



# Simon Bickler QC

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**Year of call: 1988**

## **Areas of Practice**

Crime, Family, Direct Public Access Barristers

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## FAMILY LAW

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With over 30 years' experience, Simon's reputation precedes him on all cases concerning child welfare. He has extensive experience when dealing with complex medical evidence and cross-examination of medical experts, with particular expertise in those cases involving shaking of infants leading to death or permanent brain damage. Simon has particular expertise in serious children cases; both private and public law. He is highly regarded in cases concerning parental disputes over the leave to remove from the jurisdiction. He has extensive experience in acting for Local Authorities, Guardians and Parents.

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## FAMILY LAW CASES

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- Represented surviving child following deaths of two siblings. Overturned historical Coroner's verdict following further pathology investigation.
- Represented Local Authority in complex brain injury "baby shaking" case.
- Represented father in finding of fact care proceedings concerning baby disfigured by burns sustained in boiling water. Complex medical evidence from burns experts.
- Represented father in finding of fact care proceedings involving complex medical evidence of devastating head injury to 5 day old baby sustained whilst in hospital.
- Represented father in finding of fact care proceedings. Life threatening rectal injury to 12 year old boy with autism and learning difficulties.
- Represented father in rape and indecent assault on step-daughter aged 12 through to 15.
- Appeared for father of a child who Local Authority wished to place for adoption. He had a substantial criminal record. Successfully challenged the Local Authority.
- Represented father concerning the death by poisoning of a two year old boy and the physical and emotional abuse suffered by his surviving ten year old brother. Complex DNA and pathology evidence and psychiatric analysis. Represented interest of a baby found with a depressed skull fracture having been born with an unusually large head. Complex medical evidence. Numerous experts.
- Acted for intended adoptive parents of two children placed for adoption following care proceedings. The children whilst living with the potential adopters suffered serious injury and

claimed abuse at their hands. Complex issues concerning the potential adopters' legal rights to prevent removal from their care.

- Represented the mother of a six year old child who was on permanent dialysis having had her kidneys removed. Non-compliance with strict dietary regime was potentially life-threatening. The Local Authority sought removal of this child before a transplant was to take place. Successfully resisted.
- Represented a grandmother in care proceedings accused of seriously injuring her grandson.
- Represented mother of a two year old who had sustained serious burn injuries to her feet. Hearing to determine causation/mechanism of injury. Expert evidence from plastic surgeon and civil engineer.
- Represented grandfather accused of raping his daughter repeatedly over 20 year beginning when she was aged 4. Court concerned with his application to care for his grandchild as daughter incapacitated by mental illness. Successfully resisted all findings sought.
- Represented as Silk, a family member in a finding of fact accused of murder by poisoning of a young mother using paraquat. Unique pathology and toxicology in first ever allegation of fatality by multiple small doses over several months.
- Represented father in resisting mother's application to return child from Pakistan. Complex legal arguments on Habitual Residence and Brussels Revised.

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## FRAUD LAW

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Simon has a high-level of excellence, expertise and experience in all areas of crime, with particular emphasis on complex fraud trials. He covers all areas of fraud including investment fraud, VAT and revenue fraud, advance fee fraud and internet fraud. Film tax credit fraud is a particular area of expertise for Simon. He is highly adept at managing document-heavy cases and managing the involvement of professional experts.

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## FRAUD LAW CASES

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### **R v Driscoll – Southwark Crown Court**

Acquittal on Film Tax Credit Fraud. Lengthy cross examination of the Revenue's head of the film tax unit about the Corporation Tax Act 2009 and the guidelines that were issued by the Revenue. Simon successfully found a loop-hole in the legislation and the jury acquitted the defendant of those charges. He was later convicted on the vat fraud. His sentence however, was very favourable. Simon has subsequently been instructed to advise on several film tax credit frauds having established himself as a leading expert in the interplay between legislation and revenue guidelines.

### **R v Alvey**

International car theft from Japan on a massive scale in conspiracy with Stolen Vehicle Squad Police Officers.

### **R v Zakeri**

Complex Inland Revenue and Customs Prosecution involving four businesses over a period of six years.

### **R v Tojagic**

Conspiracy to Cheat the Inland Revenue by fraudulently claiming rollover relief of Corporation Tax. The first case in the country using new Court room technology.

### **R v Spence**

Defended man accused of conspiracy to defraud creditors by complex web of offshore companies.

### **R v Osborne**

Complex international money laundering of £20 million of proceeds of Heroin supply.

### **R v Mitchell**

Missing Trader Fraud – lead defendant in 3 month trial.

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## REGULATORY LAW

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Simon is an astute business man. His experience in business has involved many different sectors and over the years he has managed many private clients who have faced prosecution for compliance breach. These generally include Health and Safety and Trading Standards breaches.

### **Professional Discipline.**

Simon is instructed in discipline cases concerning the Police (including the Cross-Border case), the Fire Service, Probation Service and Customs and Excise, as well as individual corporate and charity matters. He represents individuals and advises employers.

### **Health and Safety.**

All aspects including trading standards – Poundstretcher (unsafe clothing), and many industries including Medley (asbestos); Mather and Jackson (fireworks and explosives); Butters (Lightwater Valley amusement park); Seiles (electricity); Henry Boot (roofing); Next (warehousing and fork lift trucks); Scurr (transportation of animals spreading foot and mouth); Totty (scaffolding); Wakefield (Hydraulic lifts), management of training at work (Next). Simon prosecutes and defends.

### **Judicial review.**

Arising from other regulatory work Simon has judicially reviewed public bodies, including witness statement only reviews and live evidence reviews. Cases include R (on application of Ashton & Fraser) v CC West Yorkshire[2005] EWHC 975 (Admin) (Chief Constable's refusal to stop discipline proceedings after case stopped as abuse in the Crown Court); R v DPP ex p Duckenfield 1999] EWHC Admin 286 (DPP's refusal to take over and discontinue private prosecution).

### **Professional Standards.**

Simon advises firms of solicitors and accountants regarding the defaults of particular employees and has acted for entire firms alleged to have committed both disciplinary and regulatory breaches. He is instructed in the disciplinary proceedings arising from administration of the COPD scheme for miners. He drafts professional guidance for accountants and barristers. he also acts for those wishing to make complaints. Simon acts for both doctors and patients in Hospital Trust investigations.

### **Public and Departmental Inquiries.**

Simon acted for the Humberside Police Federation in the Bichard Inquiry (Soham murders) and advised the officers in the IPCC Inquiry into the death of Christopher Alder. He also act for groups and individuals who do not necessarily require representation during the Inquiry itself (or are not allowed it) but need to make representations prior to the Report being published. He also advises local government departments and agencies into the scope of and terms of local inquiries into, for example, offences committed whilst being the subject of a Community Order

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## PROFESSIONAL ENDORSEMENTS

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**2019** "A silk at the height of his powers"

**2018**"A consummate silk, who builds good relationships with clients."

**2017** "A very thorough yet approachable advocate, who gets on well with clients"

**2016** "Provides impartial, professional and realistic advice"

**2015** "Very good at cross-examining medical experts"

**2014** "Noted for his expertise in child cases involving non-accidental injury"

#### **The Legal 500**

##### **Fraud Law**

**2019** "A brilliant orator"

**2018**"A formidable and very astute advocate."

**2017**"Highly regarded for his expertise in complex fraud cases"

**2015**"Never fails to get the ear of the court"

**2014**"A highly persuasive advocate"

**2012** "An extremely strong and persuasive advocate, exceptionally hard working and fearless in Court"

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## CLIENT TESTIMONIAL

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### **Family Law**

*"Following our first meeting with Simon Bickler QC it truly felt like a breath of fresh air walking out of chambers we felt very confident that our QC wasn't fazed by the complexity of our case given the legal challenges ahead. The meeting was very informative and we knew our case was time critical yet he remained very professional, determined and confident that our case would be presented to the court in a very thorough and persuasive manner.*

*Our skeletal argument was prepared flawlessly upon reading it for the first time we felt confident with our choice in representation. Simon's knowledge, experience of the law and case studies he drew knowledge from was certainly very impressive. Once our case commenced it was clear that Simon had very strong presence in Court, we felt proud and had no doubt we had hired the right representative.*

*Throughout our five day trial we watched seven witnesses cross-examined by Simon and felt there was no stone left unturned. The information that needed extracting 'was'. Our final outcome was for our family to be reunited following seven long months of separation. Our two pre-adopted daughters were returned to our care.... Our family were all overjoyed and we will be forever eternally grateful for all the time, effort and understanding given to our case"*

**– Mrs Flintham-McLean**

*"You were very reassuring from the beginning. It was a tricky case with no shortage of emotional involvement and I felt your knowledge of the law was evident throughout. Your court room presence was very impressive and to your credit, you obtained me the outcome I needed"*

**– Dr Patel**

*"Under pressure, you did not buckle. You are well deserved of your Silk status. You have a cool head*

and a great manner with clients.”

– Mr Singh

### **Criminal Law**

*“I would have no hesitation in recommending Simon BicklerQC. Simon is extremely meticulous in his pre-trial preparation and what one could only describe as an absolute expert in his field. The way he commands a court room is impeccable and he had the whole jury’s attention from start to finish leading to my acquittal.”*

– Mr Andrew Platts

### **Simon Bickler QC – Speaker at the Family Law Bar Association**

*“Having practised predominantly in Criminal Law it always struck me that the Family Courts adopted a completely different approach when embarking upon a forensic investigation into allegations of harm caused to a child. In the Crown Court the child’s evidence would almost always be tested. The overriding objective is to strike a balance between the complainant, the accused, witnesses etc. Rules of evidence strictly govern the forensic enquiry. In the family court the ‘Paramounts Principle’ applies. Thus the interest of one party, the child, is promoted above an overriding objective of achieving justice. This seismic jurisprudential shift has led to a number of potentially unintended consequences. Children are rarely challenged. Decisions affecting the future of a complainant child and siblings are usually made without the accused parent being able to test the allegations. A loose approach to admissibility of evidence has further diluted the rigour of the forensic enquiry. This lecture looks at how case law has recently started to recognise that making decisions, ostensibly in the child’s best interests, may not produce the desired result. Further that the Human Rights Act has forced the family courts to reconsider its approach. This lecture sets out Recent Case Law in both Public and Private Law and seeks to draw a common theme examining how to challenge the accepted norm from a different perspective.”*

