



# James Leonard

**Year of Call:** 1989

**Direct Access:** Yes

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

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

## Areas of Expertise

### Health & Safety

James' Health & Safety and Environmental work leads to appearances in Courts at every level but his caseload is at the higher end of the scale of seriousness. Those cases invariably include fatalities in the work place, allegations of gross negligence manslaughter and offences under the Corporate Manslaughter and Corporate Homicide Act 2007.

He represents nationally known companies (including Comet Group PLC, Sainsbury Group, Dyfed Steels Ltd, RWE Npower PLC, Western Power Distribution PLC, Virgin Media Group, Tulip Group PLC, Sita UK Ltd, BOC (UK) Ltd, BFK Joint Venture on the Crossrail project, Babcock DSG Ltd, Barratt Developments PLC and ConocoPhillips (U.K.) Ltd) as well as smaller limited companies and their directors. His most recent work includes representing BBC Studio Works Ltd in respect of a prosecution arising out of an on-set accident at Elstree Studios, London, UK.

James' Health and Safety-related work is extensive and nationwide, recently 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 speciality. James has extensive experience in Article 2 Inquest proceedings having appeared in a number of

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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 in December 2016 was instructed to represent Barratt Developments PLC at an Inquest arising out of a landslide at Looe in Cornwall.

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, recently for the successful appellant in R (HSE) vs. ATE Ltd (2018). Consideration of relevant regulations and criminal liability (or not) as a result of alleged breaches is a specialty. He 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) and (in 2016) defending Dr Errol Cornish (charged with gross negligence manslaughter) arising out of a death in hospital alongside an NHS Trust charged with Corporate Manslaughter.

In 2016, James defended in R (MKBC) v. Travis Perkins Trading Company Limited – one of the first fatal accident prosecutions/sentences of a multi-billion pound turnover company under the new Sentencing Council's Guideline on Health and Safety Offences, Corporate Manslaughter and Food Hygiene Offences. 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.

In addition to his experience in relation to major industrial accidents for power, utility and COMAH installations for RWE nPower PLC and BOC (UK Ltd), he was instructed by Freshfields Bruckhaus Deringer for ConocoPhillips (U.K.) Ltd in relation to a prosecution arising out of the LOGGS gas emission in the North Sea – one of the biggest ever of its kind – which went to the Court of Appeal (Criminal Division).

In the autumn of 2016 James was instructed to advise Masuri Group Ltd (manufacturers of cricket helmets) in relation to its appearance before the NSW Coroner (Australia) for an Inquest into the death of cricketer Phillip Hughes.

In 2017, James's prosecution experience included representing, as first Junior, the BFK JV in a prosecution arising out of a fatality on the Crossrail project and Western Power Distribution (South West) PLC arising out of the fatality of one of its overhead linesmen.

He is currently instructed for the site owners of the Didcot Power Station, which collapsed in February 2016 leading to four fatalities. James has experience of Public Inquiry work and is currently instructed for one of the Core Participants in the Grenfell Tower Public Inquiry.

Although predominantly a defence advocate, James is instructed by the Maritime and Coastguard Agency in relation to

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prosecutions arising out of fatal accidents at sea and prosecuted R (MCA) v. Bowman-Davies in 2017 for a double fatality which resulted in the longest prison sentence ever handed down in an MCA prosecution for offences pursuant to the Merchant Shipping Act and its regulations.

He also has a well-established practice defending death by dangerous driving cases in the Crown Court and Court of Appeal Criminal Division particularly for commercial drivers.

James manages the UK Health and Safety Lawyers Group on LinkedIn and was awarded the prize of Health and Safety Junior of the Year in the Chambers and Partners UK Bar Awards 2017.

## Financial Services

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.

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, 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 conduct.

## Disciplinary & Regulatory

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.

He regularly 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

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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. James manages the Professional Discipline Lawyers Group on LinkedIn.

## Memberships

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

## Recommendations



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