



David Baines

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Year of Call: 2009

David studied Philosophy at Lancaster University and graduated with a BA First Class Honours degree. He read Law at the University of Sheffield where he received an MA Commendation (QLD). He then undertook his bar finals at Nottingham Law School, receiving a Very Competent and being called to the bar under the Honourable Society of the Middle Temple in 2009.

David enjoys a mixed common law practice, largely comprising criminal and civil law.

His criminal and regulatory practice encompasses both defence and prosecution work in the Crown Court, magistrate's court and youth court.

His civil practice encompasses personal injury, clinical negligence, medical law, inquests, employment law and commercial. He has a strong paper practice, advising and settling pleadings, schedules of loss etc. He also appears in fast track and multi track trials, in addition to small claims hearings and the usual mix of interim hearings.

He has also undertaken family law and sports law.

Education

- BA (Hons) Philosophy, First Class (Lancaster University)
- MA Law (QLD), Commendation (University of Sheffield)
- BVC, Very Competent (Nottingham Law School)

Professional Associations

- Criminal Bar Association
- South Yorkshire Medico-legal Society
- Personal Injury Bar Association

- Jananeethi Institute (Kerala, India)

EXPERTISE

Crime

David's criminal practice involves both defence and prosecution work in the Crown Court, magistrate's court and youth court. He is a CPS Grade 2 Prosecutor.

He has experience in a number of areas, including: fraud and dishonesty offences, drugs, harassment, assault (from battery up to GBH) and domestic violence, health and safety, licensing, motoring and road traffic offences (ranging from drink driving to death by careless driving), firearms and offensive weapons, public disorder, sexual offences and public indecency etc.

Cases

R v Lyness & Another (2014): Joint enterprise robbery trial on indictment at Hull Crown Court. Defence.

R v Brown & Others (2014): Multi-handed six week trial on indictment involving offences of conspiracy to defraud and possession of articles for use in fraud. Sophisticated and complex operation of the fraud, with an estimated loss to mobile phone providers of up to £2.8million pounds, over a 2½ year indictment period. Document heavy case (in excess of 51,000 pages, including by electronic service). Acting as junior alone, David represented Cheri Brown, who was ultimately acquitted by a jury at Blackfriars Crown Court.

R v Fisher (2013): Defence trial on indictment at Birmingham Crown Court for an offence of affray. Mental health issues apparent, Defendant ordered into secure admission at a hospital following the imposition of an interim hospital order on sentence.

Fraud - Criminal

David has significant experience in cases involving fraud, both in criminal proceedings (defence and prosecution) in the Crown Court and magistrate's courts, but also in civil litigation. Areas include:

- Business fraud
- Telecommunications fraud
- Social security fraud
- Confidence fraud, mortgage and property fraud
- Insolvency and bankruptcy
- Environmental law

- Money laundering
- POCA.

Regulatory

David's criminal practice also incorporates regulatory law. He has an interest in cases involving health and safety regulation and professional disciplinary proceedings.

Personal Injury

David has a busy civil practice, with particular emphasis on personal injury, clinical negligence and medical law. He advises clients in writing or in conference, and is available to settle pleadings or schedules of loss. He represents clients in fast track and multi-track trial proceedings, in addition to small claims hearings, disposal hearings (including through the MOJ Portal process), and various pre-trial or interim hearings.

David undertakes both claimant and defendant work, on either a private basis or Conditional Fee Agreement. He has experience in a range of areas, including: road traffic collisions, insurance fraud (low velocity impacts, alleged contrived accidents etc), clinical negligence, fatal accidents, occupiers' liability, employers' liability, highways claims, food poisoning, product liability, criminal injuries compensation, actions against the police/prison service, credit hire etc.

David also conducts inquests, appearing for properly interested parties in the Coroner's Court.

He has a particular interest in medical and medico-legal issues.

Cases

Pishben & Others v Ratcliffe (2012)

Multi-track trial, Manchester County Court. Road traffic collision. Issue of insurance fraud raised (alleged 'ghost passengers' and previous accidents).

Bamford v Fretwell (2013)

Fast track trial, Sheffield County Court. Road traffic collision. Unusual decision whereby both claim and counterclaim were dismissed. Advised on appeal.

Wroe v Tates Travel (2013)

Fast track trial. Road traffic collision. Appeared successfully for Defendant.

Noble v Barnett Transport (2014)

Fast track trial. Road traffic collision. Personal injury and credit hire.

Clinical Negligence

David's personal injury practice encompasses clinical negligence and medical law. David is available to advise in writing or in conference, settle pleadings and schedules of loss, and provide representation at all stages of a case. He undertakes both Claimant and Defendant work. Areas include: unnecessary treatment, inappropriate treatment, delays etc.

Catastrophic Injury

David's personal injury practice also incorporates cases involving serious and catastrophic injury. He undertakes both Claimant and Defendant work. He is available to advise, settle pleadings and provide representation, in respect of cases involving serious or multiple injuries, spinal or brain injury, or where catastrophic injuries lead to the assessment of damages involving claims under the Law Reform (Miscellaneous Provisions) Act 1934 or the Fatal Accidents Act 1976. David also undertakes inquest work.

Inquests

David's inquest practice involves both advising and representing properly interested parties in the Coroner's Court. Areas include: acting for bereaved families of a deceased where there has been a death in hospital or care home; deaths in custody (article 2) inquests.

Company and Commercial

David has experience in a range of commercial areas, including contractual disputes, bankruptcy, mortgage possession claims, landlord and tenant, insurance law and mortgage fraud.

Cases

Mahmood v Southern Rock (2013)

Fast track trial, Bradford County Court. Proceedings for a statutory declaration seeking the enforcement of a costs order. Legal argument over the interpretation of ss151-152 of the RTA1988 and whether any or any adequate "notice" was given.

DMBC v Pannett, Willington & Others (2012 & 2013)

Doncaster County Court. Appeared for DMBC in a trespass action variously against members of the traveller community, obtaining firstly possession and later a mandatory and prohibitory injunction.

Property and Private Client

David accepts instructions in a range of cases involving property law, including possession claims, repair claims, landlord and tenant etc.

Cases

DMBC v Pannett, Willington & Others (2012 & 2013)

Doncaster County Court. Appeared for DMBC in a trespass action variously against members of the traveller community, obtaining firstly possession and later a mandatory and prohibitory injunction.