

Sophie O'Sullivan

Year of Call: 2011

Direct Access: Yes

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Sophie O'Sullivan specialises in **business crime** and **professional regulation**. Her practice encompasses: business crime; commercial fraud; **asset forfeiture**; **financial regulation and compliance**; **sanctions**; **professional discipline**; and **health and safety**

Sophie is ranked as a Leading Junior in Legal 500's Financial Crime Sector. She is a member of the Attorney General's Panel of Junior Counsel to the Crown and the SFO's International POCA panel. Sophie is a contributor to the 3rd edition of *Lissack and Horlick on Bribery*, the leading work on bribery and corruption offences.

Recent or extant work includes:

- Instructed by a US-based law firm to represent an Eastern European engineering firm in relation to its sanctions designation under UK legislation and regulation
- Acting for the SFO in enforcement proceedings arising out of a £30m confiscation order
- Acting for the NCA in relation to a frozen funds investigation arising out of a suspected \$8 million fraud committed against an African government.
- Representing the former director of a wealth management company in £14m confiscation proceedings
- Assisting the FCA in a dual track Tier-1 investigation into systemic failings of a major global bank.
- Advising a global entity on sectoral sanctions regimes applicable to its international commercial dealings
- Representing the director of a major construction company against allegations of corporate bribery and corruption
- Appeared before the Court of Appeal, Criminal Division, in a matter relating to convictions arising from international money laundering offences
- Representing the director of a technology company against allegations of consumer fraud and money laundering
- Representing the manager of a dementia care home against criminal allegations of wilful neglect and ill treatment
- Appeared on behalf of a surgeon facing grave allegations of misconduct, lack of competence and dishonesty relating to his gynaecological practice

Sophie is a contributor to the 3rd edition of *Lissack and Horlick on Bribery*, the leading work on bribery and corruption offences.

Sophie has extensive advocacy experience having appeared in significant jury trials concerning corporate bribery, large scale MTIC carousel fraud, cross-border VAT evasion, banking, insurance and mortgage fraud.

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Sophie has advised on and appeared in appeals before the FTT (Tax Chamber) in cases involving the seizure of goods for alleged non-payment of Excise Duty, breaches of prohibitions and regulations on importation and associated non-restoration appeals. She has also appeared in condemnation proceedings involving the liability of goods to forfeiture under the Customs and Excise Management Act 1979.

Sophie appears regularly before the GMC, SRA, NMC, GPhC and HCPC, often defending individuals against the most serious allegations of professional misconduct and negligent care as well as acting for both prosecuting authorities and defendants in health and safety proceeding.

Areas of Expertise

Business Crime & Financial Regulation

Sophie acts for companies and company officers regarding allegations of fraud, money laundering, bribery and corruption, tax evasion, insider dealing and sharp practices. She conducts contentious work, appearing in crown and appellate courts, in addition to her advisory practice, providing opinions on legal issues including financial sanctions regimes, market manipulation and sharp practices, financial regulation proceedings and pre-charge advice.

She has particular experience in proceedings arising out of the Proceeds of Crime Act 2002, acting for company directors and individuals in asset forfeiture and confiscation proceedings. She has acted in a number of high profile, high-value asset freezing and forfeiture matters, often with an international component involving allegations of institutional corruption and corporate bribery.

As a consequence of her experience in both commercial crime and civil regulation, Sophie is often instructed by specialist regulatory authorities to advise in relation to the use and deployment of their statutory powers in a criminal and POCA context.

Sophie often advises corporates in the financial sector in respect of prospective or actual financial regulatory breaches, particularly with reference to the UK's Money Laundering Regulations. She was instructed by the FCA to assist in its largest AML investigation to date, which culminated in the landmark prosecution of Natwest for offences under the MLR 2007 in 2021.

Sophie has advised on and appears in appeals before the FTT (Tax Chamber) in cases involving the seizure of goods for alleged non-payment of Excise Duty, breaches of prohibitions and regulations on importation and associated non-restoration appeals. She also acts in condemnation proceedings involving the liability of goods to forfeiture under the Customs and Excise Management Act 1979.

Sophie is often invited to speak at business crime seminars and conferences. Recently, Sophie chaired a webinar with EY on international internal investigations in the corporate sphere and appeared as a panellist in a seminar addressing the future of Deferred Prosecution Agreements.

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Notable Business Crime & Financial Regulation cases

SFO v Saghir Afzal (2021):

Sophie is instructed by the SFO in these enforcement proceedings arising out of a £30 million confiscation order.

Operation Craggily (2021)

Acting for the NCA in relation to a frozen funds investigation arising out of a suspected \$8 million fraud committed against an African government.

Operation Chilton, R v SS & Others (2021)

Acting for the defendant in relation to a million-pound Ponzi scheme investment fraud.

Project L (2020)

Advising a global entity on sectoral sanctions regimes applicable to its commercial activities.

FCA v Company X (2019-20)

Advising and assisting in the investigation of systemic failings within a major global bank.

R v FD (2020)

Acting for the ex- director of a wealth management company in £14 million confiscation proceedings (POCA 2002) arising out of corporate fraud and money laundering offences.

AUG Logautika v HMRC (2020)

Acting for a haulage company in proceedings against the HMRC for seizure of goods.

R v CP (2019)

Acting for the co-director of a multi-million pound construction company against allegations of bribery and corruption.

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R v JT (2018-19)

Acting for a haulage director in a multi-million pound cross-border MTIC (carousel) fraud.

R v AR (2018)

Appearing before the Court of Appeal, Criminal Division regarding convictions arising out of a international money laundering offences.

Professional Discipline and Regulation

Sophie has a strong professional discipline practice. In domestic proceedings, she has advised and acted for those in the financial services, legal and medical professions in respect of misconduct investigations and contentious proceedings. She is frequently instructed in proceedings involving serious allegations of misconduct, sexual assault, dishonesty as well as health matters before the GMC, GDC, GPhC, NMC, SRA and MPS.

Sophie's complementary expertise in criminal and regulatory law has meant that when instructed to act in conduct allegations which involve criminal behaviour, she often also appears in the crown court.

In addition to her UK professional disciplinary practice, Sophie also has specialist expertise acting for civil servants in professional disciplinary proceedings brought before international administrative tribunals, also involving allegations of serious misconduct including professional impropriety, high-value fraud and corruption charges. She has acted in proceedings brought against civil servants by international organisations including the International Fund for Agricultural Development (IFAD), UN Assistance Mission in Somalia (UNSOM) and the African Union Commission (AUC).

Sophie is also instructed in coronial inquests and inquiries, often acting for government bodies as well as appearing on behalf of companies and company officers. She is a member of the Attorney General's Panel of Junior Counsel to the Crown and is often instructed to act on behalf of government bodies and prosecution authorities.

Notable Professional Discipline and Regulation cases

GMC v AK (2021)

Acting on behalf of a cosmetic surgeon in relation to multiple allegations of serious misconduct relating to surgical procedures and practices.

GMC v EK (2020)

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Acting on behalf of a doctor facing serious allegations relating to her clinical competency including failing to identify patient risks during consultations, inappropriate prescribing and improper referrals.

GMC v GB (2020)

Appeared on behalf of a surgeon facing grave allegations of misconduct, lack of competence and dishonesty relating to his gynaecological practice.

MPS v PC D and L (2020)

Legal advisor to the Metropolitan Police Service in a Stage 3 gross incompetence hearing relating to serious professional failings.

NMC v LD (2019)

Acting on behalf of an autistic intensive care paediatric nurse charged with incompetence arising from her autism and specific clinical failings relating to treatment of new-borns in intensive care.

NMC v PN (2019)

Appeared on behalf of a prison nurse regarding allegations of multiple clinical failings said to have occurred in the hours before a prisoner under her care died of an overdose

SRA v RM (2018)

Acting for a partner of a law firm against allegations of dishonesty and misappropriation of client funds.

Health and Safety

Sophie has broad experience in appearing in criminal proceedings concerning health and safety breaches as well as criminal allegations arising from conduct in the workplace.

Sophie is also instructed in coronial inquests and inquiries, often acting for government bodies as well as appearing on behalf of companies and company officers.

Sophie acts for companies, company officers and individuals, as well as the prosecuting entities, in regard to allegations of

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systemic failings in safe practices, serious injury in the workplace and criminal allegations of professional wrongdoing and ill-treatment.

She has considerable expertise and experience in criminal proceedings, appearing often in the crown and appellate courts. When dealing with conduct allegations against professionals which involves criminal behaviour, Sophie appears in the crown court.

Notable Health and Safety cases

Acting on behalf of a care home in respect of an inquest arising from a resident death (2021).

Acting on behalf of the Ministry of Justice in respect of an inquest arising from a death in custody (2021).

HSE v FFS (2021)

Appearing on behalf of a company in proceedings brought by the Health and Safety Executive arising out of serious injuries to employees following an industrial accident.

R v PP (2020)

Acting for the manager of a dementia care home against criminal allegations of wilful neglect and ill-treatment of a resident under the provisions of the Mental Capacity Act 2005.

R v RC (2020)

Providing pre-charge advice to a doctor in relation to criminal allegations of assault from a patient in relation to cosmetic procedures.

HDC v AC (2020)

Acting for Harlow District Council for food safety offences.

NELTS v SL (2019)

Acting for a restaurant chain in proceedings brought by North East Lincolnshire Trading Standards.

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Sanctions & Export Controls

Sophie advises companies and individuals on all aspects of sanctions law across all regimes, particularly those affecting financial transactions and trade between the US, UK, EU, Russia and Iran. She acts for and advises clients on sectoral sanctions risks relating to prospective commercial transactions, the interaction between UN Security Council resolutions and EU and US law, the EU Blocking Regulation, US secondary sanctions regime, the scope and effect of the Iran nuclear deal (JCPOA) and the post-Brexit statutory framework of the UK sanctions regimes. She also advise on reporting obligations to the UK's Office of Financial Sanctions Implementation (OFSI), as well as US, EU and UK delisting applications and civil or criminal penalties arising from sanctions breaches.

Sophie was recently (2021) instructed by a US-based law firm to represent an Eastern European engineering company in relation to its sanctions designation under UK legislation and regulation. Sophie was also instructed to advise a global financial institution in respect of the sectoral sanctions regimes applicable to its International commercial dealings.

Memberships

- Attorney General's Panel of Junior Counsel to the Crown
- Crown Prosecution Service Grade 2 Prosecutor
- [Fraud Lawyers' Association](#)
- Proceeds of Crime Lawyers' Association
- [Health and Safety Lawyers' Association](#)
- [South Eastern Circuit](#)
- SFO's International POCA panel

Publications

- Contributor to the 3rd edition of Lissack and Horlick on Bribery, the leading work on bribery and corruption under The Bribery Act 2010
- Contributor to the Government's Public Sector Counter Fraud Journal

Recommendations

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