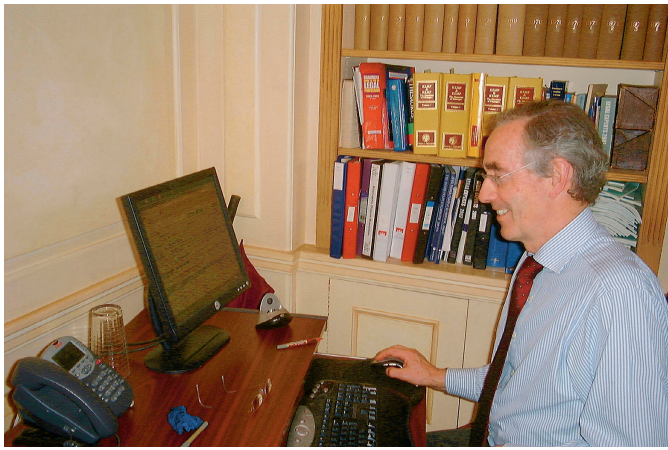


# A very wise Purchas

JustCite in practice: **Christopher Purchas QC**, former head of Crown Office Chambers, has used the time-saving and innovative citator since first it came to market. Continuing to win cases for London's largest civil common law set, he caught up with us in a rare moment of downtime to discuss several high-profile court battles, the intricacies of a key case and the tricks of his trade.



Christopher Purchas at work in his uncluttered office

Called to the bar when an Englishman last held aloft the World Cup and taking silk the year a crying Paul Gascoigne was marched off the pitch at Italia 90, Christopher Purchas QC could be forgiven a world-weary demeanour. Yet as he cruises through his fifth decade in practice, this sprightly counsel in fact has more in common with the energetic and jubilant Bobby Moore than the dusty old barrister stereotype or, for that matter, any weepy and defeated Geordie. For Purchas is a winner, albeit a winner in a very different field. Showing no signs of retiring to second-division club management or glib TV punditry, this winner's strength is time; the time that's given him experience and the time he's saved by embracing modern technology.

Here is a man who embodies the "work smarter, not harder" ethos, evident from his early days before university, I discover, when asking how he got into law. "I was very lazy," he breezily admits. "Before I went up to Cambridge to do science, a chap a year ahead said that scientists there spent five or six hours a day in the lab. Law students had five or six hours of lectures a week." So he switched. Could these be the tell-tale signs of the type of person for whom a time-saving device like JustCite might appeal?

So who is Christopher Purchas? How did he get where he is? What are the tricks of his trade? And what cases has he worked on?

Having cycled gloveless, scarfless and therefore witless from Camden to Temple on a frozen February afternoon, I am relieved to be ushered into Purchas's warm, plush room at

Crown Office Chambers, the largest civil common law set in town. Thawing out, I explain that I shouldn't take up more than 20 minutes of the busy man's time.

We're here primarily to discuss his work, of course, but – cards on the table – I hope it will help illustrate the benefits of JustCite, available at his chambers since the early days and on which he has come to rely. However, the cases to which he's lent his formidable expertise are fascinating in their own right.

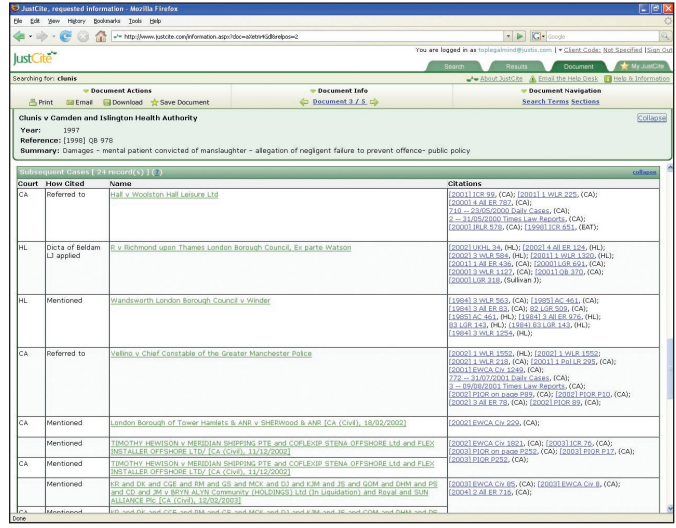
**"JustCite goes sideways, up and down, back and forth – all ways – which is why it's so useful."**

## The making of a man: a legal life in brief

- Born in 1943
- Educated at Marlborough College and Trinity College, Cambridge
- Called to the bar in 1996
- Joined Crown Office Chambers (then known as 2 Crown Office Row) in 1967
- Appointed Recorder of the Crown Court in 1986
- Elevated to Queen's Counsel in 1990
- Made Deputy High Court Judge in 1999
- Head of chambers, 1999-2005
- Appointed Court of Appeal Mediator in 2002
- Appointed ADR Group Accredited Mediator in 2004

Following his pupillage with Michael Ogden, Purchas joined his current chambers in 1967, serving as its head from 1999 to

2005. Unlike most at the bar, he specialised almost from the outset, focusing on Personal Injury and the like.





Purchas browses cases judicially considered on JustCite

Despite successfully fighting numerous important cases in his early professional life, Purchas is a modest soul and a touch reticent when asked for his career highlights, eventually offering the case of *Wells v Wells*, his “biggest case after I took silk,” which was played out in the House of Lords, and *Heil v Rankin*. Both are indexed by JustCite (and are available as full texts on Justis) and both have been judicially considered in numerous subsequent cases, as illustrated on the versatile citator’s results screen.

Recommended as a “Leading Silk” in last year’s *Legal 500*, Purchas’s impressive list for the next submission includes Fatal Accident Act claims, Personal Injury, Health and Safety, and Clinical Negligence. As they’re too recent to index on JustCite, I’m treated to a sneak preview.

The tragic case of *Williams v the Welsh Ambulance Service NHS Trust* centred on a bereaved family whose key breadwinner fell victim to a speeding ambulance. The deceased had run a million-pound-plus builder’s merchants with his family. After his death, his widow and grownup children took on additional responsibilities to maintain momentum. Their claim, brought before the Court of Appeal, was for loss of dependency. The jury, or rather the judge, is still out. But the case was impressively fought.

**“I go straight to JustCite. It gives you a broad spectrum.”**

In due course JustCite will index this case and others like it, showing where to find full-text reports, what cases were cited and how each previous case was treated by the court. Precedent, for each, was paramount. “JustCite goes sideways, up and down, back and forth – all ways – which is why it’s so useful,” says Purchas, highlighting why JustCite is so much more than a

**Purchas’s key cases**

- *HTM v HSE*, [2006] EWCA (Crim)
- *Hashtroodi v Hancock*, [2004] EWCA (Civ) 652
- *Halsey v Milton Keynes Trust*, [2004] EWCA (Civ) 576
- *Steel v Joy*, [2004] EWCA (Civ) 576
- *Drake v Provident*, [2003] 1 Lloyds Rep IR 781
- *Cranfield v Bridgrove*, [2003] 2 WLR 2441
- *Evans v Pontypridd*, [2001] EWCA Civ 1657
- *Griffin v Kingsmill*, [2001] EWCA Civ 934
- *Heil v Rankin* [1], [2001] QB 272
- *Heil v Rankin* [2], [2001] PIQR Q3
- *Wells v Wells*, [1999] AC 345
- *Doyle v Wallace*, [1998] PIQR Q146

first class, provider-neutral) route to full-text services.

Equally adept at fighting against the plaintiff, Purchas recently set to work on the potentially highly significant case of *Kerrie Gray v Thames Trains*, perhaps the most compelling on his list as it involves testing a crucial and age-old principle of law.

Hugh Mullins is a partner at Manchester law firm Halliwells LLP. As instructing solicitor he’s been involved with the case since its first hearing. He fills me in on the background.

In 1999 the claimant was a passenger in the infamous Ladbroke Grove rail crash, from which he alleged he developed Posttraumatic Stress Disorder (PTSD). In 2001, in a road rage-style attack, he stabbed and killed a pedestrian who had walked out in front of his car and, in 2003, was found guilty of manslaughter on the grounds of diminished responsibility.

“Throughout that time,” says Mullins, “he pursued a claim against Thames Trains and Network Rail [formerly Railtrack], seeking damages for losses arising from PTSD on past or future earnings.” In other words, with this conviction, the claimant thought it unlikely he’d work again. Mullins continues: “In the summer of 2007 at the preliminary hearing, Mr Justice Flaux had to decide whether this claim, as a matter of principle, could be allowed.”

On that point of principle, the judge found in favour of the defendants but an appeal hearing was granted. Enter Purchas.

The principle at stake is *ex turpi causa non oritur actio*, literally “from a dishonourable cause an action does not arise”. Purchas puts this in context: “People have to be responsible for their own criminal conduct and, as a matter of public policy, they can’t hold others responsible.” How serious a crime is determines whether a case can be considered *ex turpi causa*, says Purchas, “and one’s degree of mental turpitude” must be taken into account, he explains. The argument is, again, informed by precedent, which is where JustCite helps.

“I go straight to JustCite,” Purchas enthuses, adding that its subject search facility is particularly useful for unknown case names. “I like it because it gives you a broad spectrum, the index is pretty good and it updates you.” Importantly, he points out, though it often simply saves you time, in many instances it “allows a more informed use of time,” unearthing material that would otherwise remain covered. Without it, he

**The making of a case: key cases considered in Kerrie Gray v Thames Trains**

- *Clunis v Camden and Islington Health Authority*, [1998] QB 978
- *Dering v Earl of Winchelsea*, (1787) 1 Cox 318
- *Holman v Johnson*, 1 Cowp 341
- *Jobling v Associated Dairies*, [1982] AC 794
- *Kirkham v Chief Constable of Greater Manchester Police*, [1990] 2 QB 283
- *National Coal Board v England*, [1954] AC 403
- *Pitts v Hunt*, [1991] 1 QB 24
- *Tinsley v Milligan*, [1994] 1 AC 340
- *Vellino v Chief Constable of Manchester*, [2002] 1 WLR 218
- *Worrall v British Railways Board*, [1999] EWCA 1312



**Crown Office Chambers**

suggests, you could “waste a huge amount of time working out what’s been overruled and what have you – all that researching has been done by others. All lawyers [should] rely on it.”

Used in the first hearing and again in the second, the pivotal cases referred to in the Kerrie Gray case were *Clunis v Camden and Islington Health Authority*, *Pitts v Hunt* and *Worrall v British Railways Board*, all

well-established and known to Mullins and Purchas. But JustCite came into its own for Purchas’s compilation of an extensive list of other supporting cases (see box). “I can’t think

of anywhere else where I could get as comprehensive a collection of information,” he claims, “and it would be quite a lot of hard work finding it out elsewhere.”

It is on the basis of such meticulous preparation that cases can be won or lost.

The judgment, at the time of writing, is late. On publication, it will probably be available and, according to Mullins, “should generate substantial media interest.” He suggests that “the case will identify the scope of the doctrine [of *ex turpi causa*], an important, longstanding legal principle.”

Purchas is typically understated when considering the same. “I don’t know which way it will go,” he says, smiling, then adds with a twinkle in his eye: “Right, you’ve had your 20 minutes.” I’ve been there a good hour.

Before I gather together my things, I ask whether he has any advice for budding barristers. “Stay with it, it’s good fun,” he says simply. Bobby couldn’t have put it better himself.

**“JustCite allows a more informed use of time.”**

## **Persuasive enough?**

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