Legal Specialists in Professional Regulation

Financial
Healthcare
Sports
Inquiries
Inquests
Compliance
QEB Hollis Whiteman are a set of barristers offering first class advocacy and advice over the full range of professional regulation and business crime, representing and advising regulators, corporations and professionals at every stage of the process from pre-investigation and pre-charge through to prosecutions and Fitness to Practise hearings in the courts and regulatory tribunals.

**Recent Work**

- **PC Holden & Houghton**
  Successfully defended two officers charged with Dangerous Driving arising from a Police Pursuit whilst on duty. The case has since been referred to the DPP to consider the need for a reform in the law.

- **GMC v Barton**
  Allegations of the misuse of diamorphine leading to the death of elderly patients.

- **GMC v Bonhoeffer**
  Fitness to Practise case against former Great Ormond Street cardiologist.

- **Gambling Commission**
  Instructed to advise on regulatory and criminal matters arising from breaches of the Gambling Act.

- **British Horseracing Authority**
  Acting on behalf of the BHA regarding alleged fraudulent practise.

- **GMC v Keiloh**
  British army doctor on duty in Iraq during the death in custody of Baha Mousa.

- **Raoul Moat Inquiry**
  Instructed to safeguard the interests of various officers involved in the Moat case.

- **RIPA**

- **X v UK Athletics Selection Panel**
  Assisted a British athlete in relation to her appeal to the UK Athletics appeal panel re her non-selection to compete in the London Olympic Games 2012.
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We have considerable experience and particular expertise in the regulation of healthcare professionals.

Our barristers regularly appear at the General Medical Council and have extensive knowledge and experience in relation to all aspects of such proceedings.

QEB Hollis Whiteman barristers also appear at the General Dental Council, the General Optical Council, the Nursing and Midwifery Council, the General Chiropractic Council, the Health Professions Council and the Hearing Aid Council.

Two of our barristers have recently completed secondments with the Nursing and Midwifery Council, to strengthen our experience and expertise within this field and to develop our growing team of dedicated regulatory lawyers.

Regular in-house briefings and discussions between our specialist teams ensure that our barristers remain fully up to date on current issues arising in the healthcare tribunals; barristers from QEB Hollis Whiteman are often invited to speak on key issues in this field.

We have a particular reputation for excellence in prosecuting in healthcare tribunals, but our barristers also regularly appear to defend, and we have a strong and dedicated medical defence team.
• **Mid-Staffordshire Inquiry** – Counsel to the Inquiry and full team at QEB were instructed following the Health Secretary launching a public inquiry into failings at Mid-Staffordshire NHS Foundation Trust. Report published 6 February 2013

• **GDC v Hill & PW Healthcare** – First prosecutions for commercial tooth whitening.

• **GMC v Keilloh** – British army doctor on duty in Iraq during the death in custody of Baha Mousa.

• **MHRA Prosecution** – Represented the first of five defendants in the first prosecution to be brought under the 2004 Medicines for Human Use (Clinical Trials) Regulations. Ended with the acquittal of all defendants.

• **GMC Barton** – Instructed by the GMC in a case of alleged misuse of diamorphine in a number of elderly patients.

• **GMC v Al-Zayyat** – Counsel acting for the GMC involving the Consultant Paediatrician who examined Baby P 48 hours before his death.

• **GMC v Ikwueke** – Counsel acting for the GMC in the case against the doctor who failed to spot the abuse suffered by Baby P.

‘The extensive skills and knowledge gleaned from crime and fraud serve to further enhance the regulatory and disciplinary practice and decisively set QEB Hollis Whiteman aside from its competitors’

*Chambers UK (2013)*
Chambers is a heavyweight in the professional regulatory field with an abundance of experience advising and acting for parties in regulatory and disciplinary proceedings and in acting for parties in criminal matters pre-charge.

Our Corporate Crime expertise and involvement in ground-breaking complex financial investigations has set us aside from others when it comes to banking and financial services. We have acted both for and against a variety of financial and other regulatory authorities, corporations and individuals where advice and representation has been sought in serious and groundbreaking investigations.

Barristers are very well placed to advise clients on the approach and attitude of the regulator, as the body of case law and established practice evolves. A number of our barristers have undertaken placements within the FSA to better inform our approach.

Our team is headed by Counsel with substantial experience in corporate governance, advising banks, companies and financial advisers. We have Counsel appointed as risk advisor to the Central Bank of Ireland and we have acted for banks and/or their directors in relation to regulatory investigations into, variously, the Sumitomo copper scandal, Split Capital Investment Trusts, Payment Protection Insurance, the fixing of LIBOR.

Experience in financial and corporate crime, international investigation and asset seizure, as well as professional disciplinary proceedings, ensures that advice on the conduct of financial regulation litigation always takes account of the interplay between the regulatory activity of the Financial Services Authority and the functions of the Serious Fraud Office, the Department for Business, Innovation and Skills, foreign law enforcement agencies and other domestic regulators.

We have advised and acted for accountants firms and individuals with our exceptional understanding of the regulatory world and knowledge of the workings of the Accounting and Actuarial Discipline Board.

Aside from the financial regulatory world we have advised and acted for solicitors at various stages of disciplinary proceedings. We have defended in allegations of dishonesty and fraud on accounts at partner lever and against multiple allegations relating to breaches often made during complex transactions.
QEB Hollis Whiteman has an experienced team who offer representation at all levels of seniority and advice at all stages of the inquest process. Early and skilled involvement ensures that legal issues such as disclosure, representation, contact with the Coroner, expert evidence and legal arguments are all dealt with in a timely fashion, all of which may have a significant impact on the course and outcome of inquest proceedings.

QEB Hollis Whiteman barristers have previously appeared in some of the most recent and significant inquest hearings emanating from Health and Safety proceedings, unlawful killings and death in Police custody. Chambers has experience representing many different organisations including The Royal British Legion, various Police Authorities and Medical organisations. We also act for individual officers, Military families and families of the deceased.

Chambers is happy to provide internal and external training and frequently provide seminars to existing and new clients tailored to their needs.

For further information please contact the clerks on either 0207 933 8855 or by email at training@qebhw.co.uk

- Represented the family of Lt. Joshua Woodhouse at the Inquest into his death. Lt Woodhouse died in a fall from height while serving aboard HMS Ocean, a Royal Navy helicopter carrier, in port in the USA.

- Acted for the defence of a leading MOD scientist Dr Maurice Marshall OBE, and his colleague Robert Weighill, charged with gross negligence manslaughter in relation to the death of a colleague in the course of secret trials into improvised explosives.

- Represented a properly interested person, a medical professional, at the Inquest into the death of Jamie Sioux, a prison inmate who died by suspension whilst on remand.

- Instructed to act for 2 police officers in the inquest into the death of a motorcyclist killed whilst being pursued by police.
QEB Hollis Whiteman’s strength in advocacy and equal focus on regulatory and criminal law gives our members a keen appreciation of the risks and opportunities that involvement in a public inquiry can present for both organisations and individuals.

Our members are ideally placed to offer advice and representation to anyone contemplating involvement in a public inquiry as a core participant or as a witness giving oral evidence.

Members of QEB Hollis Whiteman have been involved in a number of public inquiries:

**Mid Staffordshire NHS Foundation Trust Public Inquiry**

In June 2010 the Secretary of State for Health announced a full public inquiry into the serious failings in patient care at the Trust and why they were not identified and acted on sooner. Apart from providing three of the Counsel to the Inquiry team, members of chambers have assisted throughout the proceedings up until the publication of the report published on 6 February 2013.

**Leveson Inquiry**

Inquiry into the relationship between the press and the public, the press and the police, the press and politicians.

The inquiry seeks to make recommendations to achieve better practice in relation to policy and regulation. It seeks to safeguard press integrity and freedom whilst encouraging attainment of the very highest ethical standards.

Members of chambers provided advice to various parties in the Leveson inquiry which began at the Royal Courts of Justice on 14th November 2011 and reported on Part 1 of the Inquiry on 29 November 2012.

**Dutton Inquiry**

Inquiry into the allegations that £19.3 million of Lottery funding was unlawfully paid from an account called the World Class Payments Bureau to individuals and organisations at the request of small governing bodies.

Chambers provided advice and assistance to the Inquiry specifically in consideration of whether there was evidence of funds being misappropriated.

**Saville Inquiry**

The independent Public Inquiry into the events of 30 January 1972 in Londonderry, Northern Ireland - 'Bloody Sunday'.

Members of Chambers provided advice to the Saville Inquiry, specifically for the team acting for military witnesses.
QEB Hollis Whiteman has extended its regulatory and disciplinary muscle into the sporting world.

A team of experienced and knowledgeable members now offers specialist advice and advocacy in connection with the regulation of a number of different sports.

We have forged strong links with both the specialist solicitors in this field and the relevant sporting regulatory bodies.

One of our barristers has advised in relation to a number of appeals in professional regulation. He acts as a judicial officer for the RFU and sits on tribunals convened by the Rugby Football Union at both first instance and at appellate level.

We are delighted to announce that members of QEB Hollis Whiteman have recently been appointed to the Sports Resolutions panel of arbitrators and mediators. Those appointed are eligible for appointment from the 3rd January 2012 and will run until the 31st March 2015.

A number of our barristers have been approved by the British Equestrian Federation to sit as a Legally Qualified Chair.

Recent work includes:

- Defended a Pakistani cricketer at Southwark Crown Court with regards to allegations of 'spot fixing' following an undercover investigation by the News of the World. The matters alleged took place during the test match, against England at Lords in August 2010.

- Acting on behalf of the British Horseracing Authority (BHA) in relation to the alleged fraudulent practice of placing of lay bets with the benefit of Inside Information.

- Assisted a British athlete in relation to her appeal to the UK Athletics appeal panel. The athlete had been overlooked for selection to compete in the London Olympic Games 2012. The appeal involved several legal points relating to both domestic regulations and the rules of the international governing body, the IAAF.

- Regularly act as Chair and also appear in front of various RFU Panel hearings relating to matters of discipline, which occur on and off the field of play.

- Instructed by The Gambling Commission in matters related to the regulation of Gambling and Licensing and linked criminal matters.
Trading Standards

Chambers has an established reputation in the field of Trading Standards having long specialised in this area of work.

- criminal proceedings arising from infringement of intellectual property rights
- counterfeit goods
- car clocking
- product safety
- food safety
- consumer credit
- consumer protection
- trade description matters

We have acted in some of the most prominent and, in some cases, ground-breaking Trading Standards cases.

- **R v Alami International Ltd (2005)** – The first ever prosecution and confiscation against a company; POCA proceedings had never previously been brought against any corporate entity. Counsel were successful in obtaining a confiscation order amounting to £1 million, the largest ever recovered in a Trading Standards prosecution.

- **R v Vickerman (2012)** – Surfthechannel.com owner Anton Vickerman was sentenced to four years imprisonment following the successful private prosecution by Chambers on behalf of FACT for the operation of the world’s most visited pirate website.
Compliance

The regulatory environment is one of change and development. A variety of sectors face new and increased regulation, more assertive authorities and the possibility of self-referral or reporting. QEB Hollis Whiteman offers practical advice and training to individuals, businesses and organisations seeking to build an effective compliance strategy.

Our experts’ knowledge of legislation and process can help identify regulatory risks and avoid breach through the implementation and monitoring of effective policy and control. We can also guide and assist in the event of enforcement action.

We have experience dealing with anti-money laundering regulations, bribery and corruption legislation, counter-terrorism financing, sanctions-busting and a wide variety of other regulated areas.

Excellence in advocacy and the quality of advice

We have eighteen Queen’s Counsel and over forty junior barristers of acknowledged ability. Sir David Calvert-Smith, recently retired from the High Court bench and ex-Director of Public Prosecutions has recently returned to chambers and is able to assist in advising upon and the conduct of investigations and the preparation of reports.

James Bagge, who started his professional life in chambers and then spent the larger part of his career so far with Norton Rose, has also joined us recently, with his vast experience in fraud and the regulation of investment and banking business.

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Chambers UK (2013)
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