



Jack Murphy



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Jack Murphy

Call 2013

"Very experienced, much beyond his years. Very legally and tactically astute, good eye for detail, understands strategy, and is very well prepared. Highly recommend." (Legal 500)



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Jack has a specialist criminal regulatory law, inquests, and personal injury practice. His expertise is recognised by rankings in the major legal directories, and he was appointed to the Attorney General's C Panel in 2021.

- He is an established member of Crown Office Chambers' market-leading criminal regulatory law team. His practice encompasses health & safety, environmental law, and motor offences. He regularly appears in both the Magistrates' and Crown Courts for trials and sentencing hearings. He has been led by some of the leading practitioners in the field in complex manslaughter and HSWA 1974 trials; and, rare for his level of call, has successfully acted as sole counsel in a Crown Court health and safety trial.
- He has inquests experience beyond his year of call, with his expertise encompassing public law, HSE and police involvement, custody, product liability and healthcare. He is regularly instructed as sole counsel in complex, multi-day jury inquests, and has represented both corporate clients (such as the operator of the Manchester Metrolink and Balfour Beatty) and public bodies (such as South Central Ambulance Service and Surrey County Council) in several high-profile cases. He appeared in the first well-publicised case involving unlawful killing after the Supreme Court case of *Maughan*; was instructed regarding the Grenfell Inquiry; and is instructed in the Forbury Gardens Terrorist Attack Inquests
- His personal injury practice encompasses both casualty and disease work, with a focus on liability disputes involving the interplay between common law regulatory duties of care. He is routinely instructed on cases valuing in excess of £500,000, as well as cases involving fraud or dishonesty allegations.

Before coming to the Bar, Jack read History at Oxford University. Aside from the life at the Bar, he is a keen sailor.

Criminal Regulatory & Environmental

'Jack is extremely diligent, thorough, well prepared, and has good commercial awareness.' (Legal 500, 2023)

Jack is an established member of Crown Office Chambers' market-leading health & safety team. He represents a range of corporate clients, including large multi-nationals; regularly advises companies and individuals regarding prosecutions under the HSWA 1974; has been instructed in manslaughter cases; and is familiar with niche areas of the field, including product liability, wilful neglect prosecutions, and fire safety offences.

He is regularly instructed and led by some of the leading practitioners in the field. He has considerable Crown Court trial experience as a junior and, rare for his level of call, he has successfully acted as sole counsel in a Crown Court health and safety jury trial.

Health and Safety

His health & safety work covers a broad range of industries and issues. He has represented a range of corporate clients, from micro companies up to very large organisations with turnovers in excess of £1 billion; regularly advises companies and individuals regarding prosecutions under the 1974 Act; has been instructed in manslaughter cases; and is familiar with niche areas of the field, including wilful neglect and fire safety offences.

Selected health and safety cases include the following:

- R (HSE) v McFarlane Telfer Ltd & Others (Southwark Crown Court) – Jack was led by Ben Compton KC (Outer Temple Chambers) in this 7 week trial focusing on electrical safety, product liability duties under EU Machinery Directives, and the scope of a catering equipment installer's duty of care in circumstances where the equipment purchased from a third party supplier was inherently but unforeseeably dangerous.
- R (HSE) v McLaren Technology Group & Others (Reading Crown Court, February 2023) – Led by John Cooper KC, Jack represented the Formula 1 racing team McLaren in this HSE prosecution concerning the death of a specialist engineering inspector (employed by the co-defendant, Zurich) following a fall at McLaren's premises. Whilst the company was found guilty at trial, on sentence the judge accepted the defence argument (drafted by Jack) that significant safety systems had been in place, that only a small number of individuals had been exposed to risk, and (crucially) that the company's breach was not a significant cause of the death.
- Inquest into the death of IM (Birmingham Coroner's Court, September 2022) – A two-week jury inquest into a work at height fatality, involving a collision between an overhead crane and an elevated work platform during the construction of a testing facility at the University of Birmingham. Jack acted for the Principal Contractor, a national construction and engineering company.
- R v Alutrade Limited & Others (Wolverhampton Crown Court, March 2022) – One of the major manslaughter cases of 2022, Jack was led by Mark Balysz KC for a large metal recycling company charged with corporate manslaughter relating to a death due to unguarded machinery. The Crown accepted the company's guilty plea to corporate manslaughter, alongside pleas to non-causative HSWA offences from three co-defendant managers originally charged with gross negligence manslaughter. This plea deal, coupled with the Company's sentence (£2m, with four years to pay) was a favourable outcome.
- R (HSE) v Douglas (Reading Crown Court, December 2021) – Jack was instructed as sole counsel to represent a high-performance boat builder charged with a breach of regulation 11 of PUWER regarding the use of an unguarded table saw. Jack secured an acquittal following a week-long trial. The case was challenging, and the outcome exceptional given the strict nature of the duty under regulation 11 and the absence of a reasonableness defence.

- R (Thanet DC) v S (Folkestone Magistrates' Court, April 2022) – Jack represented a multi-national building materials company (with a turnover in excess of £1 billion). The case concerned alleged inadequate training in regards to the movement of heavy steel mesh products using fork-lift trucks, and a consequent serious accident involving 3 employees. A significant aspect of the case was the comprehensive fork-lift truck training provided to all employees involved, and the enforcement of exclusion zones. The prosecution contended for a fine of between £1.5 to £3 million. The Judge accepted Jack's arguments and imposed a fine of £400,000 only.
- R (HSE) v R&J Ltd and Others (Swansea Magistrates' Court, September 2021) – Jack represented one of two directors of a specialist roofing firm charged with s.37 HSWA offences regarding a serious work at height accident. On sentence, the prosecution's argument that a custodial sentence and a directors' disqualification order should be imposed were rejected, and a community order only imposed.
- R (HSE) v S Ltd and Others (Grimsby Magistrates' Court, September 2020) – Acting as sole counsel at sentence for a company with turnover in excess of £300 million, in relation to a workplace accident caused by inadequate isolation and lock-off procedures. A favourable fine of £200,000 was obtained.
- R v E (Leicester Crown Court, July 2017) – Led in a s.47 wilful neglect Crown Court trial involving the near-fatal drowning of a vulnerable pupil at a specialist school, in which a conditional discharge was obtained on the basis of unused material Jack identified.
- Being led in a prosecution of an Approved Inspector under the Regulatory Reform (Fire Safety) Order 2005, in which the prosecution offered no evidence following legal submissions on the applicability of the Order.

Environmental Law

Jack is developing an environmental law practice, and he has particular experience of prosecutions under the Environmental Protection Act 1990. Recent work in this area includes successfully defending Waitrose (instructed by Eversheds Sutherland) and a large national housebuilder (instructed by Gowling) in respective statutory nuisance prosecutions.

Motoring Offences

Jack's motor offences work includes regular trials and sentencing hearings for a range of motoring offences, from careless driving up to fatal offences, as well as s.170 Road Traffic Act failure to report / failure to stop offences.

Recent highlights include:

- Securing non-custodial sentences in both a death by careless driving case and a serious injury by dangerous driving case,
- Securing two acquittals at trial in respective careless driving cases involving collisions with cyclists
- Securing a discontinuance by means of a bad character application, which demonstrated that the complainant and key prosecution witness was routinely involved in illegal road racing and other reprehensible behaviour.
- Successfully applying to withdraw a guilty plea, and securing a discontinuance in a careless driving case on medical grounds.

Inquests & Public Inquiries

Jack has an established specialist inquest practice, and is ranked in both the Legal 500 and Chambers and Partners. The Legal 500 has described him as *"Very experienced, much beyond his years. Very legally and tactically astute very well prepared. Highly Recommended"*; and Chambers and Partners as *"a strong choice of barrister for healthcare providers, construction companies, public bodies and families in complex inquests"*.

Clients include infrastructure companies (Balfour Beatty, RATP); public services (South Central Ambulance Service, G4S); international healthcare providers (Bupa, HCA); local authorities (Surrey County Council); government departments (the Ministry of Justice).

He appeared in the first well-publicised case involving unlawful killing after the Supreme Court case of *Maughan*; represented South Central was instructed regarding the Grenfell Inquiry; and is instructed in the forthcoming Forbury Gardens terrorist attack inquests.

He was appointed to the Attorney General's C Panel in 2021, and accepts instructions on behalf of government departments.

He is regularly instructed by leading solicitors in the field.

Selected Cases

- Inquest into the death of IM (Birmingham Coroner's Court, September 2022) – A two-week jury inquest into a work at height fatality, involving a collision between an overhead crane and an elevated work platform during the construction of a testing facility at the University of Birmingham. Jack acted for the Principal Contractor, a national construction and engineering company.
- Inquest into the death of N Saunders – (Reading Coroners' Court, November – December 2022) – A 3-week jury inquest that gained national media attention, it involved a death during ambulance transport due to cocaine-toxicity and the associated phenomenon of 'Acute Behavioural Disturbance' (or 'ABD') following over 1 hour of restraint in handcuffs by the police. Jack acted for South Central Ambulance Service. The case was significant for its focus on the lawfulness of police restraint, and the adequacy of the ambulance response to a poorly-understood and rare medical condition. At the end of the evidence, the Senior Coroner accepted Jack's argument that the jury could not make any criticism of the ambulance response.
- J Barnes Inquest (Manchester City Coroner's Court, February 2021)– Acting for the former operators of the Manchester Metrolink tram system in a sensitive, well-publicised inquest involving the death of a young man following a cardiac arrest, suffered during a contentious physical restraint performed on him by four Metrolink contractors in central Manchester. This was one of the first cases concerned with unlawful killing and the lowered standard of proof following *Maughan*. Jack's submissions on the application of Article 2 ECHR and his client's work policies were accepted by the Senior Coroner, and no adverse findings were made in regards to his client at the conclusion of the inquest. The case attracted national media coverage: <https://www.bbc.co.uk/news/uk-england-manchester-56203332>
- CF Inquest (Worcestershire Coroner's Court, September 2020)– A complex one-week inquest concerning the drowning of a severely disabled young woman whilst using an allegedly-defective

domestic bath hoist unattended. Jack acted for the contractor responsible for servicing the hoist one month prior to the death. The family alleged that the hoist service had been inadequate. Much of the evidence was concerned with expert opinion. Previous consideration of homicide offences by the police created particular sensitivity. Accepting Jack's submissions, no criticism of the client was made by the Coroner made at the inquest's conclusion.

- Acting for Surrey County Council in a number of ongoing complex inquests, including: two cases of teenage suicide, and a case involving the murder of a vulnerable man on probation.
- Being led by Keith Morton KC and Adrian Darbishire KC in connection with the Grenfell Tower Inquiry.

Personal Injury

Jack has a busy defendant personal injury practice, encompassing both casualty and industrial disease claims, and with a particular focus on liability disputes in which novel duty of care issues arise. His regulatory crime practice complements his personal injury practice in this regard, with Jack frequently far more familiar with relevant regulations than his opponents.

He regularly drafts pleadings, provides advice on liability and quantum, and undertakes settlement negotiations in cases ranging in value from £50,000 to c.£500,000.

His cases frequently involve three or more disciplines of expert medical evidence, or claimants with complex pre-existing medical conditions. Several of his more recent cases have involved occupational stress and psychiatric injury.

Selected Cases

- Marica v Berkeley Homes (Central London County Court, November 2022, HHJ Baucher) Jack successfully defended a claim valued at c.£300,000, involving an accident on one of Berkeley's large housing development sites, when a subcontractor attempted to climb over a locked security gate. The claimant's argument sought to equate duties owed under the Construction (Design and Management) Regulations 2015 with an construction company's duty of care at common law as occupier of its own site. Following a three day trial, HHJ Baucher rejected the claim on all points, and accepted Jack's argument that the Defendant did not owe any duty of care to guard against the risk of individuals permitted to be on site from climbing over a security gate, the fundamental purpose of which was to deter climbing.
- Advising on both liability and expert evidence in an occupational asthma claim pleaded in the region of £400,000, involving a novel mode of alleged exposure (a domestic battery), and raising fundamental questions of foreseeability and remoteness. At the CCMC Jack successfully persuaded the court to order a split trial and grant permission for expert engineering and occupational hygiene evidence. This evidence subsequently led to Claimant discontinuing the claim, with even the Claimant's expert concluding that exposure to injurious fumes from a domestic battery was unforeseeable, if indeed possible at all.
- A chronic pain syndrome case valued in excess of £400,000, which Jack was able to compromise for a global figure less than £150,000.



Civil Fraud

Jack is frequently instructed in cases involving concerns of fraud: to conduct trials, proof witnesses, advise on prospects, and settle pleadings. Much of his fraud work arises out of road traffic accidents or public liability personal injury claims, and he has successfully defended several low velocity impact, induced accident and exaggerated injury claims at trial. He also undertakes more general insurance fraud work.

His criminal court and inquests advocacy experience compliments his fraud work.

Jack has extensive experience of fundamental dishonesty, QOCS, and s.57 CJCA 2015 applications. He has obtained several dishonesty findings following cross-examination at trial. He has also obtained four dishonesty findings without trial following discontinuance, one of which being the first instance dishonesty finding in *Rayner v Raymond Brown Group* (2016) CC (Oxford) (Judge Harris KC) 03/08/2016, referred to in the leading case of *LOCOG v Sinfield* [2018] EWHC 51 (QB).

Qualifications

- Lincoln's Inn Denning, Bowen & Hardwicke Scholarships
- BPTC, City Law School
- GDL, City University
- BA Hons (Oxon)

Recommendations

"He's a really technical barrister who gets into the detail of the case really quickly."

Chambers & Partners, 2024

"Jack is very quick and has an eye for detail. He is very much a specialist health and safety lawyer. Highly recommended."

Legal 500, 2024

"Jack has a very astute tactical approach, and a cogent and determined advocacy style."

Legal 500, 2024

"Jack is extremely diligent, thorough, well prepared, and has good commercial awareness."

Legal 500, 2023

"Jack is a really thoughtful barrister and knows how to behave with various witnesses."

Chambers & Partners, 2023

"He's meticulous in his approach and has a lovely manner about him with clients and the courts."

Chambers & Partners, 2022

"Very experienced, much beyond his years. Very legally and tactically astute, good eye for detail, understands strategy, and is very well prepared. Highly recommend."

Legal 500, 2022



"He is on top of the detail, he gets the issues and he works extremely hard."
Chambers & Partners, 2022