



Sam Green

Qualification(s): MA(Hons) Cantab

Year of Call: 1998

Inn: Lincoln's

Appointments

2007 Attorney General's list of Prosecuting Counsel
2007 Called to the Bar of Northern Ireland
2009 Grade 4 prosecutor

Areas of Practice:

Areas of Practice:

Crime:

- Fraud & money laundering
- Homicide
- Violence, including that arising from organised crime
- Firearms offences
- Drugs offences.
- Human trafficking
- Sexual offences

Civil:

- Judicial review
- Medical law
- Employment
- All non-criminal police matters (including police pensions)
- Commercial litigation

Regulatory/Disciplinary:

- Health & Safety
- Inquests (in particular, representing police officers or members of the medical profession who are "interested persons")

- Judicial review
- Police Misconduct proceedings
- General Medical Council
- Nursing and Midwifery Council
- Solicitors' Disciplinary Tribunal

Sample Cases Crime

- *R v Rai & Ors* (November 2003, Harrow Crown Court) Led junior, Europe-wide human trafficking case.
- *R v Iqbal & ors* (Birmingham Crown, Jan – April 2005) – represented 1 of 10 defendants (attempted murder) led by Mr Peter Joyce QC.
- *R v Peter Haigh & ors* (Sheffield Crown Court, July 2007) – defended meat business proprietor accused of money laundering arising from large scale cigarette smuggling.
- *R v B* (Birmingham Crown Court, October 2007) – led junior in £56,000,000 confiscation case.
- *R v Bakish Alla Khan & ors* [2008] 2 Cr. App. R. 13. Leading case on jury composition and bias.
- *R v Jabari* (Sheffield Crown Court, November 2008). Led by Simon Myerson QC for prosecution in case involving particularly violent murder by the defendant of his best friend's girlfriend.
- *R v Croasdale & ors* (Leeds Crown Court, December 2010). Manslaughter in Headingley. Defending. Led by Paul Greaney QC.

Health and Safety / Environmental

- *R v Biffa* (Newcastle Crown Court, June 2004) Led by Mr Bryan Cox (now QC) for prosecution arising from fatal accident at landfill site.
- *R v Doherty* (October 2004, Leeds Crown Court. Acted alone, prosecuting health & safety case (fatal) - against Peter Kelson QC.
- *R v Next Distribution Ltd.* (July 2005, Leeds Crown Court). Prosecution for breach of s.2 HSWA (fatal accident), led by Simon Myerson QC, against Robert Smith QC for Defendant.
- *R v RWL Ltd & EVR Yorkshire Ltd* (October 2007, Leeds Crown Court). Prosecution of companies arising from breach of s.3 HSWA resulting from inappropriate use of children's play area for adult entertainment, one such adult having a serious accident and rendered tetraplegic.
- *R v Next Distribution Ltd* (Leeds Crown Court 2009). Led by Simon Myerson QC. Alleged breach of s.2 HSWA 1974. Fatal fall from height.
- *R v Hydro Aluminium Extrusion Ltd* (Durham Crown Court, March 2010) Prosecution of company following death of employee who sustained fatal injuries as a result of contact with heavy duty shuttle car. Company pleaded guilty and fined £100,000.
- *R v UPS (SCS) Ltd* (Leeds Crown Court, September 2010). Prosecuted British subsidiary of the well-known freight logistics organisation. Debilitating injury caused to a

man trapped between a reversing container lorry and a docking station wall.

- *R v Hargreaves (UK) Services Ltd* (Grimsby Crown Court, October 2010). Prosecuted large coal distributor (David Travers QC defending) following death of operative crushed by coal shovel loading truck. Company fined £120,000.
- *R v Network Rail Infrastructure Ltd* (Newcastle Crown Court, November 2010). Death of pedestrian on level crossing, alleged by the prosecution to have been caused by breach of statutory duty by the defendant. Network Rail admitted breach of its statutory duty (s.3 Health and Safety at Work Act 1974) but denied that its breach was causative of death. Causation issue duly tried by a judge in a *Newton* style hearing (Prashant Popat QC defending) and resolved in the prosecution's favour. Network Rail fined £75,000.
- Retained to prosecute supplier of glass cutting equipment following amputation of glass worker's hand when a large sheet of glass dropped onto him.
- Represents commercial organizations charged with, or under threat of prosecution in respect of, health and safety and environmental crime.

Disciplinary

- *Re PC Maqbool* (West Yorkshire Police HQ, January 2006) – Acted for the accused officer at the first ever full hearing within the West Yorkshire Police arising from unsatisfactory attendance under Police (Efficiency) Regulations 1999 (as amended).
- *Re PC Sarah Simms & ors* (Misconduct Hearing, Derbyshire, October 2006) – Defended one of seven officers whose alleged misconduct arose over alleged flawed investigation of a campaign of harassment by a man called Mark Dyche of his estranged partner, a woman called Tanya Moore (Dyche was prosecuted to conviction for Moore's murder at Nottingham Crown Court in 2005).
- *Re PC A* (Misconduct Hearing, January 2007) – Defending. Allegations of sexual abuse of trust by force domestic violence officer.
- *Re Bettley* (Misconduct Hearing, March 2009). Presenting case against officer accused of membership of BNP.
- *Re Marsh* (Nursing and Midwifery Council, January 2010). Defended Registered Mental Nurse against allegations of abuse and neglect of vulnerable care home residents. No impairment found and registrant explicitly exonerated by the Panel.
- Previously advised and retained to act for solicitor's firm accused of improper and self-serving approach to settling claims on behalf of miners for whom it acted.

Recent Judicial Reviews

- *Siberry's Application* [2008] NIQB 147 (High Court of Northern Ireland). Successful application for judicial review of decision of Senior Coroner to call Prisoner Ombudsman for Northern Ireland to give non-expert opinion evidence on standard of medical care afforded to deceased prison inmate.
- *R (Muldoon) v Independent Police Complaints Commission* [2009] EWHC 3633 Admin. Successfully defended IPCC against allegations of bias and impropriety in its scrutiny of complaints about a Merseyside Police investigation of conduct of various police officers in their dealings with the Claimant's son.
- *R (Northumbria Police Authority) v Broome* (March 2010). Successful challenge to Selected Medical Practitioner's approach to review, under Regulation 37(1) of the Police (Injury Benefit) Regulations 2006, of a pensioner's degree of disablement.

- *R (North Yorkshire Police Authority) v IPCC* [2010] EWHC 1690 (Admin). Whether complaint about refusal by Chief Constable personally to investigate alleged criminal wrongdoing amounted to an issue relating to his personal conduct or one relating to the direction and control of his force. (Led by John Beggs QC.)

- *R (Flint) v Chief Constable of North Yorkshire Police* [2010] EWHC 2025 (Admin). Acted for Chief Constable. Whether Regulation 5(4) of the Police Regulations 2003 imposed a mandatory obligation on the Chief Constable to re-characterise a part-time employee as a full-time one, so as to enhance sick-pay entitlement.

- *R (French) v Chief Constable of West Yorkshire* [2011] EWHC 546 (Admin). Acted (with Paul Greaney QC) for officer dismissed for alleged gross misconduct. Issues included bias, right to a fair discipline hearing and proper interpretation of various provisions of the Police (Conduct) Regulations 2008.

Inquests

- 2008 - before Deputy West Yorkshire Coroner (and a jury), arising from death of innocent third party during successful operation to apprehend drug dealer: represented police officer whose conduct one other interested person in particular wanted to impugn.

- 2008 - before Greater Belfast Coroner, arising from death of an elderly woman following post operative complications: represented one of the two consultant surgeons.

- 2008, before Deputy South Yorkshire Coroner (and a jury), arising from death of prison inmate from septicaemia: represented one of the prison doctors.

- 2009, represented psychiatrist in inquest arising from the death of a child and her mother; the mother smothered her daughter, then took her own life.

- 2010, represented (with John Beggs QC) retired GP in inquest into deaths of three of his terminally ill patients. Key issues were the amounts of morphine administered to his patients in their final hours, the justification for the dosages selected and whether those dosages accelerated or hastened death.

Employment

- Experienced in representing police forces accused of acting in breach of the Disability Discrimination Act 1995.

Additional Information

Regularly represents professional people whose careers (and, sometimes, liberty) are at stake. Has been instructed on behalf of medical professionals, police officers, accountants, and members of the legal profession.

Extensive experience of police discipline cases, having variously acted as counsel for the accused officer, counsel for the presenting side and legal adviser to misconduct panels and Chief Constables. Also has experience of acting for police forces, police authorities, individual police officers and the Independent Police Complaints Commission in judicial review proceedings.

Extensive knowledge of coronial law and the body of law expounding the effect of Article 2 of the European Convention on Human Rights on the inquest process. Usually instructed on behalf of police officers, police forces or medical professionals.

Advisory work: Experienced in providing written advice to Police Forces and ACPO on sensitive – sometimes highly topical – policy and operational issues.

Scholarships: Whittaker Scholar of Trinity College, Cambridge.

Recommendations:

Legal 500 2005: *"Samuel Green is moving through the ranks and combines fraud expertise with an interest in regulatory and civil matters"*. Legal 500 2006: *Samuel Green combines fraud experience with commercial and regulatory expertise"*.

Legal 500 2007-08: *"Samuel Green brings fraud experience to his commercial and regulatory practice"*. Legal 500 2010: *"Has considerable commercial acumen and is a master tactician"* Legal Experts 2007, 2008, 2009 and 2010: *"Expert"* in commercial litigation.

Clerk(s):

Wayne Stevens/Karen Richardson (Crime/Regulatory)
Moirax Paxton/Janet Jackson (Civil)