FOREGATE CHAMBERS (Barrister Clerking)

MICHAEL J P CONLON

Michael was called to the Bar in **1984** and is a Member of the Inner Temple

Family

Human Rights

Landlord & Tenant

Immigration

Specialisations :

- Civil Litigation
- Common Law
- Crime
- Cross Border Bankruptcy
- Employment

Profile :

Michael comes from a Human Rights and Common Law background but has focused in more recent years on Criminal, Road Traffic, Regulatory, Employment, Family, Health and Safety and Personal Injury laws. He also has a special interest in cross border insolvency.

Called to the Bar in 1984, at the Honourable Society of the Inner Temple by David Tudor Price, then the Common Sergeant of London, Michael practiced in London and the Midlands before becoming one of the founder members of St. Albans Chambers in 1998 for 11 years.

Since then he has worked as a Consultant to one of those rare firms listed on the VHCC panel scheme by the LSC and joined Foregate Chambers in Kidderminster whilst being geographically based in Leicester. For the same firm Michael acted as Supervisor for an employed barrister in quasi pupillage.

Michael is happy to be instructed on behalf of defendants and prosecuting authorities. He has appeared in a wide range of complex matters including child abuse, serious fraud litigated by the Serious Organised Crime Agency, money laundering, POCA including Section 10 A determination for third party intervention, breach of copyright, drug trafficking and those involving sexual and dangerously violent offenders such as rape and attempted murder trials.

Careful preparation and thorough presentation of the legal and factual matrices are of the essence to his approach to advocacy. Michael is by consensus "a safe pair of hands" and was described by an experienced solicitor as "the personification of sweet reason". In January 2007, he represented an Appellant who had sacked his legal team, against a mandatory life sentence with a minimum term of twenty-seven years for murder with a firearm.

Frequently Michael has been called upon to represent first team professional football players including at Premiership level in Road Traffic matters.

A six-month snap shot shows that in the Crown Court at Leicester, Michael successfully defended one of eight defendants, a Cameroonian gangster, in an alleged conspiracy to defraud, to the value of £47,000,000-00. This was followed by a much-needed holiday after which he represented a defendant in the Crown Court at Nottingham, gaining acquittals after a trial of attempted murder and armed robbery.

Robust cross examination and close scrutiny of the alleged facts with a thorough knowledge of how to apply forensic analysis are hallmarks of his practice.

To instruct Mr Michael Conlon, please email: <u>clerk@foregatechambers.co.uk</u> or telephone Julia Vaughan on 07760 766152





Michael has gained invaluable civil litigation experience including disability rights/benefits with the Free Representation Unit (as a pupil and also conducts pro bono work from time to time for the Unit as well generally), firearms licensing, civil actions against the police, landlord and tenant, domestic violence injunctions and related Orders, matrimonial property, fully contested divorce trials, complex child contact disputes and domestic violence cases, building contract disputes and complex employment law including a recent 3 week trial on multiple issues relating to racial discrimination and unfair dismissal, appearing before a wide range of tribunals and courts up to the Administrative Court, Chancery Division and Court of Appeal.

With an active interest in consumer credit law, understanding the inter-relationship between criminal law and Credit Hire Contracts has led to experience in personal injury litigation.

Employment, Crime and Immigration laws are worthy of intellectual focus together as subjects which frequently overlap in his practice. One example as part of his Regulatory Law practice, is where the owners of an Indian restaurant had to juggle defending a Fire Safety prosecution with systemic failure in employer relations and the need to maintain a safe system of work.

As CEO of a CMC regulated by the Ministry of Justice, Michael fully realises the importance of the Criminal Law in underpinning all Regulatory Law regimes including Employment Protection for employees and business owners. Corporate manslaughter has given rise to the need for enterprises to grasp the nettle of what can happen when there is a convergence between compliance regulation and the Criminal Law.

Michael has been officially praised by a victim after prosecuting a sensitive case so well that her Member of Parliament wrote a letter to convey her gratitude.

Michael is accredited under the **Public Access Scheme** for direct instructions.

Notable Cases :

- Representation of a defendant facing a single Count of GBH (Section 18 OAPA 1861) in which the crucial evidence was of a Consultant Ophthalmologist whose expert evidence to bolster a prosecution case had to be rigorously challenged in order to disprove the use of a knife. In that case various aspects of radiological and toxicological analysis had significant bearing on the successful outcome.
- Representation of a prisoner whose release on licence had been revoked due to breach of a condition not to have contact with the female victim of one of the crimes leading to his incarceration. That person had been accused of supplying him with drugs and had formerly been a Prison Officer in the same institution where the two had originally met.
- Representation of a principal solicitor whose associate had left following a dispute over remuneration, but with the bulk of casework files. Michael appeared in the County Court to obtain injunctive relief but also facilitated a negotiated settlement after a breakdown in relationship between solicitors from the same firm.
- A partnership dispute arose between a pupil barrister and law student leading to threats of violence after which the student fled in fear and called the police. Following a decision in the circumstances to keep a safe distance from the business premises, Leicester City Council prosecuted him for 'carrying on a business' under the Food Safety Act 1990. Important issues needed to be resolved in criminal law proceedings concerning an enterprise where law governing partnerships overlapped with regulatory law of Food Safety in all aspects.

To instruct Mr Michael Conlon, please email: <u>clerk@foregatechambers.co.uk</u> or telephone Julia Vaughan on 07760 766152



- In the Crown Court at Leicester a judge wrongly and in haste dismissed the jury after they had reached a verdict of not guilty so that no other verdicts could be reached on the remaining Counts. It was successfully argued at the outset of a retrial that the earlier trial had not in law ended. The defendant was formally acquitted even though His Honour Judge Pollard (not the original trial judge) initially responded by saying "It is the worst legal point I have ever heard". He formed a better understanding and changed his mind. Complex argument and a careful study of the authorities/precedents in this unusual and novel area of law was eventually persuasive and of the utmost in the successful outcome of a formal acquittal.
- Representation of the youngest ever Lieutenant Colonel in the Army formerly with overall control of the postal and courier services for the British joint armed forces worldwide, whose mental health deteriorated as a civilian, which had led him to attempt an armed robbery injuring a female member of staff at a Post Office. This case was widely reported in the national press including the Sunday Telegraph Magazine.
- □ The "Handsworth Seven" as reported in local press, were members of a gang involved in serious violence during riots in Birmingham. They had gone armed in self-defence with machetes and wearing helmets into the heated, highly dangerous volatile context of racial violence. Michael represented all seven defendants at trial. The successful outcome far exceeded their expectations.
- Prosecution of people who are profoundly hard of hearing becomes even more interesting where the witnesses are equally disabled but use a different form of sign language. Coordinating the deployment of interpreters over three languages sensitively was part of the trial process conducted by Michael who prosecuted the case.
- Possession with intent to supply class A drugs where the defendant insisted that he had been framed by a team of undercover police officers. Bad character evidence had made him an easy target. Finding inroads to challenge the case was only made possible by robust cross-examination to establish that the 'Officer in the Case' had misled his own colleagues.
- Rape of a much younger wife after judicial separation had led to the defendant making apparent full admissions over two police interviews without legal representation. Challenging the admissibility and reliability depended on evidence of two Consultant Psychiatrists. Bad character material suggested that the defendant had raped his first wife. His second had been a prostitute at the material time necessitating careful cross examination in the light of admissible sexual history. This assisted the jury in understanding the causation of injuries and the motive for lies told by the alleged victim.
- Fraud in the context of a civil costs dispute involving a bogus firm of solicitors whose details somehow appeared as genuine on the Law Society web site. Their efforts had persuaded conveyancing solicitors acting for the vendor developer, that they were acting in 144 property purchase cases before they were discovered.
- □ Gaining one of the few acquittals in a 25 defendant conspiracy to supply class A drugs (Operation Phobos in Wales) spanning from West Wales to Liverpool in 2016.
- □ Robustly challenging the Respondent before the Liverpool Employment Tribunal in a claim for racial discrimination against the Royal Bank of Scotland PLC in 2016.

Reported Cases :

AHMED -V- LEICESTER CITY COUNCIL, (APPEAL BY CASE STATED)

THE TIMES, MARCH 29, 2000, D.C

To instruct Mr Michael Conlon, please email: <u>clerk@foregatechambers.co.uk</u> or telephone Julia Vaughan on 07760 766152



FOOD SAFETY REGULATION.

Relates to the consequences of being in a silent partnership for the purposes of strict liability.

DEALING WITH REGULATORY LAW LIABILITY TO CRIMINAL SANCTION EVEN FOLLOWING VIOLENT BREAKDOWN OF A PARTNERSHIP.

CROWN -V-PAUL FEARON, (APPEAL BY CASE STATED)

JUSTICE OF THE PEACE JOURNAL.

CLARIFYING THE OLD LAW RELATING TO THE ADMISSIBILITY OF EVIDENCE OF CHARACTER IN THE CONTEXT MATERIAL IT MAY APPROPRIATE TO ADDUCE ONCE A DEFENDANT LOSES THE "SHIELD". THIS DEALS WITH THE DIVISIBILITY OF BAD CHARACTER.

R -v- DEBNATH [2006] CRIM.L.R. 451, C.A.

THE COURT OF APPEAL CONSIDERED THE RELATIONSHIP BETWEEN THE RIGHT TO FREE SPEECH UNDER ECHR, THE HUMAN RIGHTS ACT 1998 AND RESTRAINING ORDERS UNDER THE PROTECTION FROM HARASSMENT ACT 1997. THE KEY QUESTION AROSE AS THE CROWN COURT AT LEICESTER HAD IMPOSED A RESTRAINT AGAINST PUBLISHING MATERIAL **"EVEN IF TRUE"**. THIS WAS IN THE BACKGROUND OF A SYSTEMATIC CAMPAIGN ON THE INTERNET, OF CHARACTER ASSASSINATION BY A SOPHISTICATED APPELLANT WITH A DEGREE IN COMPUTER SCIENCE.

Publications :

Interest on Contractual Damages. Litigation Magazine.

Lecturing :

Particular focus for lecturing to the police has been the following:-Human Rights of vulnerable prisoners; Alternatives to criminal prosecution via the *Arrest Referral Scheme*; Home Office policy approaches to drug dependency and crime; Ethical issues for drug workers in their relationship with the police.

Memberships :

Criminal Bar Association Bar European Group Liberty

Other Languages :

Spoken French