



Private Prosecution

The Definitive Guide

- Preparation
- Presentation and
- Pitfalls

Thursday 2nd July 2015

Banking Hall, 14 Cornhill, London EC3V 3ND

UK court convicts
Ketan Somaia
for \$19.5m fraud

June 14 2014

Man jailed for filming **Fast and Furious in cinema**

22 August 2014

The private prosecution, which has, over the last 150 years, occasionally been threatened with extinction, is now firmly back in vogue.

This event provides an important opportunity for those involved or who may be involved in these prosecutions to share their experiences.

Sir David Calvert-Smith

- Learn from leading practitioners as they take you through the process from investigation to verdict and enforcement
- Understand the pitfalls which make the difference between success and failure
- Join with the panel of experts to debate the issues
- Network with the panel and your peers

CPD Accredited 3.5 hours

Speakers & panellists include:

- **Sir David Calvert-Smith**
Chair, Parole Board
Former High Court Judge &
Director of Public Prosecutions
- **Kieron Sharp**
Director General, FACT
- **William Boyce QC**
- **David Groome**
- **Ari Alibhai**
Barristers, QEB Hollis Whiteman
- **Michael Barley**
Director of Security, Sky & Chair
of the Audiovisual Anti-Piracy
Alliance

Private Prosecution - The Definitive Guide

Why attend this event?

Much in the legal and mainstream news recently, Private Prosecutions are growing in popularity and are an important part of the lawyer's tool kit.

Most recently, widely reported in the national media was the conviction in 2014 of Ketan Somaia for obtaining \$19.5m by deception, believed to be the largest Private Prosecution to date by an individual in this country.

Whilst only recently hitting the headlines in the world of financial crime, Private Prosecutions have been used successfully for a number of years by major rights owners and industry bodies including FACT; BPI; Sky TV; Virgin Media Limited and the Football Association Premier League as a weapon against intellectual property rights infringement and large scale online piracy.

Barristers from leading set QEB Hollis Whiteman have pioneered the use of Private Prosecutions and operate a specialist Private Prosecution practice group, chaired by David Groome and Ari Alibhai who have between them successfully prosecuted over 250 such cases with a specific focus on Intellectual Property for a variety of large multinational corporations, creative rights holders, and trade organisations.

Members of Chambers are also regularly instructed to conduct private prosecutions for Regulatory bodies such as the Solicitors Regulation Authority, the General Dental Council and the Security Industry Authority.

Chambers has recently cemented its reputation at the forefront of this practice area through the high profile Somaia case prosecuted by William Boyce QC and Rachna Gokani instructed by Peters & Peters, and its members have been involved in almost every high profile copyright/trade mark Private Prosecution undertaken in the past 20 years.

In this growth area it is important for those who may encounter Private Prosecutions on either side of the fence, for prosecution or defence, to understand the process.

Using examples from previous cases, delegates will be guided through a Private Prosecution from investigation to conviction, with an in-depth examination of the complex issues of case preparation, achieving best evidence, presenting a case at the Crown Court in addition to a summary of the key elements relevant to costs, compensation and confiscation.

The morning presentation will be followed before lunch by a Question Time style panel debate.

Speakers and panellists include:

- former DPP **Sir David Calvert-Smith**
- **Kieron Sharp**, Director General of the Federation Against Copyright Theft
- **Michael Barley**, Director of Security at Sky and Co-Chair of the Audiovisual Anti-Piracy Alliance
- **David Groome** and **Ari Alibhai**, likened by Ed Fennel in the Times Law Diary to a '*modern day Holmes & Watson*'
- **William Boyce QC**, QEB Hollis Whiteman, Lead Prosecution Counsel in R V Somaia



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Timings	Sessions
09.30 – 10.00	Registration & Coffee
10.00 – 10.45	<p>Welcome and Introduction to Private Prosecution - <i>Sir David Calvert-Smith (former DPP)</i></p> <p>Initial investigation - <i>Kieron Sharp – Director General FACT</i></p> <ul style="list-style-type: none"> ▪ Surveillance ▪ Working with private investigators ▪ Engaging with the police ▪ Using in-house security & investigation teams ▪ The role of industry bodies
10.45 – 11.00	Tea & Coffee Break
11.00 – 12.00	<p>Involving the CPS - <i>Sir David Calvert-Smith (former DPP)</i></p> <ul style="list-style-type: none"> ▪ Resources & knowledge ▪ Managing relationships <p>Getting evidence to the next stage - <i>David Groome/Ari Alibhai, QEB Hollis Whiteman</i></p> <ul style="list-style-type: none"> ▪ Laying informations ▪ Selection of charges <p>Case management - <i>David Groome/Ari Alibhai, QEB Hollis Whiteman</i></p> <ul style="list-style-type: none"> ▪ Guilty plea before trial ▪ Expert evidence ▪ Presentation of evidence
12.00 – 13.00	Panel discussion
13.00 – 14.00	Lunch
14.00 – 15.00	Costs, compensation & confiscation - <i>David Groome/Ari Alibhai, QEB Hollis Whiteman</i>
15.00 – 17.00	Networking - Drinks & Canapes
17.00	Conference close

Rates: Delegate: £250 Early bird: £200 (Booking and payment received by 12th June 2015)

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Panellist Profiles

SIR DAVID CALVERT-SMITH

Chair, Parole Board (former High Court Judge & Director of Public Prosecutions)

Sir David was DPP from 1998 to 2003 following a distinguished career at the Criminal Bar. Involved in many leading cases including Marconi; Polly Peck; Iraqi sanctions; Herald of Free Enterprise; the Marchioness and Buncefield, he was a High Court Judge from 2005 – 12. He is currently Chair of the Parole Board and a door tenant at QEB Hollis Whiteman.

WILLIAM BOYCE QC

Barrister, QEB Hollis Whiteman

Bill is recognised as one of today's top QCs. He has, for many years, been instructed, both as Treasury Counsel at the Central Criminal Court, and as a QC, in many grave, complex and high-profile cases. Bill recently prosecuted the largest Private Prosecution ever brought by an individual in the UK (R v Somaia, at the Central Criminal Court). The defendant was convicted of obtaining US\$19m by deception, and sentenced to eight years' imprisonment. In addition, Bill is currently advising a number of international companies and individuals regarding commencing Private Prosecutions against backgrounds of: a commercial shipping dispute in China; blackmail in the Far East; and, a custody dispute in the Middle East.

KIERON SHARP

Director General, Federation Against Copyright Theft (FACT)

Kieron joined FACT in November 2006, following a distinguished 30 year career with the Metropolitan Police and City of London Police, including a four year secondment to Interpol as Head of the Economic Crime Department, and culminating in the position of Detective Chief Superintendent in charge of Specialist Crime Operations in the City.

FACT works to protect the copyright of its members in the audio-visual, sports rights and related industries and Kieron has overseen the development and strengthening of its investigative, intelligence and analytical capabilities, along with enhanced engagement with national, regional and international law enforcement agencies.

During his tenure, Kieron has positioned FACT at the forefront of the fight against online criminality, establishing a highly-skilled and technologically accomplished workforce which continues to build FACT's reputation for excellence and success.

Kieron is also a graduate of the Federal Bureau of Investigation (FBI) National Academy in Quantico, Virginia.

MICHAEL BARLEY

Director of Group Security at Sky and Co-Chair of Audiovisual Anti-Piracy Alliance (AAPA)

Mike has been Director of Group Security at Sky for 14 years, responsible for the security of all its operations across the globe. As co-chair of the pan-European AAPA he sits on the board of FACT. Prior to joining Sky, Mike was a senior detective at Scotland Yard for 25 years.

DAVID GROOME

Barrister, QEB Hollis Whiteman

David was called to the Bar in 1987 and works exclusively in the field of rights protection through the use of criminal remedies. He and Ari Alibhai act for many major corporates in the music, film, sport and broadcast media including the Football Association Premier League (FAPL), Virgin Media and Research in Motion (Blackberry). They have recently also been instructed by the DPP for Northern Ireland.

ARI ALIBHAI

Barrister, QEB Hollis Whiteman

Called to the Bar in 2003 Ari has worked with David Groome specialising in Private Prosecutions for over 10 years. During this time they have worked together and honed their approach to Private Prosecutions. They also lecture and train in-house legal and rights protection teams; law firms; government departments and industry federations.

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