

# James Bourne-Arton

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James Bourne-Arton has a strong practice in **serious and organised crime** and **regulatory** work. Specialising in **complex fraud**, in particular missing-trader cases.

James is renowned for giving sound legal advice in a clear and concise manner. James has particular experience in representing members of the medical profession at disciplinary hearings. Described by The Legal 500 as "A very personable and accomplished advocate"

James is a CPS Panel Advocate at the highest grade (4).

## Expertise

### Financial & Corporate Crime

Experienced in all areas of financial crime for both the Defence and Prosecution. Expertise includes missing trader cases, cash detention and forfeiture, copyright, money laundering and confiscation.

In addition to dealing with a number of Cash Forfeiture Orders James has been instructed in a number of large Asset Forfeiture applications on behalf of the respondent.

Acted in prosecutions brought by the following authorities: SFO, CPS, Revenue & Customs, SOCA, DWP, DTI, BERR, NHS and FACT.

#### Notable Financial & Corporate Crime cases

##### HMRC v OGS Ltd 2023

The company was alleged to have been involved in a £120 million-pound landfill tax fraud. After a failed four-year criminal investigation HMRC sought to forfeit £700,000 in the company bank account. After numerous legal arguments I managed to negotiate a successful outcome resulting in an order in the sum of £150,000, no order for costs and no personal tax liability

##### R v SO 2022

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Instructed as a leading Junior for the defence in a multi-million-pound Ponzi fraud

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HMRC v L 2021

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James successfully resisted an application to forfeit £400,000 in an account that was alleged to have been involved in money laundering. Mr L was a successful Zimbabwean businessman who had helped other Zimbabwean's living in the UK get money to family members in Zimbabwe.

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HMRC v SM Ltd. 2020

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James managed to negotiate a successful outcome for a company innocently caught up in a carousel fraud.

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R v NB 2020

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Defended in large MTIC fraud. The Prosecution offered no evidence after a review having received the Defence Case Statement.

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R v MA

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Defended in a HMRC prosecution alleging cheating the HMRC of VAT but submitting false claims, fabricating company records.

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## Serious Crime

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James has vast experience in all areas of crime, including murder, rape and serious sexual offences.

Briefed as Leading Junior Counsel.

Accomplished in dealing with difficult and sensitive cases with an emphasis on client care.

Specific expertise in drug conspiracies and cases involving serious sexual offences. Including young victims of sexual assault. Adept at dealing with expert evidence both in relation to presentation before juries and cross-examination.

## Inquests

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Regularly represents Doctors in complex inquest hearings. James's criminal practice enables him to read and absorb large amounts of information, this skill transfers to his inquest work and helps him to identify relevant issues in complex cases to put the client's case to the Coroner.

## Police Disciplinary & Inquests

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James accepts instructions to represent Police officers facing disciplinary matters and named as interested parties at inquests.

As a result of his experience as a criminal barrister he is well versed with all aspects of police work including misfeasance and misconduct in a public office. This is reinforced by his experience in conducting civil actions against the police that further involve amongst other areas misfeasance and misconduct. He also is familiar with IOPC investigations and appealing the findings. James is up to date with the Police Conduct Regulations 2019 in anticipation of them coming into force.

James has acted for a number of professionals at inquests.

## Insurance & Financial Professional Discipline

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James accepts instruction on matters concerning the professional conduct of those in the finance and insurance sector.

## Medical Professional Discipline

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James provides legal advice and representation to Doctors at the General Medical Council on cases brought before the Interim Orders Panel and the Fitness to Practise tribunal. James also advises nurses and midwives on all matters before the Nursing and Midwifery Council, including fitness to practise, impairments, competence and physical or mental ill health. Renowned for giving sound legal advice in a clear and concise manner. James has particular experience in representing members of the medical profession at disciplinary hearings.

### Notable Medical Professional Discipline cases

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#### GMC v Dr K

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A fitness to practice hearing including charges of dishonesty. The matter was complicated by the fact the Dr was a Greek national and much of the evidence related to convictions in foreign jurisdictions. Notwithstanding the panel found the Dr had acted dishonestly the sanction was a three month suspension.

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#### GMC v Dr L

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An interim order application for a Dr with previous adverse findings against him by the GMC. Notwithstanding the new allegations and his previous adverse findings after submissions from Counsel the Panel refused the GMC's application for an interim order.

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#### NMC v ST

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Nurse accused of theft of medication. Impairment found but received a suspension.

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#### NMC v CN

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Nurse accused of mistreating a patient, threatening a fellow colleague and subsequently dishonestly lying on a job application. Impairment found and initially suspended for three months but then no further action taken.

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#### NMC v EC

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Nurse convicted in the magistrates court of harassment then admitted the facts before the NMC panel. Impairment found but only given a caution for five years.

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#### NMC v CC

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Nurse charged with sleeping on night duty – these facts were not proved. Other charges the facts were admitted included dishonestly making false entries on patients' medical notes. Impairment found and struck off.

## Regulatory Law Barristers

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As a result of previously having a civil practice James has a good working knowledge of the Civil Procedure Rules. This combined with his advocacy skills and criminal practice means James is ideally suited to disciplinary and regulatory work. The areas of experience cover a wide range of regulations including Health and Safety in the work place, CQC Appeals, Trading Standards prosecutions and Licensing.

## Public Access

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My name and professional title is James Bourne-Arton and I am registered under the Bar Standards Board under that name although I am employed by James Bourne-Arton Limited. I hold a current Bar Council practising certificate. I have professional indemnity Insurance with the Bar Mutual Indemnity Fund.

I am regulated by the Bar Standards Board (BSB). [The BSB Handbook](#) contains the rules about how barristers must behave and work. It also contains the Code of Conduct for barristers.

I am registered to undertake Public Access work on the [Bar Council Directory](#).

The Public Access Scheme allows for members of the public to engage my services on a direct basis. It is not a scheme that is suitable to all cases but in all cases, the clerks will consult with me and we will let you know if the scheme will suit your requirements.

I will undertake to confirm on receipt of your instructions that I have sufficient experience and competence to undertake the work necessary to carry out those instructions.

I am employed by a company, James Bourne-Arton Limited. Whilst I will provide the services you will contract with James Bourne-Arton Limited. The administrative support for the company is St Paul's Chambers. A set of Chambers is a practice where a collection of independent self-employed barristers and barristers who have incorporated their practices share premises and administrative services. Those administrative services are provided by staff that are referred to as clerks. My work may mean that I am not always in Chambers or that you are not able to contact me directly. You may find the best way to contact me is to leave a message with my clerks with either by telephone 0113 2455866 or email [clerks@stpaulschambers.com](mailto:clerks@stpaulschambers.com) and I will respond as soon as I am able to do so.

A Barristers Chambers is not a firm. I am the only person you are instructing and I will be personally responsible for doing all the work needed under the Public Access arrangement.

### Letter of Engagement and Terms of Engagement

On confirmation of instruction you will be provided with a letter of engagement and the terms of engagement. This will provide you with all the information you require before committing to the engagement.

### My Costs

The following link will take you to the page on our site regarding [price transparency](#).

My fee structure is straight forward and without hidden costs. If I am instructed on a piece of advice it is usual I will charge an hourly rate. You will be informed of how much it will cost before I engage in the work. Equally, if I am to attend court on your behalf, I will scope the case and provide you with a global cost with a breakdown of the cost per day and the preparation costs. The clerking team will guide you through the process and assist you with the options you have available to you.

It covers the pricing policy required by the Bar Standards Board for specific areas of law deemed to be those that attract a range of average fees. Of those specific areas, it should be noted that I do not undertake Employment Law, Financial Remedy cases, Inheritance Act or Immigration work. If you require a barrister in one of those areas, please contact the clerks on 0113 2455866.

The Price Transparency information provides a general guide and my fee level will be applicable. For substantive hearings my clerks will provide a quote following the information we require to assess the preparation time involved.

### If you wish to make a complaint

If you would like to make a complaint, please make reference to our [chambers complaints procedure](#). We will try to resolve it by following this procedure. Information on how to do this should have been provided to you in your client care letter. If you would like us to send you a hard copy by post please get in contact.

### The Legal Ombudsman

If you are not satisfied with the outcome of your complaint, then you can contact the Legal Ombudsman. The Legal Ombudsman is an independent organisation. It deals with complaints about the service provided by all types of lawyers in England and Wales. The Legal Ombudsman can decide whether or not the service you received from your barrister was satisfactory, and can:

- Award compensation for poor service;
- Consider whether the fees charged/paid should be reduced; and
- Decide whether you should receive an apology.

Any complaint to the Legal Ombudsman should be made within 6 months of receiving the final response to your complaint from your barrister or their chambers (as long as the response tells you about your right to complain to the Ombudsman and the six month time limit). A complaint to the Legal Ombudsman must also not be made more than 6 years after the problem arising, and not more than 3 years after you become aware of the problem. The Legal Ombudsman will review your complaint and decide whether there are any concerns about professional misconduct (professional misconduct is when a barrister has not kept to the BSB Handbook, and so disciplinary action might need to be taken). If your complaint raises concerns about professional misconduct, the Legal Ombudsman will refer those concerns to the BSB for consideration. If the Legal Ombudsman needs to make a referral, you do not need to do anything. The Legal Ombudsman will let you know if they have made a referral and the BSB will also contact you to confirm this.

#### Legal Ombudsman Decision Data

It is important that when you are making the decision to instruct a barrister, you have consideration to the decision data of the Legal Ombudsman. This will show what providers received an ombudsman decision in the previous 12 months and whether the LeO required the provider to give the consumer a remedy.

See this link for details of the [Decision Data](#).

The Legal Ombudsman can give you more detailed information on how to make a complaint. You can contact the Legal Ombudsman:

By phone: 0300555 0333

By email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

Through their website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

By post: PO Box 6806, Wolverhampton, WV1 9WJ

## Appointments

- Grade 4 CPS Panel Advocate
- Grade 4 General Crime Prosecutor
- Grade 3 Fraud Panel Specialist