

**Peter Andrew Carlin LLB (Hons) (Lond)**  
**Solicitor**  
**Curriculum Vitae**

**Posts/Positions Held**

Member Law Soc Mental Health Panel  
Part time Tribunal Judge  
Member of LSC Funding Review and Costs Committees

**Career History**

Year of qualification: 1975

1975 - 1978: Assistant Solicitor with J Robert Pinder & Son, Derby  
1978 - 1987: Partner in JRP & S  
1987 - 1997: Partner in O'Shea & Carlin, Derby  
1997 - 2008: Partner in Irvings, Derby  
2008 - Consultant in Irvings, Derby  
2008 - April 2011: Consultant with Scott - Moncrieff, Harbour and Sinclair  
April 2011 - October 2011: Consultant with Scott-Moncrieff & Associates LLP

**Types of Cases that I have Conducted**

Representing all categories of patients who can apply to, or be referred to, a First-tier Tribunal except those under guardianship (I have advised such patients)  
Representing the appellant in the Upper Tribunal  
JR proceedings to challenge the lawfulness of admission under s.3  
Representing nearest relatives in MHRTs  
Representing the local authority in a MHRT  
Representing nearest relatives in displacement proceedings  
Representing the local authority in displacement proceedings  
Representing patients in JR of treatment decisions  
Suing LAs to recover unlawful charges for s.117 after care: following *Stennett*  
Suing the RA for damages for delay of discharge arising from inefficiency before the MHRT  
Suing the RA for damages for delay in effecting transfer to hospital from a police station  
Raising the defence of insanity in the magistrates' court  
Appeal against a life sentence on grounds that the psychiatric evidence before the sentencing Court was flawed and it should be replaced by a hospital order  
Sentencing generally in cases where psychiatric reports have been obtained.

**Reported Cases**

R (O'Reilly) -v- Blenheim Healthcare Ltd [2005] EWHC 241 (Admin)  
CM -v- Derbyshire ans S.O S. [2011] UKUT 129 (AAC)

**Articles Written**

*Independent Advocacy. A Brief Look at its past and present. Is its Future under Threat?* Journal of Mental Health Law February 2002  
*Detained Patients and ECT.* Mind Legal Network Newsletter March 2002  
*Capacity to Litigate after Wilkinson and Masterman-Lister: is the Harbin v Masterman order still appropriate?* Mind Legal Network Newsletter January 2003  
*Seeking Restitution for Wrongfully Charged Patients. Coughlan, Stennett and the Ombudsmen.* Trusts and Estates Law and Tax Journal 2004

**Talks Given**

*The Role of the Mental Health Advocate. Lawyers Working with Advocates.* MHLA Annual Conference 2003  
*The Mental Health System and the Criminal Justice System. Representing Clients in Both.* Mind Legal Network, Birmingham 2003.  
*Introduction to Mental Health Law.* Nottingham Area LSC Funding Review and Costs Committees Annual Conference 2006

**October 24<sup>th</sup> 2011**