

Dr Russell Wilcox

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Dr Russell Wilcox read Modern History at Corpus Christi College, Oxford, has a PhD in Law from the University of London and was an academic for several years.

He continues to publish academic work when his practice permits and is a visiting lecturer at Strathmore Law School in Nairobi, Kenya.

He was an associate member of McNair Chambers in Qatar where he worked on a number of large-scale cross-jurisdictional commercial disputes and on international arbitral proceedings.

He has a busy practice in fields of public, regulatory and civil and commercial law. He is instructed in a wide range of civil and commercial proceedings, both first instance and appellate. He appears in the County Court, the Chancery Division of the High Court and the Lands Tribunal including in high value multi-track cases.

In the field of regulatory law, he appears before various disciplinary bodies and tribunals, including, in particular, the Nursing and Midwifery Council and the Solicitors Disciplinary Tribunal, as well as being instructed before the High Court on associated statutory appeals.

He was a junior disclosure counsel in the Grenfell inquiry and disclosure counsel in *Athenasios Sophocleus & Others v Secretaries of State for Foreign and Commonwealth Affairs and Defence* relating to actions of the Colonial Administration in Cyprus during the Cyprus Emergency 1956-1959.

He also practices at all levels, from the First-Tier Tribunal to the Court of Appeal, in the field of Immigration, Asylum and Nationality law.

In addition to his independent practice, Dr Wilcox is a Non-Executive Director on the Board of Directors at Medefer Ltd, a healthcare technology company.

Areas of Expertise

Public Sector & Human Rights

Russell has very considerable experience in all aspects of immigration, asylum and nationality law. In relation to the same, he regularly appears in the First Tier and Upper Tribunals, as well as to the High Court and the Court of Appeal, where he has been lead and sole counsel in a number of cases.

His experience of judicial review claims is extensive.

In addition to his experience in immigration and nationality claims, he has recent experience advising in relation to challenges to Ofsted inspections, and other aspects of education law.

Commercial, Chancery & Property

Russell has experience in different areas of commercial and property law. He has worked on a number of cross-border, multi-jurisdictional claims, including in relation to international arbitral proceedings.

He has experience dealing with issues arising out of commercial tenancies under the Land Lord and Tenant Act 1954, as well as out of domestic tenancies, possession proceedings and enfranchisement law.

He has a particular interest in informal trusts and how they arise, having appeared in the important case of *Faizi v Tahir* [2019] EWHC 1627 (QB) (25 June 2019).

He has also represented clients in multi-day litigation involving allegations of breach of contract and documentary fabrication, as well as making and/or resisting multiple applications under the CPR for relief from sanctions, complex pre-action disclosure and appeals.

He has some experience in costs litigation arising out of cases in the above areas, and has recently secured permission to appeal to the High Court a case management decision made by a costs Master in relation to detailed assessment proceedings.

Clinical Negligence & Healthcare

Russell is keen to accept instructions in all areas of Clinical Negligence and Healthcare Law.

In light of his involvement as a director of an healthcare tech company, and his considerable background in public and regulatory law, he has a growing interest

Personal Injury

Russell has experience in a range of personal injury and related tortious claims.

He has a particular interest in claims which straddle the public/private divide. These include more standard public liability claims, but also a number of extremely complex unlawful detention claims, litigated through the High Court, in which issues of public law authority to detain are central and hotly disputed.

Additionally, he has experience in the range of Employers Liability, Road Traffic, and Occupier's Liability PI claims, in which he

regularly acts both for claimants and insurer defendants.

Travel & Cross Border Claims

Russell has a busy cross-border and travel practice, including claims under the Package Travel Regulations and involving accidents abroad in multiple jurisdictions.

He has experience dealing with the various jurisdictional matters that are thrown up in this fascinating area of law, of advising in relation the requirements for local standard and foreign law evidence.

He also has an interest in claims brought under the Montreal and Athens conventions.

He regularly contributes to the Monday Morning Briefings.

Police Law

Russell has interest in all areas of police law.

He has very considerable experience in respect of unlawful detention claims against public bodies.

He has recently been asked to advise in a number of matters concerning the lawfulness of police actions, including arrests and the conduct of investigations.

He has a particular interest in the interaction between protest law, the lawful exercise of police powers in its enforcement, and the rights to freedom of speech, assembly and conscience.

Additional areas of interest include the obligations of police forces under data protection legislation and personal injury claims arising out of police actions.

In relation to police misconduct, he accepts instructions in relation to all forms of hearing and at all levels. He sits regularly as a legal advisor to Chairs of accelerated misconduct proceedings (Chief Constables and Assistant Commissioners), and is engaged as counsel in multi-day contested misconduct hearings on behalf of Appropriate Authorities.

Regulatory & Disciplinary

Russell has extensive and broad experience in the field of regulatory law. He has represented clients both in healthcare and in legal services regulatory settings. He has reported cases in statutory appeals related to the same.

Court of Protection

Russell has a growing Court of Protection practice. He has acted, and does act, for a number of local authorities, especially in cases related to deprivation of liberty and standard authorisation. He is happy to accept local authority instructions in a wide range of Court of Protection work as well as Court of Protection related work more generally.

Education

- Bar Vocational Course
- Graduate Diploma in Law (City University)
- PhD (Law) (London University)
- LLM (London University)
- MA (History) (Oxon)

Notable Cases

- Johnson v Secretary of State for the Home Department [2024] WLR(D) 93, [2024] EWCA Civ 182
- Geddes v Secretary of State for the Home Department [2024] EWHC 66 (Admin), [2024] WLR(D) 27
- Johnson v Secretary of State for the Home Department [2023] 1 WLR 1643, [2022] EWHC 3120 (KB), [2023] WLR 1643, [2022] WLR(D) 494
- Secretary of State for the Home Department v Akter & Ors [2022] EWCA Civ 741, [2022] WLR(D) 236
- R (Akinola & Anor) v Upper Tribunal & Anor [2021] EWCA Civ 1308
- Husson v Secretary of State for the Home Department [2020] EWCA Civ 329
- R (Bajracharya) v Secretary of State for the Home Department [2019] UKUT 417
- Faizi v Tahir [2019] EWHC 1627 (QB) (25 June 2019)
- Kaur & Ors v Secretary of State for the Home Department [2018] EWCA Civ 411
- Arjomandkhah v Nasroullahi [2018] EWHC B11 (Costs)
- Newell-Austin v Solicitors Regulatory Authority [2017] EWHC 411 (Admin)
- BP(Pakistan) v Secretary of State for the Home Department [2015] EWCA 638