



PUMP COURT
CHAMBERS

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PAUL MERTENS

"Paul rapidly provides effective, efficient advice, and has skilfully guided us through various stakeholder considerations. Ever mindful of a range of potential compromises, Paul's expert support has proven invaluable."

Client

Call: 2010

For enquiries please call +44 (0)20 7353 0711 or email

Paul Mertens has a busy civil and family practice and regularly appears in trials across a range of tribunals, from the High Court and County Court to the Employment Tribunal and First-Tier Tribunal (Property Chamber). Paul's background in company secretarial and in-house legal work has given him a strong commercial insight and he prides himself on providing pragmatic commercial advice to his clients.

Before joining chambers, Paul worked at the Chartered Institute of Personnel and Development (CIPD), and he maintains an interest in and advises on professional disciplinary complaints and data protection.

Paul is Pump Court Chambers' Data Protection Officer and he has provided training on the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 to a range of organisations, including government departments and public inquiries / statutory reviews.

Since joining the Bar, Paul has been instructed in a number of cases by the Government Legal Department. In 2018, he was appointed to the Attorney General's Panel of Special Advocates.

Property Law

Paul has significant experience of dealing with disputes concerning leasehold and freehold properties. Recent work has included a case concerning the acquisition of an easement by prescription, a High Court claim involving constructive trusts over two properties in which he appeared for the successful applicant, and a claim involving alleged trusts over eight properties in Wiltshire, which he successfully defeated.

Paul has also frequently appeared in the First Tier Tribunal (Property Chamber) where he has successfully represented clients in cases concerning repairs, poor maintenance and the recoverability and reasonableness of

service charges. In the County Court, Paul has represented both landlords and tenants in claims for breach of covenant, including service charge and rent arrears and in claims for forfeiture and possession.

Paul is a member of the Property Bar Association and edits the Landlord and Tenant division of Butterworths Civil Court Precedents, a practitioner text providing commentary and guidance on drafting pleadings in a range of property matters.

Paul finds the crossover between his property work and his family finance practice engaging. He is frequently instructed in cohabitation claims under the Trusts of Land and Appointment of Trustees Act 1996 and he is well positioned to advise such clients about their potential claims when required.

Family Finance

Paul is frequently instructed in financial remedies proceedings and has appeared in a number of final hearings. He prides himself on trying to achieve the best possible outcome for his clients.

During his time in practice, Paul has developed a particular expertise in cases involving alleged issues of conduct. For example, in 2017, he appeared in a four-day final hearing relating to a marriage in which the husband had been sent to prison for rape of a minor.

Paul has also secured a number of successful results in applications for maintenance pending suit / interim maintenance and for legal services orders, with associated orders for costs.

Paul enjoys the cross-over between his family finance and property work and is regularly instructed in cohabitation claims under the Trusts of Land and Appointment of Trustees Act 1996.

Personal Injury

Paul is regularly instructed in personal injuries claims on the fast- and multi-tracks.

He has significant experience of representing claimants and defendants in road traffic accidents and has developed a particular expertise in credit-hire claims, low-velocity impact defences and exaggerated / fraudulent claims. He enjoys arguing technical points on both the merits and on costs and he has also secured a number of findings of 'fundamental dishonesty' and the dismissal of claims under s.57 of the Criminal Justice and Courts Act 2015.

Paul's advisory work in this area has included advising on a permanent facial scarring case arising from burns and involving difficult issues of quantification, and a horseplay incident in a workplace that led to long-term injury. Paul

is happy to advise on liability and / or quantum and will consider acting under a CFA where appropriate.

Administrative & Public Law

Selected Cases

(1) Hoareau (2) Bancoult v Secretary of State for Foreign and Commonwealth Affairs [2019] EWHC 221 (Admin) (Singh LJ and Carr J)

Appointed by the Divisional Court to act a Public Interest Immunity Advocate in a claim for judicial review of the decision not to resettle the Chagossian people on the Chagos Islands (led by Angus McCullough QC).

Re R (Closed Material Procedure: Evidence) [2018] EWHC 2687 (Fam) (Cobb J)

Acted as a Special Advocate for the Guardian in the closed elements of care proceedings.

(1) B (2) ND v Secretary of State for the Home Department [2018] EWHC 2651 (Admin) (Nicol J)

Acted as a Special Advocate on behalf of the first claimant, in judicial review proceedings relating to the removal of the claimants' passports under the Royal Prerogative (led by Helen Mountfield QC).

Bank Mellat v HM Treasury

Paul was instructed on behalf of the Foreign & Commonwealth Office to assist with disclosure in relation to a claim for damages arising from sanctions and financial restrictions made in respect of an Iranian bank.

Tchenguiz v SFO

Paul was instructed on behalf of the Serious Fraud Office in its defense of a claim for misfeasance in public office, wrongful arrest, false imprisonment, trespass and violation of Article 8. He was later retained by Slaughter and May to draft witness statements on behalf of the Case Manager and Principal Case Investigator.

Noise-Induced Hearing Loss Claims

In 2015, Paul was instructed on behalf of the Ministry of Defence to assist with disclosure in relation to claims for Noise-Induced Hearing Loss (NIHL) arising from military service in Iraq and Afghanistan.

Inquests & Inquiries

Since joining the Bar, Paul has been instructed in a number of cases by the Government Legal Department. In 2018, he was appointed to the Attorney General's panel of Special Advocates.

Selected Cases

The Independent Medicines and Medical Devices Safety Review

In December 2018, Paul was appointed as a Data Protection/Information law expert to this Review

The Undercover Policing Inquiry

From 2016-2018, Paul was part of a small team of junior counsel to the Undercover Policing Inquiry.

The Iraq Inquiry

In 2015, Paul was instructed by the Cabinet Office to assist with the Maxwellisation of a prominent witness's response to the Iraq Inquiry.

Inheritance, Wills & Probate

Paul accepts instructions in both contentious and non-contentious probate work.

He has a keen interest in claims under the Inheritance (Provision for Family and Dependants) Act 1975 and finds the crossover with his property practice engaging, particularly when claims for constructive trusts and /or proprietary estoppel are raised.

Paul is happy to advise in writing or in conference and, as a firm believer in the benefits of alternative dispute resolution, he is well-placed to represent clients in a mediation, if required.

Employment

Paul has a keen interest in employment law and professional discipline and is a member of the Employment Law Bar

Association and Employment Lawyers Association.

Paul welcomes instructions from both claimants and respondents across the spectrum of employment law issues, including claims for unfair dismissal (including redundancy), whistleblowing, discrimination and harassment under the Equality Act. He has appeared in a number of multi-day trials, including a seven-day trial in the Central London Employment Tribunal and a recent four-day trial in Manchester Employment Tribunal in which Employment Judge Wade described the quality of his advocacy as “excellent”.

Paul has successfully applied to strike out claims on a number of occasions and has secured costs for successful parties. He is a contributor to Pump Court Chambers’ Costs Reports, an area of increasing importance.

Before coming to the Bar, Paul worked for the Chartered Institute of Personnel and Development (CIPD), the chartered body for human resources professionals, and gained significant experience of a wide range of employment and professional disciplinary issues. Since joining chambers, Paul has been retained by the CIPD as a Legal Advisor to its Investigation Panels and, in 2016, Paul facilitated a recruitment day on it’s behalf.

Paul’s previous employment has also given him experience of drafting company policies, particularly in the areas of social media and data protection. Paul invites instructions in any area of drafting that would be of assistance. Paul has also previously audited an organisation’s compliance with data protection regulations and is well placed to assist clients identify and adapt to these statutory requirements in the most efficient and business-focused manner.

Commercial

With his background in company secretarial and in-house legal work, Paul has gained the skills and experience that come with negotiating and drafting contracts with multinational companies (PriceWaterhouseCoopers, Standard Chartered) and government agencies (Department of Work and Pensions, Dubai Police Authority).

Paul is interested in sale of goods and supply of services claims and welcomes instructions to advise on the merits, draft pleadings and appear in such matters. Paul also has experience of bankruptcy and insolvency matters in the Companies Court and County Court and is happy to advise in conference or to appear in such matters, on behalf of creditors and debtors.

Paul’s expertise in data protection has also led to him being instructed by credit reference agencies and creditor-companies concerning alleged breaches of the Data Protection Act / GDPR. Paul offers in-house training / seminars on data protection and has previously audited an organisation’s compliance with data protection regulations. As such, he is well placed to assist clients identify and adapt to these statutory requirements in the most efficient and business-focused manner.

Children Law (Private)

Paul has significant experience of private law children matters and has obtained many successful results at final hearings. He particularly enjoys the challenges of relocation cases and is well-placed to advise parents, both in advance of and during proceedings, about the evidence that should be obtained.

Paul has appeared in a number of claims involving allegations of physical or emotional harm or of substance abuse and his empathetic but assertive manner has allowed him to successfully guide parents through all the stages of their claim. He has secured a number of Occupation Orders over the years and enjoys the challenges that such cases pose.

Qualifications

- BVC (Outstanding)
- GDL (Distinction)
- MA, University College London
- BA, King's College London
- LLB (Hons) – 1st Class

Professional associations

- Employment Law Bar Association
- Employment Lawyers Association
- Personal Injuries Bar Association
- Property Bar Association

Professional activities

- Attorney-General's Panel of Special Advocates (2018)
- Bar Standards Board's CPD Expert Panel (2015)

- Independent Member of the Appeal Panel for the Anglo-European School
- Certificate of Honour (Middle Temple 2010) – Prize for outstanding BVC results.
- The Lady Templeman-Master Singhvi Memorial Fellowship – (Middle Temple 2010) – Overseas fellowship, awarded to a single member of the Inn each year. Paul gave lectures on ADR at the National Law University, Jodhpur, India.
- Harmsworth Scholarship (Middle Temple 2009) – Major BVC Scholar

Outside Interests

Paul is interested in film history and enjoys watching and reading about classic films. Paul also takes great pleasure in developing his children's interest in his two main passions: winter sports and Welsh rugby!