



James Bourne-Arton KC

Year of call 2001 Silk 2024



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James Bourne-Arton KC has a national reputation for defending and prosecuting serious and financial corporate crimes, including complex fraud, professional disciplinary, and regulatory work.

James has developed a legal practice defending professionals and company directors accused of fraud and offences under the Financial Services & Markets Act. He has experience in all areas of financial crime, including missing trader cases, cash detention and forfeiture, copyright, money laundering, and confiscation.

A fearless and persuasive advocate, James is known for giving clear and commercially astute legal advice in cases that involve a large amount of evidence, and he has the ability to make complex legal and financial issues easily digestible. James has a sharp grasp of tax regimes, financial procedures and business regulations, which aids in his preparation, presentation and delivery. His confident and pragmatic style is beneficial when preparing or cross-examining witnesses and explaining pivotal legal points to lay clients and juries.

James's corporate and financial crime work naturally overlaps with his professional disciplinary and regulatory cases. James has developed a reputation as fearlessly representing individuals brought before their regulatory bodies. He has been instructed by a broad range of professionals at disciplinary and conduct hearings, including those practising in medicine, finance, insurance and the police.

He 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. He is renowned for giving sound legal advice clearly and concisely.

James is experienced in conducting advocacy in connection with the legislative provisions enforced by the Health and Safety Executive (HSE) and the Environment Agency (EA). As a junior barrister, he was appointed to List B of the Specialist Regulatory Advocates in Health and Safety and Environmental Law, used by the Health and Safety Executive, Environment Agency and Office of Rail Regulation to conduct their higher court prosecution work and other regulatory advocacy.

James's multi-disciplinary practice means he can bring expertise from one area to another. He is in demand to act for individuals charged with serious criminal offences, including murder, terrorism and organised crime.

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James is described in the Legal 500 as “A very personable and accomplished advocate.”

Legal 500 2022 “is a calm performer who is unfazed in court, and has a good manner with both court and juries alike”

2023 “charismatic and persuasive in court. He has a meticulous eye.”

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

R v O (Birmingham 2024)

Leading junior representing a former IFA charged with £25m fraud. Acquitted of count relating to £17m but convicted on retrial of second count.

J v DK (Teesside 2023)

Prosecuted on behalf of a private prosecutor. Cryptocurrency fraud involving 23 victims.

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 James negotiated 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)

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

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R v CT (Lincoln 2023)

Leading junior representing a company director charged with fraud amounting to £4m. Fraud involved mis-selling a forex trading scheme.

HMRC v L (2021)

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.

HMRC v SM Ltd. (2020)

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

R v NB (2020)

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

R v MA

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

Homicide

Notable Homicide cases

R v KN and KN (Hull 2024)

Leading Angus MacDonald prosecuted two men charged with murder. They had been ripped off by the deceased in a drug deal. The deceased had a previous head injury that made him vulnerable. One D punched him once to the head and this killed him. The Defendants were both convicted of the offence of manslaughter.

R v VM (Leeds 2024)

Leading Alasdair Campbell defended a man charged with murder following his partner drowning in the River Derwent. The central issue was causation and involved scrutinising the medical evidence from two forensic pathologists and a forensic neuropathologist.

R v AS (Hull 2024)

Leading Michael O'Garra defended a man initially charged with murder following his involvement in a group street fight in which one man was stabbed. He was tried for manslaughter and acquitted after the judge was persuaded to leave the issue of whether

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the production of the knife was an overwhelming supervening act.

R v BM (Leicester 2024)

Led by Sam Green KC. Represented Def charged with murder following a fight outside a nightclub. Successfully negotiated a plea to manslaughter.

R-v-KJ Teesside Crown Court

Acted as Leading Counsel for the second Defendant ("KJ"). Five Defendants charged with a joint enterprise murder. KJ was acquitted of Murder but convicted of Manslaughter. Defendants one and five were convicted of Murder. The incident involved the murder of an innocent man, wrongly identified as being responsible for burgling D1's home address. Four Defendants went to the home address of the deceased and attacked him with a baseball bat, kicks and punches before one of the Defendant's stabbed the deceased with a knife. The Defendants all ran "cut-throat" defences. D5 claimed that KJ had been the man who stabbed the victim, this was clearly rejected by the jury.

R v F (Hull 2024)

Prosecuted man charged with Attempted murder. A stabbing in broad daylight.

R v YI (Bradford 2024)

Represented a young man charged with assisting an offender. The principal offender was charged with a double knife murder.

R v DN (Leeds 2023)

Led by N Lumley KC. represented Def who was a child charged with the murder of another young man with a knife. After pleading guilty the sentence passed was life with a minimum terms of 11 years.

R v MF (Nottingham 2023)

Led by S Green KC represented Def charged with joint enterprise knife murder. Issues of joint enterprise and self defence.

Serious Crime

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

Notable Serious Crime cases

R v CB (Bradford 2024)



Prosecuted a man for encouraging or assisting suicide. The Defendant had seen a post online from a 14 year girl in Amsterdam claiming that she wanted to commit suicide but did not want to do this on her own. He contacted her and then over WhatsApp sent messages where he offered to travel to Amsterdam and provide the necessary equipment to allow them to commit suicide.

R v Gillings (Durham 2024)

Defendant woman charged with causing death by dangerous driving. Negotiated a plea to death by careless and she was sentenced to a curfew.

R v H (Leeds 2024)

Defendant acquitted of five counts of sexual assault committed when he was a catholic priest working in an educational environment.

R v JF (Newcastle 2023)

Defendant arrested following Operation Venetic's examination of Encrochat phones. Alleged involvement in a large scale cocaine conspiracy.

R v N (Teesside 2022)

Leading junior for the Defendant, who was charged with the importation of 100kg of cocaine from Brazil. He was alleged to be a member of the Serbian Mafia. Prosecution and co-accused represented by KC's.

Professional Discipline

Police Disciplinary & Inquests

James represents 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

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

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Healthcare Professional Discipline

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Notable Professional Discipline cases

GMC v PC K

Chief Constable of Greater Manchester Police v PC K – Successfully overturned the decision of the disciplinary panel on appeal to the Police Appeal Tribunal. The appeal was brought on the basis that the panel's decision to find the officer's actions amounted to gross misconduct. The appeal succeeded under rule 4(4)c on the basis the proceedings had not been properly recorded and this could have materially affected the finding or decision on disciplinary action.

GMC v Dr K

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.

The decision was appealed to the High Court where although the decision was upheld the judge questioned what the public interest had been in bringing proceedings in the first place.

GMC v Dr L

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.

NMC v ST

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

NMC v CN

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.

NMC v EC

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.

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

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, Environmental cases, and Licensing.

Notable Regulatory Law Barristers cases

EA v JT – Leeds 2022

Defended JT charged with 7 counts of breaches of the regulations relating to operating without a permit. It was alleged that there had been multi-million pound loss to the EA. A satisfactory settlement was reached.

HSE v E

In HSE v E – I was instructed to advise the expert witnesses on sensitive information and whether their evidence could incriminate them.

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