erosion.
- ▶ Acting for the local authority in a claim for tree root damage in TCC – two separate causes of movement found – complex expert engineering evidence – trial of liability and quantum – issues on costs due to alleged failure to engage in ADR.

- ▶ Acting for the defendant council in a claim by local residents in respect of flooding and land slip which led to the death of a local resident when a landslip demolished her house.
- ▶ A claim by a farmer against the highway authority for flooding and consequential reduced crop yield.
- ▶ Acting for the claimant in a subrogated claim against a company which negligently installed catering equipment thereby causing a fire in newly refurbished premises with damage in excess of £500,000.
- ▶ Acting for the claimants under a subrogated claim. Fire damage caused by roofing hot works. Value over £1m.

Recommendations

"Recommended for cases involving professional negligence or property damage incurred during construction."

LEGAL 500, 2021
CONSTRUCTION

"Respected barrister whose construction practice focuses on claims concerning the professional negligence of engineers, surveyors and architects, typically acting for claimants. He also offers deep knowledge of the insurance elements of property damage cases. 'He is very able in court.' 'He has a very loyal following.' "

CHAMBERS UK, 2020
CONSTRUCTION

"Highly recommended for Animals Act cases."

LEGAL 500, 2020
PERSONAL INJURY

"Recommended for cases involving professional negligence or property damage incurred during construction."

LEGAL 500, 2020
CONSTRUCTION

"Recommended for professional negligence matters."

LEGAL 500, 2020
COMMERCIAL, BANKING, INSOLVENCY AND CHANCERY LAW

Recent Cases

- ▶ Powell v Ham competitive carriage driving accident
- ▶ Richards v Richards (2015)
- ▶ Denton v TH White [2014] EWCA Civ 906
- ▶ Stagecoach South Western Trains Ltd v (1) Kathleen Hind (2) Andrew Steel [2014] EWHC 1891 (TCC)
- ▶ Denton v TH White Ltd / Delaval (2013)
- ▶ Vernon Knight Associates v Cornwall Council (2013)
- ▶ Hughes v Bell (2013)
- ▶ Fletcher v Watson (2013)
- ▶ Clark v Swindon Borough Council (2013)
- ▶ Tyrimos v Modebest Builders Ltd (2013)
- ▶ Norris v David Richards Design Partnership (2013)
- ▶ Croydon Hotels v Ardmere Construction Ltd (2013)
- ▶ Grand Pier Limited v System 2 Security Ltd (2013)
- ▶ Leumi ABL Ltd v Tinnelly Construction Ltd (2012)
- ▶ Goldsmith v Patchcott [2012] EWCA Civ 183 Court of Appeal
- ▶ Gidley (2012)
- ▶ CICA – Richard is representing the claimant who suffered brain injury as a child. Value in excess of £2 million.
- ▶ Rickman v Relph Rossm(2012)
- ▶ Williams (2012)
- ▶ Rowe v Lake (2012)

- ▶ Addis v Campbell [2011] EWCA Civ 906 Court of Appeal
- ▶ Nash v Total Ltd (2011)
- ▶ Reeve v Cornwall County Council (2011)
- ▶ Southampton Container Terminal (2011)
- ▶ Walker Construction Ltd v Bovis Homes Ltd (2011)
- ▶ Oakfield Ltd v Selwood Housing Ltd; Oakfield Ltd v Jephson Homes Housing Association (2011)
- ▶ Dudman v Wimpey Homes Ltd (2011)
- ▶ White v Cheltenham Borough Council (2010)
- ▶ Gravit v Redruth Rugby Football Club [2008] EWCA Civ 689 Court of Appeal
- ▶ Welsh v Stokes [2007] EWCA Civ 796 Court of Appeal
- ▶ Poll v Viscount Asquith of Morley [2006] All ER 158
- ▶ Benaim UK Ltd v DMD [2005] EWHC 1370 (TCC)
- ▶ Blake v Galloway
- ▶ Mirvahedy v Henley
- ▶ Harris v Evans & anr
- ▶ Hunt v Wallis

Professional memberships:

- ▶ Personal Injury Bar Association
- ▶ Chartered Institute of Arbitrators and Technology
- ▶ Construction Bar Association

Qualifications & awards:

- ▶ MA (Cantab), ACI Arb

Contact Richard:

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