

Iain Goldrein QC

Year of Call 1980

Inter-disciplinary experience: Iain Goldrein's unique inter-disciplinary experience affords him the opportunity for imaginative case analysis to achieve creativity in advocacy and dispute resolution [he is also a qualified mediator].

Fields of practice: He has extensive practical experience of crime, civil and family work [appearing throughout England and Wales and up to the Privy Council (test point of law from Brunei) and House of Lords].

- **Family:** His experience ranges from Sudden Infant Death Syndrome to issues of genetics and Factitious Induced Injury [FII: "Munchausen's Syndrome by Proxy"]. He also has a particular expertise in non-accidental head injury [NAHI]. He has been heavily involved in the formulation of the new Public Law Outline governing procedure in family proceedings [he sits as a Deputy High Court Judge of the Family Division]. His work "*Child Case Management Practice*" has just been published [February 2009]. He also has experience in property distribution on divorce, recently bringing to a successful and speedy conclusion a case involving assets overseas; his leverage being the timely use of a pre-emptive seizing order.
- **Crime:** In criminal work, many of his cases have been at the cutting edge, including his prosecuting one of the earliest cases involving computerised telephone evidence [*R v. Shacklady*, one of the largest prosecutions brought by Preston CPS] and he has a special expertise in relation to covert surveillance and phonetic interpretation [*R v. Albattikhi*, one of the largest and highest profile cases outside London in 2007/8; acquittal]. He has defended cases involving an anonymous witness, overcoming a phalanx of pathology evidence ranged against him, human rights issues [including in the Court of Appeal], mastery of complex issues of ballistic evidence and DNA, confiscation and proceeds of crime. He deployed his expertise in child psychology [harvested from family work]

successfully to defend an uncle charged as being part of a paedophile ring [the case attracting extensive interest from the BBC]. He successfully challenged the telephone statistical evidence in the largest case prosecuted by Avon and Somerset for 15 years [*R v. Wall and others*] securing an acquittal. He is a Recorder of the Crown Court.

- **Civil:** In civil work he has given a market-lead in cost-effective case management, as evidenced by his close involvement with the “Woolf” reforms and his bibliography [he has authority to sit judicially in civil work as a Recorder]. Because of his knowledge of the formulation and background to the CPR, he has recently reviewed authoritatively for Lloyds List the parallel provisions which have on 2nd. April 2009 been brought into force in Hong Kong. In the 1980s and 1990s Iain Goldrein was one of the pioneers in the field of complex clinical negligence issues [e.g. obstetric / neonatal matters and brain damage at birth] and catastrophic injury. His loose-leaf work, the Butterworths Personal Injury Litigation Service, sold out 2 months before publication and has proved to be one of the most successful books ever published by Butterworths. His style of writing broke the mould of legal publishing by synthesising in the most practical of forms, principle and practice [check lists, bullet points, model letters etc].

- **Commercial:** Iain Goldrein has expertise in commercial work. He has a particular expertise in Freezing and Seizing Orders [as reflected in his book, “*Commercial Litigation: Pre-Emptive Remedies*”]. His range of knowledge in this area is further evidenced by the recent publication of the 5th edition of his book, “*Ship Sale and Purchase*”. He is a member of the editorial board of the forthcoming Hong Kong Edition of *Bullen and Leake’s Precedents of Pleadings* [he was recently advising in Hong Kong, on ship sale matters].

Procedural expertise: Underpinning the grip Iain Goldrein has on procedural technique, in addition to daily practice, is his extensive bibliography and his Visiting Professorship at Nottingham Law School [the Sir Jack Jacob Chair]. Unique to Iain Goldrein is that he uses his researches for his bibliography to feed into his practice new concepts, analyses and approaches; and he uses his experience of practice to bring an additional dimension to his publishing. He describes this technique as “cross-fertilisation between the factory and the laboratory.”

Expert evidence: He has a particular expertise in all aspects of the analysis of expert evidence, irrespective of jurisdictional boundaries, reflected in his being appointed by Lord Slynn as a Companion of the Academy of Experts. His working with experts for nearly 3

decades in a variety of fields has afforded to him a rare ability to approach and analyse expert evidence from different and imaginative perspectives.

Genetics: Iain Goldrein has a particular facility for perceiving where future trends in the law lie; hence his grip on the evolution of the whole field of genetics, as evidenced by his editorship during its publication of *Genetics Law Monitor*.

Examples of diversity of practice: His imaginative approach to new areas of law and practice came into its own, for example, when he represented the parents in the Alder Hey Body Parts Enquiry; when in a lead case, he represented the householders of a major estate against the developer [when large parts of the estate were sinking through inadequate piling]; and when he represented directors of a major airline in the Chancery Division on the issue of secret profits.

Sensitivity to ethnicity and diverse backgrounds: Underpinning the whole of Iain Goldrein's practice and bibliography has been a drive to achieve a level playing field irrespective of race, sex, colour or creed. By making litigation technique a publishing genre in its own right, he broke the mould of legal publishing. He gave expression to his commitment and zeal in this goal in the following words in his Inaugural Professorial Paper:

"If legal knowledge and wisdom are widely and clearly disseminated, then in any particular case there is the better opportunity to exercise a sharper judgment by all those who practice law irrespective of colour or creed... ... A level procedural playing field has to be a pre-requisite to any consideration of "Equality before the Law" and "Access to Justice". Such a premise is an overwhelming priority in our contemporary multi-racial society."

Appointments:

- (1) Deputy High Court Judge.

- (2) Recorder of the Crown Court.

- (3) Queen's Counsel.
- (4) Visiting Professor [the Sir Jack Jacob Chair] Nottingham Law School.
- (5) Companion of the Academy of Experts.
- (6) Fellow of the Royal Society of Arts.
- (7) Fellow of the Institute of advanced Legal Studies.
- (8) Appointed by the Department of Constitutional Affairs as Consultee for the Criminal Procedure Review Committee.

Bibliography:

(1) Procedural technique:

- a. *Bullen and Leake and Jacob: Precedents of Pleadings* 13th ed. [with Sir Jack Jacob and sub-eds];
- b. *Pleadings: Principles and Practice* [with Sir Jack Jacob];
- c. Editor: *Civil Court Practice* [the "Green Book"].

(2) Personal injury:

- i. *Personal Injury Litigation: Practice and Precedents*;
- ii. *Butterworths Personal Injury Litigation Service* [in 6 volumes; since 2000 with sub-eds];
- iii. *Structured Settlements*;

iv. *Medical Negligence: Cost-Effective Case Management*;

v. *Personal Injury Major Claims Handling: Cost-Effective Case Management*.

(3) Family:

a. *Property Distribution on Divorce*,

b. *Child Case Management Practice* [with Ryder J].

(4) Commercial:

a. *Ship Sale and Purchase* [5th ed. with Clyde and Co];

b. *Commercial Litigation: Pre-Emptive Remedies* [now with sub-eds]

c. *Insurance Disputes* [with Lord Mance, Prof. Merkin and sub-editors];

(5) Human Rights and Genetics:

a. *Human Rights and Judicial Review: Case Studies in Context* [with Lord Clyde, Elias J and sub-editors];

b. *Genetics Law Monitor* [1999-2002];

Major Papers Delivered:

➤ **UK:**

- Edinburgh [with Lord Woolf, on CPR and Case Management];
 - London: Structured Settlements with Lord Woolf;
 - Oxford University: with Lord Scott on CPR and case management;
 - With Lords Goff and Steyn for the British Insurance Law Association, on insurance coverage.
 - Law and Genetics [Chair and Key note speech – Law Society Hall];
- **Paris:**
- International PI Law Conference;
 - European Brain Damage Association.
- **USA:** For GEC Capital, on structured settlements in the UK;
- **Sweden:** For the Nordic Lawyers Association [with Lord Ackner, on UK Advocacy];
- **Israel:** The current position on ADR in the UK, [delivered in Hebrew];

Personal details:

Married [Her Honour Judge de Haas QC]; with two grown up children [both in the law, having overcome being “in denial.”]

Hobbies and past-times:

- (1) Family;

- (2) Anything aeronautical: Iain Goldrein flew solo at 16 yrs and through RAF funding secured at 17 years a full licence for powered aircraft [he learnt to drive 2 years later at 19 yrs].

- (3) Anything maritime.

- (4) Steam engines [rail and traction];

- (5) History;

- (6) New ideas.