

# Roger Birch

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YEAR OF CALL: 1979



*Roger Birch specialises in Family & International Family Law, Chancery & Commercial, Clinical Negligence, and Medical law. He puts the client at ease and he has the ability to explain complex matters in clear and understandable terms.*

## Overview

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Roger Birch has a multi-disciplinary practice which combines chancery and commercial, family law and clinical negligence. He is able to draw upon his knowledge from his varied practice to provide comprehensive solutions to those cases which cross the boundaries, such as surrogacy and fertility, complex financial remedies and mental and physical abuse.

Roger has extensive advocacy and advisory experience and regularly provides lectures and seminars in his areas of expertise.

*"I just want to thank you from the bottom of my heart for helping me through the case and I appreciate it."*

Feedback from lay client for Roger Birch & Instructing Solicitor

*Roger Birch has been described as "very client friendly".*

*"Thank you for your calm and wise counsel during a difficult time. The result was exactly as you predicted and a very good outcome for me."*

Client Testimonials

As head of the Chancery and Commercial Law Team, he has considerable experience in contract and negligence cases. This is a broad practice with an emphasis on professional negligence and company director's disqualification.

Roger practises in all areas of Family Law. He appears in Wardship cases involving the abduction and attempted abduction of children and understands the importance of prompt and thorough action to put the necessary steps in place to prevent the removal of a child. Roger appears in the Court of Protection. He has been instructed in matters involving properties in Spain, Italy, Iran and Cyprus together with contentious Probate and Inheritance Act cases.

Roger has appeared in numerous divorce proceedings in the UK which involve representing clients from Asia, the Middle East and the European Union. He has experience of enforcing Financial and Child Arrangement Orders in foreign jurisdictions. He also accepts instructions from the British Virgin Islands, South Africa and the United States of America.

Roger has prosecuted and led in high profile and serious criminal cases on behalf of HM Revenue and Customs, Department for Work and Pensions, Department of Health, and the Department for Business Innovation and Skills. His experience in such matters means he is equipped to robustly cross-examine witnesses at court.

## *Professional Panel Appointments*

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Level 4 Advocate on the Crown Prosecution Service (CPS) Specialist Fraud Group Panel.

## *Additional Information*

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The New Law Journal has published the following articles written by Roger:

Inheritance (Provision for Family and Dependents) Act 1975 – Claims by Adult Children

Company Directors Disqualification – Legal Aid and Human Rights

Medicines Act – when can a so called Legal High be defined as a medicine

Roger regularly provides lectures to lawyers, administrators and foreign regulators. Subjects have included money laundering, the Medicines Act, Planning and Company Directors Disqualification.

As a delegate at The Family Law Conference in Cape Town, Roger developed his interest in surrogacy in Europe and South Africa; the Hague Convention; and the criminalization of Forced Marriage and Female Genital Mutilation. He also attended a conference in Chicago in 2015 run by the American Academy of Assisted Reproductive Technology Attorneys on surrogacy, adoption and infertility.

He has been asked to speak in 2016 at the International Family Law Conference organized by the University of the Western Cape on the 'Voice of the Child'.

### **Direct Access:**

Roger regularly accepts instructions on advice and representation from members of the public on a direct access basis.

### **Litigation**

Roger is able to accept instructions which involves litigation and is authorised to file and accept proceedings on behalf of clients without the need of a solicitor

## *Professional Memberships*

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Chancery Bar Association.

Family Law Bar Association.

Association of Personal Injury Lawyers.

South Eastern Circuit.

## *Civil Litigation*

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Roger has been instructed in a series of personal injury and clinical negligence cases which have involved issues such as fertility, transsexual operations and gynaecological negligence. He has represented clients in cases concerning the refusal of medical assistance, the death of an employee (Health and Safety), and a hospital's failure to provide sufficient information to make an informed decision regarding abortion. He also advises on Medical Law.

He has significant experience of professional negligence claims against solicitors in respect of their conduct of personal injury and clinical negligence litigation.

## *Chancery & Commercial*

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Roger represents clients in the High Court and the Court of Appeal. The main focus of his work is contract, negligence and regulatory disputes. He is involved with claims against Insurance Companies who decline to pay out the policy, and solicitors' negligence involving conveyancing, wills and probate.

He also has a commercial fraud practice which includes money laundering, confiscation, forfeiture and the enforcement of foreign judgements.

## *Family & Children*

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Roger accepts instruction in all aspects of family law. He represents clients in wardship cases,

financial remedies and in the Court of Protection. He has also been instructed in serious care cases involving baby shaking and other cases involving serious assault and serious sexual offences.

One of his particular interests is in international family law and attends the international conferences as a delegate and as a speaker in relation to international family law matters.

## *International Family*

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### *Cases of Note*

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#### **Undre v. London Borough of Harrow [2016] EWHC 2761 (QB)**

Mr Birch successfully represented the claimant. In doing so, the High Court assessed compensation for Undre after a defamatory news release falsely linked his animal neglect conviction to the deaths of three cows. The judgment awarded £9,000 in damages, considering prior negative publicity from the prosecution and limited mitigation efforts by the defendant council.

#### **Ghazaani v Rowsham [2015] EWHC 1922 (Ch)**

He successfully represented Dr Ghazaani in a complex case regarding promissory estoppel and constructive trusts. This case involved the transfer of property in Iran and Leeds which required detailed cross-examination of Iranian witnesses via a video link in Tehran.

#### **UK Real Estates Ltd v London Borough of Camden [2013] EWHC 3505 (Admin)**

He successfully appeared on behalf of London Borough of Camden in a Judicial Review of the Local Authority's decision to prosecute in a planning matter concerning advertisements.

#### **R v Ashok Malik [2011] EWCA Crim 1107**

He appeared on behalf of the London Borough of Barnet in the Court of Appeal regarding s.92 (5) of the Trade Marks Act 1994 involving counterfeit vodka. The appeal concerned the issues of which matters were to be left to the jury.

**O'Grady Plant and Haulage Ltd v London Borough of Tower Hamlets [2011] Env.L.R.30**

He was successful in a prosecution of a case concerning controlled waste, environmental protection and the harmful disposal of waste.

**R (on the application of Donald Lewis Jenkins) v HM Coroner for Portsmouth and South East Hampshire and Cherie Cameron [2009] EWHC 3229 (Admin) (High Court**

He appeared on behalf of Donald Lewis Jenkins in a case which involved a breach of a duty of care, Coroners Inquests, medical treatment and unlawful killing.

**R v Wilson [1996] 2 Cr App R 241**

He appeared on behalf of the Crown Prosecution Service in the Court of Appeal regarding consent in sexual activities cases. This is one of the leading cases on consent.