

# David Pojur

Call to Bar: 2001



**"In a Coroner's Court David is the most knowledgeable person in the room; he has a great client manner and is highly robust."** - Inquests and Public Inquiries - Chambers and Partners 2024

**"David is an exceptional advocate who also provides timely written advice that is logical and thorough. He is extremely well trusted and his expertise is faultless."**Tier 1 Inquests and Inquiries - Legal 500 2024

**"David Pojur brings a wealth of expertise to the inquests field owing in part to his appointment as Assistant Coroner for North Wales. He has considerable capabilities acting in cases involving health and safety fatalities, suicides or deaths in healthcare settings."** - Inquests and Public Inquiries - Chambers and Partners 2024

**"He is brilliant with clients and incredibly calm under pressure. David is an excellent advocate who manages to robustly lead inquests so that other parties lean on him for direction, resulting in favourable outcomes for our clients."** Chambers UK Bar 2023 Inquests & Public Inquiries

**"David Pojur has experience defending companies and directors in serious and fatal cases. He has particular expertise in handling issues arising from allegations of Gross Negligence Manslaughter."** Health & Safety - Chambers and Partners 2024

**"He has a wide range of experience in health safety law."** Health & Safety - Chambers and Partners 2024

**"David is a competitive and punchy advocate."** - Inquests and Public Inquiries - Chambers and Partners 2024

**"David is clear in his approach; he doesn't beat about the bush."** - Inquests and Public Inquiries - Chambers and Partners 2024

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## Practice areas:

Regulatory

Inquest & Inquires

## Professional appointments:

List A – Specialist Regulatory Panel Counsel in Health and Safety & Environmental Law, CQC, Ofsted.

Assistant Coroner for North Wales

**“David is calm and unflappable. He quickly identifies the key issues and he is confident and polished in court.”** Business and Regulatory - Legal 500 2024; Recommended in Legal 500 2024 – Crime (General and Fraud)

**“David is very knowledgeable and puts together robust legal argument.”** Legal 500 2023 (Business and Regulatory Crime) **“Recommended Expert.”** Legal 500 2023 (Crime, Planning and Environment)

**“David’s knowledge of the Coroner’s Rules and procedure is second to none. He is excellent with lay clients and he is able to confidently handle complex and fast changing situations. During hearings, other parties look to him for guidance with strategy, and he is able to deploy this to the advantage of the client.”** Legal 500 2023 (Inquests and Inquiries)

**‘He is very measured, has a lovely manner and cuts to the chase very effectively.’ ‘He is very good with clients and well prepared.’** Chambers UK Bar 2022 (Inquests & Public Inquiries)

**‘David’s knowledge is second-to-none, he is excellent at drafting legal arguments and written representations on behalf of clients.’** Legal 500 2022 (Business and Regulatory Crime, Planning and Environment)

**“David is our first choice for inquests, particularly those involving the care sector. He cuts straight through to the issues, is unflappable no matter what problem crops up unexpectedly and lay clients find his confidence reassuring. As you would expect, as an Assistant Coroner, he has an encyclopaedic knowledge of Coroner’s Rules and procedure.”** Legal 500 2022 (Inquests and Inquiries)

**‘He is friendly, approachable and relatable with clients, who hold him in great regard. He commands great respect amongst his peers and those he finds himself before. He is intelligent and clear in his communications and lively on his feet.’** Legal 500 2021 (Business and Regulatory Crime)

**‘He is approachable, accessible and flexible, very good with lay clients and robust in hearings. He is our first choice for serious inquests in the North of England where his experience as Assistant Coroner holds him in good stead. His knowledge of the coroner’s rules often exceeds those of the Coroner he is appearing in front of.’** Legal 500 2021 (Inquests and Inquiries)

**‘Mr Pojur’s advocacy skills are well tuned and he is respected by colleagues and well thought of by members of the Judiciary he appears before. He has excellent communication and interpersonal skills when dealing with clients, and he demonstrates a high level of commitment to clients.’** Legal 500 2021 (Planning and Environment)

David specialises in Regulatory law covering the areas of Inquests and Coronial law, Health and Safety, Healthcare & Professional Discipline, and Environmental law. He is regularly instructed by solicitors to act for many of the country’s large insurers, multinational corporations, utilities and properties companies, medical defence organisations and high net worth individuals. He acts in both contentious and non-contentious work and is relied upon for his advisory work. He leads junior counsel and appears against King’s Counsel.

David is frequently appointed by Coroners and Judges as Counsel to the Inquest in long, complex and multi-handed cases. He presents Coroner’s in the High Court and Court of Appeal and advises on Fiat to the Attorney General and Judicial Review.

David is appointed to List A as Specialist Regulatory Panel Counsel in Health and Safety & Environmental Law, CQC, Ofsted.

David has significant experience in matters concerning Healthcare and Professional Discipline. He is instructed in matters concerning GMC, CQC, NHS England, Safeguarding, NMC, RCN, Performer Lists, OFSTED, GDC, GPs, Consultants and the Civil Aviation Authority.

David represents individuals and corporate entities charged with health and safety related offences and prosecuted by HSE or CQC under HSCA. This encapsulates corporate manslaughter, gross negligence manslaughter and breaches of regulations.

He is also very experienced appearing before Panels and Tribunals, addressing fitness, contested matters and appeals, as well as advising on strategy. He advocates on behalf of professionals such as surgeons, nurses, doctors and dentists as well as police officers. Equally, his practice in healthcare complements his inquest work where there has been a death in a medical setting.

David has a strong practice dealing with GMC, CQC and Ofsted cases before the First and Upper Tier Tribunals. He advises Doctors as well as Providers and Managers on Notices of Proposal & Decision, Fit and Proper Persons, Mental Capacity Act and Deprivation of Liberty Safeguards. David also frequently advises NHS Trusts.

He appears at Urgent closure hearings before the Magistrates' and the Appellate Tribunals under the Section 30 & 31 Provisions HSCA 2008.

He frequently advises Registered Providers and Registered Managers on prospects of appeal and how to appeal under the Memorandum of Understanding for Urgent Appeals.

He has an insightful understanding and knowledge of the Health and Social Care Act and Regulations and their application. He works with expert consultants and Registered Managers and Providers, ensuring their case is fully advanced.

David gives training on Healthcare law and matters under the HSCA and Regulations.

## Inquests and Inquiries

David Pojur is a recognised expert Leading Junior bringing a wealth of experience to the inquests field owing in part to his considerable time as an Assistant Coroner and role as CTI. He has significant capabilities acting for clients in cases involving health and safety fatalities, gross negligence manslaughter, suicides and deaths in custody and healthcare settings.

David is highly experienced with juries and extremely knowledgeable on Article 2. These are often complex proceedings with several interested persons addressing health and safety, hospital, medical or care related deaths.

Being Counsel to the Inquest means that David leads the inquest on behalf of the Coroner or Judge and advises them on the law and helps drafting legal rulings and judgments. This together with his sitting experience means he is in a unique position to understand the functions of the Court from all available angles.

David advocates in difficult Article 2 jury inquests where experts are frequently encountered, ranging from psychiatric, psychological and pathology, to engineering and reconstruction reports. A routine part of his work is assimilating large complex medical or legal information and explaining it to the jury.

David represents Police officers, Local Authorities, NHS Trusts, Ambulance Service, Doctors, Surgeons, Nurses, insurance companies and company directors. He often guides Serious Incident Reviews. He frequently argues the law relating to Prevention of Future Death Reports.

**Notable cases include:**

Counsel to the Inquest in a jury inquest into the death of a lone injured male who was attended by police and paramedics in the early hours. The individual displayed unrecognised focal seizures that escalated into tonic seizures, ultimately leading to cardiac arrest.

Leading Counsel to the Inquest concerning the release of a patient from a secure hospital who went on to develop a relationship with honour based violence, and when under supervision, murdered his next partner, paralleling sadistic elements as against his first wife.

Counsel to the Inquest following a cold case murder from 29 years ago where the killer was acquitted in 1994.

Counsel to the Inquest concerning an air disaster notably advising on the law re CAA reports and scope.

Counsel to the Inquest advising on unlawful killing via medical neglect of basic hospital treatment.

Counsel to the Inquest concerning resumption, Fiat to the Attorney General and application to High Court concerning historic inquest of man who escaped police and mental health detention.

Representing Local Authority concerning an immobile disabled man who was left with lit candles on his bed and died in house fire.

Defending a Coroner in the High Court relating to police actions and admissibility of evidence before the jury and refusing to engage Article 2.

Defending a Coroner in the High Court relating to legal directions, irrationality and expert psychiatric evidence.

Representing a national Utilities Company regarding the fall of an elderly person.

Representing a national Construction Company concerning the fall from height of an employee.

Representing a national Construction Company where an operative was severed in a manhole.

Representing global company supplying lighting installations where operative was crushed on fork lift truck.

Representing company where family member took son to work at height and was electrocuted on exposed buss bars.

Representing Care Home group concerning SALT assessments and choking on foods given to vulnerable service user.

Representing Care Home Group where one service with dementia user struck and killed another service user.

Appearing for a Local Authority whose carer employee was fatally struck by a vulnerable service user.

Representing a teenage son whose father died in custody by a ligature.

Represented NHS re elderly patient lacking capacity, subjected to violence.

Inquest of elderly hospital patient whose food line was placed into IV line. Implications flowing from this affected not only national but European healthcare.

Represented a family whose teenage son with mental health issues went missing, focusing on police response.

Represented NHS concerning a young man who rampaged with a sword, inflicting fatal wounds on himself.

Representing the Chairman of a holding company and Managing Director of a quarry re laden volumetric vehicle which toppled over and crushed driver.

Representing family whose baby, following placental abruption, was subject to a court order for withdrawal of treatment.

Representing family whose toddler was found hanged.

## **Health and Safety**

David represents companies and directors in complex proceedings involving fatalities arising out of breaches of health and safety regulations. David's clients include professionals at risk of corporate manslaughter liability or gross negligence manslaughter. He frequently advises on the Health and Safety at Work Act and potential liability and where it may fall under the Sentencing Council Guidelines.

David's article on risky definitions of roles when working at height under CDM has been published in Planning and Building Control Today.

## **Notable cases include:**

Manslaughter arising from noxious substances from neighbouring premises.

Gross Negligence Manslaughter – Led by silk in six-week multi-handed workplace fall from height.

Representing stables where a horse bit a child causing grave injury.

Success in Upper Tribunal CQC appeal concerning serious risk to life.

Acted for company directors in carbon monoxide poisoning of several people in residential premises.

Represented directors of a national plastics company – operative's arm caught in rotating machinery with degloving injuries.

Denbigh County Council v DS Ltd. Representing MD and his company regarding a fatal explosion of split wheel rims.

Appearing for company in gas explosion resulting in a fatality. Greater Manchester Fire Safety Authority v Khan & six others. 'Death Trap' shisha lounge case. Advising on Safeguarding Investigation into fire at a setting with vulnerable service users.

SWA fall from height resulting in life changing injuries. Represented company where operative lost fingers on rotating saw.

SWA fall from height resulting in life changing injuries. Represented company where operative lost fingers on rotating saw.

Led by Silk in 'Princess Parkway Pile Up' representing the lorry driver.

Barnsley Borough Council v Whitehead. Successful prosecution of Director under HSWA. Horrific injuries from converting semi trailers.

Representing HSE against a company who had repeatedly flouted safety rules. A steel girder fell onto an employee during shipping.

Successful prosecution of major UK supermarket chain for health, safety and food standards breaches.

## **Environmental, Water and Nuisance**

David is Regulatory Counsel with expertise in Environmental Law. He has significant experience with PINS and the public inquiry procedure & NRW.

He was counsel in the leading environmental case of Jagger succeeding in the Court of Appeal to overturn a conviction concerning the definition of controlled waste. David's specialism has led to his frequent instruction representing companies and individuals against the EA and NRW at PINS, contested hearings before the Crown and Civil Courts and the High Court of Justice. He is well respected in this area.

David is chosen by clients and solicitors because his cases are demanding and complex, requiring sharp analysis and attention to detail. His advocacy and advisory services are sought after. He advises clients pre interview, involving the EA, HSE, OFSTED, CQC, Civil Aviation Authority and Local Authority. He has been appointed by the Court to act as Special Counsel.

Notable cases include representing an international shipping company concerning controlled waste transportation to China. This was a multi handed and lengthy case, where the EA discontinued the case against David's client. David's time studying International Law at the University of Amsterdam was useful.

One of the largest environmental trials before the Crown Court was listed for four months. There were many parties and it was a very complex case. David successfully argued that the proceedings were unfair and the EA was abusing the courts process. This resulted in the acquittal of the defendants.

David also advises and contests cases for clients in actions against the EA, to hold them accountable for their failures. These proceedings are for high worth damages before the High Court.

David is approachable and has significant knowledge and court craft in his specialty field of Environmental Law. He works closely with leading solicitors in this field. He is a keen strategist, always seeking to achieve the best results for his clients. He ensures that the client is central to the team he leads.

## **Notable cases include:**

Representing Construction company in rare Tree Preservation Order prosecution.

Succeeded in having the prosecution against an international bakery dismissed for alleged breaches of Clean Air Act; secured large wasted costs.

Acting for company directors suing the EA for damages in negligence 7 breach of duty. Four-month EA prosecution. Led by Queen's Counsel in vast multi-handed and rare case. Ended on abuse of process application.

High profile international shipping broker in multi-handed case accused of large-scale environmental criminality. David successfully had the Indictment discontinued.

Advising and representing global company on odour management regulations and nuisance abatement and Environmental Information Regulations.

Advocating for an international company accused of supplying huge amounts of toxic substances for land spreading.

Representing company accused of massive fish kill and water pollution as well as spreading carcinogenic waste.

Environment Agency v Jagger [2015] EWCA Crim 348 2015 WL 997446. Successful appeal against conviction in ground-breaking environmental waste trial.

## **Business Crime**

David has prosecuted and defended the most serious crimes before the Crown Court, Court of Appeal, where he has succeeded in having convictions overturned. He appears alone against silks and enjoys a strong reputation. He is recognised as a leading junior and was appointed to List A of the Specialist Regulatory Panel Counsel for HSE, EA, ORR, CQC and Ofsted.

David frequently represents companies and directors in serious injury and fatal health and safety cases of significant complexity.

David has particular expertise CDM Regulations. He is fully conversant with handling expert witnesses and vulnerable defendants. He is often called to deal with grave crime cases that require the utmost sensitivity and planning.

## **Notable cases include:**

Appearing for accused in manslaughter trial where death occurred through noxious gases. Representing terrorist accused of violent assault on prison guard.

Defending in a led case of Gross Negligence Manslaughter & Health and Safety offences in a multi handed 'cut throat' defence concerning poisoning.

Four-month EA prosecution, led by King's Counsel in vast multi-handed and rare case. Defending murder and manslaughter, in a led case, to acquittal, where there was a death bed video identification of the killer.

Defending 'honour crime' where injuries were described as 'torture.'