



New Park Court

Nicholas de la Poer QC

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Nicholas de la Poer QC

Year of call 2003 / 2020

For enquiries please call +44 (0)113 243 3277 or email

Described as “*a silk in the making*”, “*a phenomenal barrister*”, “*persuasive and unflappable*” and “*brutally effective*”, Nick specialises in criminal law and regulatory work. Nick is listed in Chambers and Partners as one of three Band 1 fraud practitioners outside London.

In the course of 2017/8 Nick has been instructed in a significant number of cases involving crimes of homicide or in which fatalities have occurred. These include murder, conspiracy to murder and manslaughter, as well as cases involving fatalities which were said to have been caused by breaches of the health and safety legislation.

For the majority of 2018 Nick has been instructed by Addleshaw Goddard to attend the Grenfell Tower Inquiry into the deaths of 72 people on 14th June 2017.

Crime

Nick prosecutes and defends. He is approved by the Crown Prosecution Service as the highest grade of junior barrister, Grade 4, qualifying him to prosecute the most serious cases in the Crown Court. He also appears on the Crown Prosecution Service’s specialist counter terrorism list at level 4, specialist fraud list, specialist proceeds of crime list and specialist serious crime list at level 4. He has experience of being involved in the most serious cases in the criminal canon including murder, manslaughter, rape and serious sexual assault, fraud and money

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laundering involving sums in excess of £1 million, people trafficking, kidnap and blackmail.

Within the criminal law Nick has a particular interest in fraud and proceeds of crime cases. He has been described as “*one of the few genuine confiscation experts on Circuit*” (Legal 500 2012).

Nick is regularly instructed in cases post-conviction to consider appeals against conviction and sentence, post-conviction to deal with proceeds of crime and post confiscation order to consider appeal and/or variation.

Representative Cases

- *Operation Elvington (2018/19)*
Prosecution led junior in a case in which the murder of eight people is alleged.
- *Operation Satinleaf (2018)*
Prosecution led junior in prosecution of two school boys alleged to have conspired to recreate the mass Columbine School mass shooting at their North Yorkshire school.
- *R v Bettison (2018)*
Led junior for the defendant, representing the former Chief Constable of Merseyside and West Yorkshire alleged to have committed offences of misconduct in public office arising from the Hillsborough Disaster.
- *Operation Backbar (2018)*
Prosecution led junior in fraud trial. Case involving an allegation of £11m + VAT fraud.
- *Operation Wingpond (2017)*
Prosecution led junior in police corruption trial. Case involving allegations against Police Inspector and his son of stealing drugs, instead of destroying them, from West Yorkshire Police.
- *Operation July (2017)*
Defence counsel in drugs conspiracy trial. Case involving allegations of conspiring to supply Class A drugs.
- *R v Rispin (2017)*
Defence counsel in rape trial. Case involving allegations of non-recent sexual assaults by stepfather against two stepdaughters.
- *Operation Rumble (2017)*
Prosecution leading junior in conspiracy to defraud. Case involving allegations of using a flaw in telephone system and impersonation of police officers to defraud the elderly and vulnerable.
- *Operation Peabourne (2017)*
Prosecution led junior in murder trial. Case arising out of the shooting of man in a barbershop in Chapeltown.

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- *Operation Polyburg (2016/17)*

Prosecution led junior in murder trial. Case arising out of the fatal stabbing of a man in Cecil Avenue in Bradford.

Regulatory

Criminal

Nick's interest in regulatory matters has led to him being instructed both for the prosecution and the defence in the Crown Court in cases involving fatalities in the workplace. He has had experience of being instructed to prosecute and to defend cases involving local authorities, the Health and Safety Executive and the Environment Agency.

Professional

Nick also appears regularly before the Medical Practitioner's Tribunal and has been approved for Fitness to Practice work for several years. His work in the MPT has provided him with extensive opportunity to be involved in cases involving medical experts.

Nick has experience of the Solicitor's Disciplinary Tribunal. He is instructed in an appeal from the SDT to the High Court.

Nick has experience of representing police officers in misconduct proceedings.

Nick also has experience of representing a member of the British Association of Counsellors and Psychotherapists (BACP).

Representative Cases

- *R v B*

Defence counsel in a case involving allegation of contravention of the Hedgerow Regulations 1997

- *UUW v Omega Proteins Limited*

Defence counsel in case involving allegation of breach of discharge consent.

- *RBC v Iceland*

Prosecution counsel in trial following death of contractor at supermarket store in Rotherham.

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- *HSE v Smith*
Prosecution counsel in a case involving allegations of exposing roofing apprentices to risk of serious harm and death.
- *HSE v The Website (Leeds) Ltd*
Prosecution counsel in a case following finger severing and crushing injuries.
- *LCC v LF*
Defence counsel in case involving allegation of breach of permitting requirements.
- *Insolvency Service v Crosthwaite*
Defence counsel in a case involving a allegation of breach of a Director's Disqualification Order.

Public Inquiries/Inquests

Nick is instructed in the Grenfell Tower Inquiry for one of the Core Participants: tRlIO. He is being led by Paul Greaney QC. His role has required him to attend on every sitting day during Phase 1 of the Inquiry, which has occupied the majority of 2018.

Nick also accepts instructions to represent interested persons in inquests and has experience of Article 2 compliant proceedings. He was recently instructed to provide advice to a person concerned with becoming an Interested Party in the third of the Deep Cut Inquests.

Seniors Courts Experience

Court of Appeal, Criminal Division

Nick has experience of successful appeals against conviction, sentence and confiscation orders in front of the Court of Appeal, Criminal Division. Nick also has experience of responding to terminating ruling appeals.

Representative Cases

- *R v Slade [2018]*
Nick is instructed as a prosecution led junior to respond to an appeal against a conviction for conspiracy to rob. An interim hearing of the appeal is reported at [2018] EWHC 1451 (Admin).

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- *R v Ikram [2018] EWCA Crim 440*
Nick was instructed as a led junior to respond to a terminating ruling appeal following a successful submission of no case to answer.
- *R v E [2018]*
Nick was instructed as a led junior to respond to a terminating ruling appeal. The case is expected to become an important one in relation to the role in which the police's failure to seize mobile telephones plays as part of an application to stay the indictment on the grounds that the proceedings are an abuse of the Court's process.
- *R v Coleman [2016] EWCA Crim 1665*
Nick was instructed 11 years after a costs order was imposed by the Crown Court, with a view to quashing it on the basis of the defendant's subsequent change in circumstances.
- *R v Slade [2015] EWCA Crim 71*
Nick was instructed as a prosecution led junior to respond an appeal against a conviction for conspiracy to murder.
- *R v Bailey [2015] EWCA Crim 395*
Nick successfully appealed a sentence of 12 years for offences of violence, resulting in a reduction to 9 years.
- *R v McGuffog [2015] EWCA Crim 1116*
Nick successfully appealed a conviction for causing death whilst uninsured. The appeal was out of time by some period and arose out of a change in the law.
- *R v Dansby [2009] EWCA Crim 1911*
Nick mounted a successful appeal against the benefit attributed to a defendant, arguing that a tenant's life interest should be taken into account when valuing a defendant's interest in a property under s.79 and 84 of the Proceeds of Crime Act 2002.
- *John Kepple*
In 2007, at 4 years call, Nick successfully appealed the conviction of John Kepple for wounding with intent contrary (*R v Kepple [2007] EWCA Crim 1339*). The appeal centred on the trial judge's prevention of cross examination of the main prosecution witness due to the absence of the defendant. It is the leading authority on the duties of counsel during a trial where a defendant is absent [Archbold 3-222; 4-167; 8-264 & Blackstones D15.88].

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High Court

Nick has also been instructed to conduct judicial reviews and appeals by way of case stated to the High Court.

Representative Cases

- *SRA v G [2018]*
Nick is instructed as a led junior to represent a solicitor in a high-profile appeal from findings of the Solicitors Disciplinary Tribunal to the Administrative Court.
- *DBS v P [2018]*
Nick is instructed to represent a person appealing to the Upper Tribunal against their inclusion upon the Children's Barring List.
- *JE v Birmingham City Magistrates Court [2017]*
Nick successfully represented the CPS in resisting an application to judicially review / case state a decision of the Magistrates to convict a youth.
- *B v The Crown Court at Leeds [2016] EWHC 1230 (Admin)*
Nick was instructed to represent the applicant in an application by way of case stated following the upholding by the Crown Court of the Magistrates' Court sentences of a youth. The application was successful.
- *Henderson v CPS [2016] EWHC 464 (Admin)*
Nick was instructed for the applicant in an application by way of case stated in relation to alternative verdicts in Magistrates' Courts. The application was successful. This is now the leading authority on this question.
- *West Yorkshire Probation Board v Cruickshanks [2011] EWHC 6125 (Admin)*
Nick successfully represented the respondent in an application brought by way of case stated relating to the imposition of the requirements under a suspended sentence order.
- *R v Ryder [2011] EWHC 4003 (Admin)*
Nick represented the applicant in a stated case concerning urine samples, specimen tests and catheters in cases involving allegations of drink driving.
- *R v Blick [2008] EWHC 2698 (Admin)*
Nick was instructed to represent the applicant in a case concerning operation of s.142(2) of the Magistrates' Court Act 1980 and whether the Magistrates' Court should have granted an adjournment.

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What the directories say

'A roundly accomplished advocate well-deserving of his appointment to silk.' [Crime]...'a superb criminal defence lawyer.' [Business, Crime and Regulatory]...'pulls out all of the stops to ensure the best possible outcome.' [Inquests and Inquiries]
Legal 500 2021

"He knows how to get the best out of the witnesses and is very persuasive in his closing statements."
"Exceptional when preparing complex legal arguments and defending regulatory and serious criminal matters."
Chambers & Partners 2020 (Crime)

"He's exceptionally hard-working and wonderful on his feet. He's hugely diplomatic and extremely bright." "He's very clear-thinking, analytical and he is a courteous, professional opponent. He also marshals his material well."
Chambers & Partners 2020 (Financial Crime)

"Always well-prepared, courteous and skillful."
Legal 500 2019 (Crime)

"An exceptional junior."
Legal 500 2019 (Inquests and Inquiries)

"A criminal junior who is praised for his practice in financial crime, as well as in related regulatory matters." "He is experienced in both the prosecution and defence of fraud cases." "He is very impressive, authoritative, persuasive and unflappable." "He is a bright star indeed."
Chambers and Partners 2019 (Financial Crime)

"Known for his expertise in serious fraud cases. He is also experienced in homicide and sexual offences matters."
"An experienced and able advocate".
Chambers and Partners 2019 (Crime)

"Very experienced in defending in serious criminal cases."
Legal 500 2018

"Known for his expertise in serious fraud cases. Also experienced in homicide and sexual offences." "His advocacy and preparation is always carried out to the highest level and the dedication he brings to cases is second none." "He is exceptional in fraud and technical cases."

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Chambers & Partners 2018 (Crime)

"Praised for his practice in fraud and financial crime, as well as in related regulatory matters." "He is extremely able, personable and charming. I would say he is probably one of the most organised juniors I have ever come across." "He is a silk in the making."

Chambers & Partners 2018 (Financial Crime)

"His advocacy is excellent. He's wonderfully persuasive and informative in court and his written arguments are highly impressive." He immediately puts clients at ease, he's always fully prepared and can tackle the most complex cases."

Chambers and Partners 2017 (Crime)

"His legal research skills are first class and he's able to grasp difficult factual, legal and medical concepts really quickly."

Chambers and Partners 2016 (Crime)

"His advocacy sets him apart; he has a persuasive style that engages judges and juries."

Legal 500 2016 (Crime)

"He is a phenomenal barrister."

Chambers and Partners 2015 (Crime)

"He is a wonderful advocate, whose knowledge and application of the law are truly exceptional." "His real quality lies in his preparation and knowledge."

Chambers and Partners 2014 (Crime)

Appointments & Memberships

CPS Level 4 Prosecutor

CPS Specialist POCA Panel (Level 3)

CPS Counter Terrorism Panel (Level 4)

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CPS Serious Crime Panel (Level 4)

Specialist Regulatory Advocate in Health & Safety and Environmental Law (List B)

Panellist for British Fencing Disciplinary Panel

Registered Pupil Supervisor – He has had two pupils, both of whom are now successful tenants at New Park Court: Richard Holland and Amy Levitt

Outside work Nick enjoys fell running and triathlon and has successfully completed a half ironman.

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