

Barrister: James Byrne

Overview:

James is recognised by those who instruct him as having an extremely bright future ahead of him. He is regularly instructed in high profile and complex cases due to his approachability, excellent work ethic and tactical nous.

James was recently invited to join 9 Gough Square's Clinical Negligence and PI teams, with a primary focus of clinical negligence work. With a background in complex criminal fraud work James has been able to transfer his talents as a powerful and astute advocate to good effect. As a fraud barrister James built his reputation as a leader in the field on his ability to conduct persuasive and intelligent cross-examination of financial experts to successfully undermine the case against his clients. He now applies the same polite and engaging court room presence in a similar manner to support of his client's cases against medical experts.

Currently, and separate to his Clinical Negligence work, James has been instructed by the Serious Fraud Office as counsel prosecuting the confiscation element of the Libor rate-fixing scandal. The work includes some ground breaking analysis of confiscation law.

Interests

Since retiring from a long amateur (in the truest sense) career playing Rugby, James now competes at Ironman and long distance swimming.

Clinical Negligence

Clinical Negligence

James is establishing a thriving practice in the field of clinical negligence, accepting instructions from private clients, NHS Trusts, medical defence organisations and private medical and related institutions in substantial claims including catastrophic injury, particularly brain and spinal injuries, and claims arising from the use of medical products and equipment.

With a background in criminal law James is a robust, tenacious and persuasive advocate when advancing his client's case, but balances this with a relaxed, friendly and sensitive approach towards his clients who often are dealing with the after effects of extremely traumatic events. James' wife is a doctor, thus he has a unique insight into the medical profession that many barristers in this field lack.

Personal Injury

Personal Injury

James' represents both claimants and defendant in claims arising from workplace accidents, road traffic matters, public and occupiers liability, asbestos exposure and accidents in foreign jurisdictions. Alongside being available to advise, draft pleadings and schedules James regularly appears in both fast and multi-track trials where his background experience as a criminal barrister has taught him to be an effective and persuasive court advocate.



Call: 2006

Education:

Lincoln's Inn Accommodation Award, Cholmondeley Award; Lord Denning Scholarship; Hardwicke Scholarship

Practice areas

- Clinical Negligence
- Commercial and Property
- Crime and Fraud
- Employment
- Inquests
- Personal Injury

Recent News

- James Byrne instructed by Northamptonshire Fire Services at Inquest regarding ammonia leak incident at Carlsberg Brewery
- James Byrne to provide advice to the estates and dependents of those killed in the Tunisian terrorist attacks
- James Byrne successfully represents Norman Cook (aka Fatboy Slim)
- James Byrne singled out for exceptional praise by the Serious Crime Unit
- James Byrne hired by LexisNexis as their expert on spinal injuries
- New s10A POCA guidance created in Libor case
- Psychological issues and surgery: The need for a second opinion
- James Byrne wins unusual case for London Ambulance Service
- James Byrne successfully represents Commissioner of the Metropolitan Police in the High Court resisting application for

James recently assisted in the writing of the new chapter about limitation periods in the 9 Gough Square book "Asbestos Claims: Law, Practice and Procedure".

Inquests

James accepts instructions to act for interested parties, including bereaved families and regulatory bodies in Inquests conducted at the Coroners' Courts, providing tailored, thorough and supportive representation throughout the process.

James' pedigree as a criminal barrister and his long-standing experience of the cut and thrust of the Crown Court lends itself well to the practical handling of inquest cases, particularly, the examination of witnesses and the presentation of complicated legal arguments to ensure all of the evidence is heard.

As a triathlete, serious cyclist and everyday commuter James has a unique insight and particular expertise in cases dealing with fatal road traffic accidents involving bicycles & motor vehicles.

Recent inquest cases include:

Ellie Butler: James is representing the Commissioner of the Metropolitan Police who is an interested party in the inquest touching the death of Ellie Butler, a young girl murdered by her father. This case received national attention after it was revealed that Ellie had been returned by order of the court to the care of her parents against her grandparent's and social services' protest with tragic consequences. Her parents deny her murder and have expressed a wish to be parties to the inquest. A unique feature of this case will be whether the court will look at the decision of senior high court judges who ordered Ellie's return.

Croydon Tram Crash: James is junior counsel to Andrew Ritchie QC representing families of those killed when a tram derailed in Croydon in 2015, caused principally by driver error. Again this case has had national attention and James and Andrew have been asked specifically to look at the role of Transport for London and their systems of work to see whether they played a part in the accident.

Tunisia terrorist attack: Again a junior to Andrew Ritchie QC representing families killed in the Tunisia terrorist attack. This large and complex inquest was heard over a number of weeks last year and has been used as a springboard to advance civil claims pursuant to the FTA against a major tour operator for selling holidays to a location with a high threat level whilst failing to warn customers of the same.

Alongside high profile cases, James has represented parties in respect of deaths resulting from alleged clinical negligence. Currently, James is advising as to the prospects of seeking an Article 2 inquest in respect of the death of a woman suffering significant mental health and physical difficulties after a failure of an NHS trust to take proper care of dietary requirements leaving the woman, and other patients with similar dietary needs, vulnerable to choking accidents.

Criminal

Criminal / Civil Fraud & POCA

James' practice focuses heavily on the most complex and high profile frauds and asset recovery cases. As a mark of his ability James has been instructed by the Serious Fraud Office in its bellwether prosecution of the Libor fixing scandal.

appeal by way of case stated and judicial review

- Defendants ordered to forfeit £250,000 following forfeiture hearing
- James Byrne instructed by Serious Fraud Office in Libor cases

Over the past two years James has also been retained by the Serious Fraud Office to provide strategic advice regarding the recovery of assets from some of the UK's biggest criminals in both the criminal and civil courts. James has built up a specialist knowledge that includes advising on receiverships, insolvency, trusts and possession law.

Notable Cases

- **Libor Prosecution:** Manipulation of the LIBOR by the largest international banks in the world.
- **Rastogi:** \$750 million global metal trading fraud.
- **Afzal & McGarry:** £50-60 million mortgage fraud that led to the near collapse of the Cheshire Building Society.
- **Thorne:** Reported High Court judgment setting out the law with regards to a applicant obtaining a certificate of inadequacy.

Regulatory

James is currently a grade 3 prosecutor and accepts instructions in general crime, serious crime and regulatory crime. He particularly enjoys cases of a complex and tactical nature. James has recently concluded defending against the largest prosecution ever brought under the Gangmasters Regulations. As part of the defence James sought to challenge the abuse of process ruling of R v A (in the first case ever heard at Bristol Divisional Court). In concluding the case District Judge Cooper of Swindon took time to praise James for the outstanding contribution and hard work he had put in the case. From a seemingly hopeless situation, James ultimately earned his client an absolute discharge and minimal costs.

James covers a wide range of work in respect of building regulations and fire safety in across a range of premises including rented single houses, houses of multiple occupancy and purpose built blocks of flat (whether owned privately or by Housing Associations). Much of this work dovetails with James' professional negligence, personal injury and fatal accident practice.

Notable Cases

- **R v Ahmed (2016):** Defending allegations of breaches of fire regulations including the use of dangerous building materials and lack of fire escapes in a Birmingham HMO where a fire broke out causing the death of three person.
- **A v A (2016):** Advising in pre-issue fatal accident case where an employee was killed by fire as a result of her employer failed to provide her with a safe system of work.
- **LB of Tower Hamlets v Canary Wharf Management (2015):** Prosecuting breaches of H&S and Management Regs resulting in a catastrophic injury to a security guard during the renovations of the Canary Wharf.

Commercial & Property

Commercial & Property Law

As the fastest growing area of his practice and with a background in receivership, insolvency, asset recovery, trust law and possession claims, James welcomes instructions across the full spectrum of commercial and property disputes.

Unlike most commercial counsel James is able to draw on a wealth of experience as a Jury advocate and as such has a robust, fearless and persuasive courtroom presence tempered for whichever court he appears; be it Small Claims, County or High Court.

James has a particular interest in adverse possession. Of late, he was asked to advise in a highly unusual and complex case involving a concealed successive trespass on substrata land. James had to advise under both the 1925 and 2003 regimes and was praised by those that instructed him for depth of his work within a short time frame.

For more information please call our clerks on **020 7832 0500**

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