

## Michael Rawlinson

"He has just been so user-friendly and so responsive; he genuinely engaged and struck up a great rapport with the registrant." and "Dependable trial counsel who is robust with judges."  
Chambers UK 2021



Year of Call: 2002

020 7353 5324

From a background defending and prosecuting serious crime, Michael has developed a significant reputation and practice in the fields of professional discipline, inquests and all aspects of regulatory and private crime.

Michael has almost twenty years diverse experience, and now specialises in the representation of healthcare professionals and police officers across a wide range of proceedings, frequently dealing with misconduct and disciplinary hearings, but also appearing at complex inquests and in associated criminal proceedings. He also has significant experience of judicial review, and is regularly instructed in the defence of health and safety matters. Michael has recently been appointed a Fee-Paid Employment Judge and Fee-Paid Judge of the First-Tier Tribunal (General Regulatory Chamber).

As well as significant experience at the Bar, Michael has recent experience as in-house counsel for a 'Top Five' Legal 500 law firm, where he specialised in inquest, healthcare and regulatory matters.

Michael is recommended in both the Legal 500 and Chambers UK for professional discipline, inquests and crime.

### What Others Say:

"He has just been so user-friendly and so responsive; he genuinely engaged and struck up a great rapport with the registrant." "Dependable trial counsel who is robust with judges." – Chambers UK 2021

"Unflappable, and rapidly gains the confidence of clients. He's reassuring and robust in protecting and advancing his clients' interests." Chambers and Partners 2020

### Location

2 Hare Court  
Temple  
London  
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### Contact Us

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“His representation has been second to none” Chambers and Partners 2018

“He was so down-to-earth and so professional.” Chambers and Partners 2018

“Fearless, tenacious and very personable” Legal 500, 2017

“He has the human touch with lay clients.” Legal 500, 2017

## Inquests & Public Inquiries

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Michael is recognised as a leading junior in this field in the Legal 500, and is widely recognised as an Inquest & Public Inquiry specialist.

Michael specialises in lengthy and complex Article 2 jury inquests, and has significant experience of healthcare and prison related inquests, as well as inquests dealing with health and safety issues, safeguarding issues, mental health care and treatment and deaths in police custody. He has represented individuals at inquests, with an emphasis on healthcare professionals and police officers, as well as NHS Trusts, police forces, care homes, schools, local councils, and a wide variety of other corporate bodies and limited companies. He has particular experience of appearing for professionals in inquests where there are associated disciplinary or criminal proceedings.

Michael also has considerable experience of advising and representing interested parties at judicial review proceedings arising from inquests, and appeared in one of the leading Administrative Court cases on the proper scope of the Article 2 ECHR investigatory obligation in coronial inquests.

### Recent Cases:

#### **R (Speck) v HM Coroner of York [2016] EWHC 6 (Admin)**

Appeared for NHS England in a High Court case heard before the President of the Queen’s Bench Division, Sir Brian Leveson. The court adopted arguments put forward by Michael on behalf of NHS England that in Article 2 inquests, whilst a coroner has a discretion to investigate matters that may have possibly contributed to the death, there is no duty on him to do so. In Speck, the Court considered this matter particularly in the context of the statutory requirement to provide a “*place of safety*” under the Mental Health Act.

#### **Inquest touching the death of MW; Inquest touching the death of MH.**

Represented Leeds NHS Trust at two separate but linked contentious and high-profile Article 2 inquests, dealing with the deaths of two children following complex heart surgery at the Leeds General Infirmary. The cases received national attention after the LGI paediatric heart unit was closed after data suggested a higher than average death rate.

#### **Inquest touching the death of JR**

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Acted for Leeds NHS Trust at a high profile two-week jury inquest. The inquest concerned the death of a Leeds student killed in a 'one-punch' manslaughter scenario by a professional boxer. Complex issues of gross negligence manslaughter, causation and unlawful killing.

### **Inquest touching the death of PM**

Represented a Consultant Psychiatrist in a contentious inquest involving the suicide of 15 year-old anorexic psychiatric inpatient. Successfully argued no contributory acts or omissions by the Doctor.

## Professional Discipline

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Michael is recognised as a leading junior in Professional Discipline in Chambers UK, and is regarded as a specialist in healthcare disciplinary tribunals and police misconduct hearings. He utilises his extensive advocacy experience to consistently deliver outstanding results in this field.

Michael also specialises in the representation of professionals at inquests, particularly where there are potential issues concerning professional competence or alleged omissions or improper conduct that may have contributed to death. He routinely deals with complex issues of causation and concurrent allegations of impropriety or negligence.

Michael is regularly instructed by various medical defence insurance organisations, including both the MPS and the MDU to act on behalf of their members across a range of criminal and regulatory proceedings, as well as being instructed via the NHSLA, and on behalf of NHS England and NHS Direct.

Michael also has a highly regarded reputation in police misconduct work, and is instructed by various Police Federations across the country to represent police officers at misconduct hearings, inquests and in criminal proceedings.

### Recent Cases:

#### **General Medical Council v Doctor MI**

Defended a GP in a two-week fitness to practice hearing involving allegations of sexual assault against a vulnerable female patient. Allegations found not proven and received a period of suspension in relation to other admitted matters.

#### **Humberside Police v Sergeant GJ**

Successfully defended a Custody Sergeant at a week-long misconduct hearing involving an alleged serious sexual assault upon a fellow police officer. All allegations dismissed.

#### **General Medical Council v Mr SS**

Currently instructed to defend a surgeon alleged to have unnecessarily carried out various surgical procedures for financial gain in a private hospital.

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## **Merseyside Police v PC MF**

Successfully argued abuse of process, leading to a stay of potential gross misconduct proceedings, following numerous breaches of the Police (Conduct) Regulations 2012 by the Appropriate Authority.

## **General Medical Council v Mr SK**

Currently instructed to represent a surgeon alleged to have negligently administered local anaesthetic leading to the death of a patient.

## **Humberside Police v DC JM**

Detective Constable faced five allegations of computer misuse and dismissal for gross misconduct. Persuaded the Panel to exceptionally impose a Final Written Warning despite admitted Gross Misconduct.

# Criminal Regulatory

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Michael has acted in a wide range of criminal regulatory matters relating to breaches of health & safety legislation and prosecutions under the Health and Safety at Work Act 1974, as well as food safety, fire safety, animal welfare and trademark/copyright legislation.

Michael routinely appears in inquests arising from deaths in the workplace that have a health and safety dimension to them. He also has experience of CQC regulatory prosecutions, and prosecutions under the Health & Social Care Act 2008 brought against residential and care homes in the healthcare field.

From 2007 onwards Michael was a member of the Attorney General's Approved List of Prosecution Counsel, and undertook a variety of regulatory prosecutions on behalf of a various Government agencies including the Department for Business, Innovation & Skills, the Food Standards Agency, the Environment Agency/DEFRA, the Inland Revenue, HMRC, RCPO and the DWP.

## Recent Cases:

### **HSE v SE Care Home**

Currently representing a care home prosecuted under the HSWA following a serious injury to a care assistant sustained due to a faulty lift mechanism.

### **Hull City Council v PK & DK & BL Ltd.**

Successfully defended a national jewellery business and two Directors who faced trademarking and consumer protection offences for selling non-hallmarked jewellery.

### **Inquest touching the death of PS**

Represented a Supervisor, who was separately represented from the company, at a highly contentious inquest following the death of an employee crushed in a carpet rolling machine.

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## HSE v P&V Steel Ltd

Defended a Sheffield based multinational steel company prosecuted by HSE following catastrophic injuries sustained by a steel worker after a mechanism carrying a two-ton steel tube collapsed.

## Occupational Disease & Injury

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Michael has experience of representing and advising clients across a range of civil litigation, including in civil negligence claims.

From a background in health and safety, employment, inquests and and formerly advising the NHSLA with regard to civil claims against the NHS, Michael has a developing practice in personal injury work, including claims regarding catastrophic injury, fatal accidents as well as medical negligence.

## Accreditations

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## Appointments & Memberships

- Fee-Paid Employment Judge (2020)
  - Fee-Paid Judge of the First-Tier Tribunal (General Regulatory Chamber) (2020)
  - Category 4 Prosecutor (2011)
  - Rape and Sexual Offences Panel
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- Criminal Bar Association
  - Association of Regulatory and Disciplinary Lawyers
  - Health & Safety Lawyers Association

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## Education & Qualifications

- University of Manchester

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