



Nicholas Mason

Year of call 1984



clerks@newparkcourt.co.uk



+44 (0)113 243 3277

Nicholas Mason is an experienced barrister, with extensive experience in a wide variety of complex, serious and multi-disciplinary claims.

Expertise

Professional Negligence

Encompassing the medical professions, accountants, financial advisers, surveyors, architects, solicitors and barristers (including Leading Counsel). Often these claims form part of wider commercial / civil claims or involve more than one profession or involve regulatory issues.

Relevant Experience

- Trial of complex medical negligence claim relating to cosmetic surgery against leading counsel.
- Claim against a solicitor where the latter's Defence was that he had properly advised and discharged his retainer with the Claimant and produced a complete set of file notes and letters evincing this. The Claimant's case whether these had been subsequently produced.

Regulatory

Relevant Experience

- Advising and representing a number of professions and occupations in relation to disciplinary proceedings and at

Leeds

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disciplinary tribunals, in particular solicitors, accountants, financial advisers and policemen.

- Advising and representing two solicitors in an application made by an insurance company to have them, together with a doctor and a claims manager, committed to prison for contempt of court. The application concerned alleged false statements made in relation to a personal injury claim.
- Instructed by the Attorney General and Treasury Solicitor as independent counsel to monitor and review interventions in and searches of firms of solicitors and accountants by HM Revenue & Customs and other law enforcement agencies.
- Advising and representing directors in relation to director disqualification proceedings.
- Advised local authorities, including upon the formulation of 'charges', in respect of internal disciplinary proceedings.

Commercial

Extensive experience, both as an advocate and in an advisory capacity of a wide variety of complex, serious and multidisciplinary commercial claims.

In addition to litigious work, undertaken a substantial amount of advisory work and the drafting of commercial documents – eg terms and conditions of businesses, including those for a national loyalty reward scheme for small and medium size retailers, and competitive tendering agreements for local authorities.

Relevant Experience

- Acting on behalf of directors and administrators in respect of claims arising out of director's breaches of fiduciary duty and fraud. For a 2 year period acted as leading junior for the managing director of a multinational furniture manufacturer and retailer in proceedings alleging widespread breaches of duty and fraud over a substantial period. The case also included claims against other directors with whom there were conflicts of interest and against both the company's solicitors and accountants in respect of their failure to discover these activities.
- Presently acting on behalf of a leading provincial firm of solicitors in litigation involving twenty Defendants relating to Solicitor Management Agreements, loan agreements and after the event insurance policies in large-scale personal injury litigation.
- Acting on behalf of leading sporting agency in claim for breach of contract against the captain of premier league football team.
- Advising and representing partnerships and former partners, in particular solicitors, accountants, doctors and dentists. Recently advised a national firm of commercial solicitors on potential conflicts of interest and breach of confidentiality issues arising out of their acquisition of another major firm of solicitors that had gone into administration.
- Instructed on behalf of the Legal Services Commission – replacing a QC – in proceedings brought against a former solicitor involving policy issues.
- An interesting case involved the right of a bank to exercise a lien over a Raphael painting (estimated value £25-£30 million) that had been deposited at a bank for safety reasons.
- Often instructed in cases involving a number of these areas of law and/or claims of professional negligence.

Personal Injury

In excess of 20 years experience of personal injury litigation, acting on behalf of both Claimants and Defendants in a wide spectrum of claims, including a number of cases that have resulted in multi-million pound awards or settlements.

Experience includes:

- Claims involving complex financial, medical and technical issues.

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- Tetraplegic and paraplegic claims.
- Catastrophic injuries to the brain and spine.
- Fatal accident claims.
- Paediatric claims.
- Industrial disease cases, including mesothelioma.
- Psychological injuries, including nervous shock and stress at work.
- Product liability claims.
- Acting on behalf of trade unions in group actions.
- Acting for government departments.
- CICA claims.

In addition to experience in litigating claims, substantial experience in resolving claims through mediation and 'round table conferences', including against leading counsel. Linked to personal injury practice, extensive experience of:

- Clinical negligence cases relating to the treatment of personal injuries.
- Solicitor/barrister negligence claims arising out of their conduct of personal injury claims.
- Health and safety prosecutions, including those involving fatalities.

Construction

Involved in a wide variety of construction disputes, including those involving professional negligence, ranging from single dwelling disputes to a claim of some £8 million, representing the owners of 26 houses who bought 'executive homes' from a national builder that had been built using an incorrect mix of mortar.

Trademark

Relevant Experience

- High profile dispute in the High Court between the members of the internationally known 60's and 70's pop group 'The Hollies' as to who was entitled to use the name and derive royalties therefrom.
- Claim concerning patents and licensing rights to hydration system fitted to safety vests/jackets supplied nationally to the police and fire services.

Defamation

In particular in relation to companies, partnerships and the internet.

Relevant Experience

- Instructed on behalf of acclaimed rap artist in claim against senior officer in Metropolitan Police.
- Represented a national chain of jewellers and their chairman in one of the first internet libels.

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Licensing

Instructed on behalf of applicants, police forces, local authorities and justices. Involved in high profile applications involving national chains and sporting venues.

Relevant Experience

- Acted for a nationally known Leeds nightclub in judicial review proceedings in the High Court and Court of Appeal.

Land Law

Extensive experience, both as an advocate and in an advisory capacity, of claims relating to the sale of land, trespass, adverse possession, easements, restrictive covenants and licences, encompassing the conduct and presentation of cases before the High Court, County Court, Land Appeal Tribunal and Land Registry. Instructed on behalf of individuals, companies, local authorities and government agencies.

Landlord & Tenant

Specialises in claims that have a land law element, including mortgages and professional negligence claims against solicitors, surveyors and land agents.

Also undertakes related fields of practice, such as town and country planning and environmental law.

Trusts, Wills & Probate

Undertakes both contentious and non-contentious work, although the emphasis is weighted towards litigation. Practice encompasses:

- Drafting wills, trusts and deeds of variation.
- Advising and conducting claims relating to the construction and validity of wills and trusts.
- Claims involving undue influence and fraud.
- Claims under the Inheritance (Provision for Family and Dependents) Act 1975.
- Beneficial ownership claims involving constructive and resulting trusts and claims under the Trusts of Land and Appointment of Trustees Act 1996.

Matrimonial

Nicholas undertakes all types of financial remedy proceedings. He particularly specialises in cases involving companies, trusts and concealed and dissipated assets where he brings his substantial knowledge and experience of chancery, company and commercial law to bare.

Nicholas frequently represents high net worth individuals including businessman in many different fields, in particular property and finance, generational estates and farming and the professions, in particular solicitors, accountants and estate agents. He also

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frequently represents the spouses of such individuals, particularly, in cases where there is believed to be material nondisclosure and the transfer and dissipation of assets. Not infrequently these cases involve the tracing of assets and jurisdictional and cross-border issues. His experience of international civil frauds and commercial disputes provide him with a valuable insight into these types of cases.

In addition to conducting financial remedy proceedings in their entirety, he is also instructed to provide specialist advice in relation to company or trust aspects of a case, i.e. where there is an issue as to ownership of assets vis-à-vis a company or a trust.

He is not only instructed by the parties to the marriage but is frequently instructed by companies, relatives and others who intervene in proceedings relating to third-party interests and claims. These claims take a multitude of forms including, ownership of assets, beneficial interests, estoppel licences and loans and charges.

Nicholas brings to all of these cases a wealth of experience, a highly analytical mind and skilled and determined cross examination. He particularly enjoys difficult and unusual cases. An example of such is his recent instruction by a consultant in a case where the latter is raising conduct on the basis of his former wife making false allegations of rape and sexual abuse upon a child of the family.

Nicholas is not only involved in the financial consequences of divorce in respect of financial remedy proceedings, but also drafts both prenuptial and post nuptial agreements. Nicholas not only drafts bespoke agreements he also drafts all the ancillary documentation. He has drafted agreements for businessmen, in particular in property and the hospitality industry, professionals, in particular solicitors and accountants where not only the client but also their fellow partners are anxious that the firm should not be adversely affected by divorce or the potential of divorce. He was recently instructed to draft a prenuptial agreement for a leading world sportsman — the runner up in a major world motorsport championship. Nicholas not only drafts all the documentation but provides advice and guidance throughout the process, including pre-marriage advice.

Again, linked to his chancery and commercial practice, Nicholas provides advice and representation in relation to all aspects of cohabitees disputes relating to ownership of property and interests therein including trusts of land, resulting and constructive trust, estoppel licences and Inheritance Act claims.

To assist his Instructing Solicitors, Nicholas provides bespoke lectures and seminars upon those areas of practice outlined above.

Local Authorities

Instructed by a number of local authorities in relation to such diverse matters as landlord and tenant, planning, licensing and judicial review. Again the work is not solely litigation based. Drafted documents, relating to such matters as the allocation of houses, the provision of care and competitive tendering, and advised upon policy matters such as the legality of housing allocation schemes, disability discrimination and the refusal of the Crown Prosecution Service to disclose evidence required for possession claims prior to the completion of criminal proceedings.

Notable Local Authorities cases

North Lincolnshire Council v Act Fast CIC [2013] All ER (D) 81

Appeal by way of case stated concerning the interpretation and application of Section 80(1) Environmental Protection Act 1990.

Williams v Hinton [2011] All ER 162

Guidance on whether a party who does not attend the original trial should proceed by way of appeal or by application under CPR 39.3.

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R v Ben Corran Times Law Report (2005)

Guideline sentencing case for new offence of rape.

Conwy County Borough Council v John Hefin Jones (2003) PLR

Application of Article 6 of the European Convention of Human Rights to the prosecution of failing to comply with an enforcement notice and whether the appropriate remedy upon a breach of the Convention being established was a stay of proceedings.

R v John Davies (2002) 1 Cr AppR.S 579

Multiple death by dangerous driving involving issues of hypoglycaemia and vaso vagal syncope.

Greatorex v Greatorex & MIB (2000) 1 WLR 1970

Nervous shock and secondary victims.

Roberts v Chief Constable of Cheshire (1999) 2 All ER 326

False imprisonment where the initial arrest was lawful, but the Claimant's subsequent detention was inadvertently in contravention of the Police and Criminal Evidence Act.

DPP v Evans Times Law Reports (1996)

The case involved technical arguments relating to breath and urine samples in excess alcohol cases and involved a comparison of authorities from the Divisional Court and the High Court in Scotland.

Appellate Work

In addition to the above cases reported in various law reports has extensive experience of undertaking appeals, including cases where did not appear at first instance, in the various divisions of the High Court, including the Administrative Court and the Divisional Court By Way of Case Stated, and the Court of Appeal.

Appointments

- Attorney Generals Panel of Advocates – List A

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