



James Leonard KC

Year of Call: 1989
Year of Silk: 2023
Direct Access: No

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James specialises predominantly in **Health, Safety & Environmental Law** and has an established practice in **Disciplinary & Regulatory** cases. He has a considerable background in complex industrial accident cases, **fraud and corruption cases**, **financial services**, multi-jurisdictional confiscation proceedings and **Public Law**.

James has been a leading Junior in two Counsel cases since 2005 and was appointed King's Counsel in 2022.

James Leonard KC's reputation is for prompt assistance to all professional clients in all disciplines; detailed preparation, calm, reasoned and practical advice for all lay clients as well as robust advocacy, fearless cross examination and sound tactical sense in Court.

In 2014, James was the Chambers & Partners Professional Discipline Junior of the Year, and in 2017 he was the Chambers and Partners Health and Safety Junior of the Year.

As at 2022, James Leonard is one of only two barristers at the Bar of England and Wales to whom Chambers & Partners have afforded the 'Star' status in Health and Safety law.

Against the background of his fraud, corruption and financial services experience, James is regularly instructed in relation to allegations of Contempt of Court in relation to disobeying court orders in relation to assets and disclosure thereof.

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Areas of Expertise

Health & Safety

James' Health, Safety and Environmental work leads to appearances in Courts at every level but his caseload includes the most serious cases for high profile clients. They invariably include fatalities in the workplace, allegations of Gross Negligence Manslaughter against individuals and offences under the Corporate Manslaughter and Corporate Homicide Act 2007 against corporate bodies.

He represents nationally known companies (including Comet Group PLC, Sainsbury Group, Dyfed Steels Ltd, RWE Npower PLC, Western Power Distribution PLC, Virgin Media Group, BOC (UK) Ltd, BFK Joint Venture on the Crossrail project, Babcock DSG Ltd, Barratt Developments PLC, Toppesfield Ltd, ConocoPhillips (U.K.) Ltd, British Airways PLC, British Car Auctions Ltd, NHS England and British Land PLC) as well as smaller limited companies and their directors.

His most recent work includes representing British Airways PLC in respect of a prosecution arising out of a serious baggage hall accident at Heathrow's T5 and WH Malcolm Ltd in relation to the death of an 11 year old boy on a private rail network.

James' Health and Safety-related work is extensive and nationwide, and extending to Australia. He regularly represents corporates and individuals in jury and non-jury inquests particularly when an individual is thought to be at risk of prosecution. In Inquests, robustly managing an individual's right against self-incrimination in a potentially hostile tribunal is a particular specialty. James has extensive experience in Article 2 Inquest proceedings having appeared in a number of prison death cases and deaths relating to police activity including the Tomlinson G20 Inquest and the suicide of a mental health patient in a south Wales hospital. He has particular experience with health and safety issues arising out of Care Home facilities, having represented a number of care home owners and service providers arising out of fatal accidents to and/or unexplained deaths of residents. His health care work includes experience in the GMC and GDC (see professional discipline tab) and representing registered Care Homes and Managers in relation to CQC investigations and prosecutions as well as appealing notices of suspension to the First Tier Tribunal.

James' Inquest experience includes representing, as Leading Junior, a building sub-contractor in the three-month Lakanal House Fire 'Super' Inquest in London. In 2015, he represented the BFK Joint Venture at an Inquest in relation to a death on the Crossrail project. In July 2016 he represented a PFI Company in relation to the death of a patient from Legionnaire's disease in a major public healthcare facility and more latterly represented Barratt Developments PLC at an Inquest arising out of a landslide at Looe in Cornwall.

Alongside his Inquest work James has extensive Public Inquiry experience having represented the Chief Pathologist for the Northern Ireland in the Hyponatraemia Inquiry in relation to the Royal Hospital in Belfast, a national Healthcare Institution in the Infected Blood Inquiry and CS Stokes Assocs Ltd, the Fire Risk Assessor for the Tower one of the primary Core Participants, in the Grenfell Tower Public Inquiry.

In the context of Health and Safety prosecution, James' work is nationwide. He regularly appears in the Crown Court and, when necessary, the Court of Appeal Criminal Division, for example recently for R (HSE) vs. ATE Ltd (2018) and R (ORR) v. WH Malcolm Ltd.

Consideration of relevant regulations and criminal liability (or not) as a result of alleged breaches is a specialty. He

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regularly advises individuals and companies faced with HSE or LA enquiries on strategy, response and internal investigation.

His recent homicide experience includes defending for the Princes Sporting Club Ltd when the company was prosecuted for Corporate Manslaughter, defending in R v. John Binning (gross negligence manslaughter arising out of a fall from height in farming/commercial premises), (in 2016) defending Dr Errol Cornish (arising out of a death in hospital alongside an NHS Trust charged with Corporate Manslaughter. In R v. Robinson (2022), he successfully defended (as a leading Junior) the director of a demolition company charged with Gross Negligence Manslaughter. Also in 2022 he successfully defended another company director for a section 37 HSWA Act offence arising out of a fatal accident.

He has lectured extensively on the new guideline to the Health and Safety Lawyers Association (in London and Scotland) and to solicitors and corporate clients alike.

Financial Services, Contempt of Court and Sanctions

His fraud and financial services experience includes allegations of tax fraud, VAT/MTIC fraud, FCA interventions and investigations, and corruption at the very highest level especially appearing as a Leading Junior. The management of evidence, disclosure, privilege and unused material in vast cases are particular specialties.

Against the background of his fraud, corruption and financial services experience, James is regularly instructed in relation to allegations of Contempt of Court in relation to disobeying court orders in relation to assets and disclosure thereof. He is instructed both to defend allegations of Contempt of Court and in relation to the bringing of committal proceedings in both the KBD and Chancery Divisions of the High Court.

He is instructed to advise corporates and subsidiaries in relation to the every changing landscape of UK Sanctions and export controls. The advice is predominantly directed towards sanctions risk in relation to anticipated commercial transactions and/or activities.

His financial services work includes money laundering offences and investigations and complex multi-jurisdictional confiscation proceedings involving Switzerland, the Channel Islands, Spain, Andorra, the Turks and Caicos Islands, the Marshall Islands, Gibraltar and the United States of America.

James has an established practice representing corporate clients, Trusts and fiduciary services companies in relation to financial structures and in particular the impact of proceedings/investigations on property held in off shore structures and/or international jurisdictions.

This practice includes, where appropriate, intervening as on behalf of third parties in confiscation proceedings and advising on the management of and reaction to Restraint Orders and the appointment of Receivers.

James provides guidance on the nature scope and conduct of internal investigations concerning employee misconduct.

Professional Discipline

His Regulatory experience of representing health care and legal professionals extends to Inquests, the GMC, the GDC, the GPhC, the Tribunal Chamber for Education Health and Social Care and SRA disciplinary tribunals.

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He appears in the High Court and Court of Appeal concerning the challenge of regulatory orders. In the medical tribunals, James represents clients up to Consultant level in relation to health and misconduct issues with a particular emphasis on serious clinical incompetence, dishonesty, fraud and suspected sexual impropriety.

He has a background in serious crime (and is a veteran of innumerable murders, manslaughters, sexual offences and investment/ tax frauds). When dealing with conduct allegations against professionals which involves criminal behaviour, James appears in the Crown Court. During the summer of 2010 James was Junior to Adrian Hopkins QC in the GMC, representing Forensic Pathologist Dr Freddie Patel in relation to innumerable allegations relating to Dr Patel's appearance at Inquests.

In 2011 he went on to represent Dr Patel at the G20 Protest Inquest into the death of Ian Tomlinson, one of the most high profile inquests of recent years. As part of his GMC experience, James represented a Shropshire GP charged with deliberately administering a fatal dose of diamorphine to one of his patients in a so called "mercy killing". The case amounted to an allegation of murder, attracted national publicity but was resolved by the Doctor receiving a formal warning.

In 2014 he conducted FtPP hearings for Consultants and Senior Clinicians in relation to misconduct and performance issues including a consultant Breast Cancer Surgeon in relation to apparent missed cancer diagnoses. He represented a Senior Pathology Consultant at the 2014 Northern Ireland Inquiry into Hyponatraemia Related Deaths. His case load for 2016 is similar and includes allegations of sexual impropriety by a GP with a patient and allegations against a consultant Psychiatrist concerning the discharge of a patient who went on to commit a violent criminal offence on a member of the public.

In recent years, his experience has extended to representing the partner of a firm of solicitors for allegations of wrongdoing relating to client funds, a junior solicitor in a high profile media firm apparently forging the signature of a client on a mortgage deed, a senior Obstetric consultant for fraud in the Crown Court, GMC and in relation to High Court Judicial Review, a consultant anaesthetist for manslaughter in the Crown Court, at Inquest and in GMC proceedings and in 2018/9 a dentist charged with over 2000 offences of misconduct in relation to record keeping and dishonesty. In 2022, James represented a consultant surgeon in relations to allegations of dishonestly describing his practising privileges online and in correspondence.

James manages the Professional Discipline Lawyers Group on LinkedIn.

Notable Professional Discipline cases

Dr Errol Cornish

Representing a Snr Obstetrician at trial for manslaughter and then at 3 week Inquest. The death of Frances Cappucini. Detailed evidence of practice etc and highly technical evidence of blood samples and infection.

GMC v A

Case relating to allegations of dishonestly describing a doctor's practising privileges online and in correspondence. The Tribunal concluded that, based on the evidence produced, it could not properly find the facts of the allegation proved. Accordingly, it determined to accede to the application under Rule 17(2)(g) of the Rules.

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GMC v B

Adverse findings of sexual misconduct against GP in the GMC when represented by other Counsel. James was instructed in the High Court and then the Court of Appeal.

The case provided some helpful guidance for fitness to practise tribunals on the correct approach to dealing with matters involving sexual touching in clinical settings.

GMC v D

A consultant anaesthetist had been charged with multiple allegations of over-claiming for overtime running into £1000's of dishonesty over several years. Complex case which was brought after she was sacked by her trust for gross misconduct. All charges dismissed by the MPTS.

Memberships

- Association of Regulatory & Disciplinary Lawyers
- Criminal Bar Association
- Health & Safety Lawyers Association

Recommendations

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