

# Sophie O'Sullivan

Year of Call: 2011

Direct Access: Yes

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Sophie O'Sullivan is a specialist in **business crime** and **professional regulation**. Her core practice areas are: **sanctions**; **business crime**; commercial fraud; **asset forfeiture**; **financial regulation and compliance**; **professional discipline**; and **health and safety**.

Sophie is ranked as a Leading Junior in four practice areas by the Legal 500: (1) Business and Regulatory Crime (Including Global Investigations); (2) Fraud; (3) POCA and Asset Forfeiture; (4) Professional Discipline and Regulatory Law.

She is appointed to 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 (LexisNexis), the leading work on bribery and corruption offences.

Recent or extant work includes:

- Acting in the first s.38 SAMLA challenge to a UK sanctions designation in the Administrative Court (*Synesis v Secretary of State for FCDA [2023] EWHC 541 (Admin)*).
- Acting for the Defendant in High Court contempt proceedings arising from alleged breaches of >£6m freezing injunctions, preservation orders and financial undertakings *Jones v Hamilton[2023] EWHC 1216 (Ch)*.
- Acting for the trustee of a corporate pension fund in one of the first criminal proceedings brought by The Pensions Regulator for offences under s40(5) of The Pensions Act 1995 relating to employer related loans and investments.
- Advising a European trust with high-value global assets on sanctions matters following the UK designation of its corporate trustee.
- Advising a global investment fund in relation to potential litigation relating to AML risks arising from a corporate client charged and extradited to the US with \$20m wire fraud and linked corporate financial offences.
- Advising a European investment firm in respect of regulatory and criminal risks arising from a criminal investigation into its financial services provider.
- Advising an international mining company on the sanction risks pertaining to prospective commercial contracts with Russia-linked entities.
- Instructed by OFSI and HMT in relation to correspondent and intermediary banking transactions in the context of the UK's sanctions framework.
- Acting for the SFO in enforcement proceedings arising out of a >£30m confiscation order related to international fraud and money laundering convictions.
- Acting for the Maritime and Coastguard Agency (MCA) in a large scale regulatory, financial and human slavery

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offences investigation.

Sophie is an experienced litigator and court advocate, having appeared in significant jury trials concerning, inter alia, corporate bribery and corruption, money laundering and banking, insurance and mortgage frauds. She is often engaged to advise on matters pre-charge in addition to her court practice, acting on behalf of prosecuting authorities (SFO, FCA, NCA, TPR, MCA) and defendants in the crown and appellate courts.

Internationally, Sophie has acted in proceedings brought against civil servants by international organisations including the International Monetary Fund (IMF), International Fund for Agricultural Development (IFAD), UN Assistance Mission in Somalia (UNSOM) and the African Union Commission (AUC).

In domestic regulatory proceedings, Sophie appears regularly before the GMC, GDC, 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

### Sanctions & Export Controls

In 2023, Sophie, with Alex Haines, acted for the Claimant in the first s.38 SAMLA challenge to a UK sanctions designation in the Administrative Court (*Synesis v Secretary of State for FCDA [2023] EWHC 541 (Admin)*). As a member of the UK Attorney General's Panel, Sophie is regularly instructed by OFSI, HM Treasury and the FCDO to advise on sanctions matters.

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 advises 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.

### Notable Sanctions & Export Controls cases

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- **Synesis v Secretary of State for FCDA [2023] EWHC 541 (Admin)**

Acting for a Belarusian technology company in the first s.38 SAMLA challenge to a UK sanctions designation in the Administrative Court.

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- Advising an international mining company on the sanctions risks arising from prospective commercial contracts with

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entities which may expose the client to US, EU and UK sanctions breaches (2021-23).

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- Advising a Europe-based trust, with global assets, on the impact of the UK designation of its corporate trustee (2023).
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- Instructed by OFSI and HMT in relation to correspondent and intermediary banking transactions in the context of the UK's sanctions framework (2022-23).
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- Advising a London art house on sanctions risks arising from sales of fine art (as defined in the 2019 Russia Regulations) to person's 'connected with Russia' (2022-23).
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- Advising a major global bank on the feasibility of launching a subsidiary private investment fund in the context of UK, EU and US financial sanctions against Russia (2021-22).
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## **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 (POCA), acting for company directors and individuals in asset forfeiture and confiscation proceedings.

She has acted in a number of high profile asset freezing and forfeiture matters, often with an international component involving allegations of institutional corruption and corporate bribery. Sophie is often instructed to advise corporates in the financial sector on prospective or actual regulatory breaches, particularly with reference to the UK's Money Laundering Regulations and sanctions framework.

Given her experience in both commercial crime and civil regulation, Sophie is often instructed by specialist regulatory authorities to advise on the use and deployment of their statutory powers in a criminal and POCA context. Recently, Sophie has advised a series of UK regulators and prosecuting authorities in respect of the use of their powers to prosecute corporate entities and company officers for financial crime offences.

## **Notable Business Crime & Financial Regulation cases**

The Pensions Regulator v SS & Others (2023)

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Acting for the trustee of a corporate pension fund in one of the first criminal proceedings brought by The Pensions Regulator for offences under s40(5) of The Pensions Act 1995 relating to employer related loans and investments.

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Re: B (2022-3)

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Advising a global investment fund on litigation risks relating to AML compliance issues arising from a corporate client charged in the US with significant corporate financial offences.

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Re: M (2023)

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Advising an international mining company on the financial offences and sanctions risks arising from prospective commercial contracts with entities which may expose the client to US, EU and UK sanctions breaches.

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Operation Dynamite (2022-23)

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Acting for the Maritime and Coastguard Agency in one of its most ambitious and wide-ranging investigations into corporate financial crime and serious regulatory offences.

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SFO v Saghir Afzal (2020-23)

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Instructed by the SFO in long-standing enforcement proceedings arising out of a £30 million confiscation order from convictions for major fraud and international money laundering offences.

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AH v JJ (2023)

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Acting for the Defendant in High Court civil contempt proceedings arising from alleged breaches of >£6m freezing injunctions, preservation orders and financial undertakings. Jones v Hamilton[2023] EWHC 1216 (Ch).

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RE: E (2022)

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Advising a European investment firm in respect of regulatory and criminal risks arising from a cross-border criminal investigation into one of its financial services providers.

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## Professional Discipline and Regulation

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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 Monetary Fund (IMF), International Fund for Agricultural Development (IFAD), UN Assistance Mission in Somalia (UNSOM) and the African Union Commission (AUC).

## **Notable Professional Discipline and Regulation cases**

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### IMF v M (2023)

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Acting for a senior IMF employee in disciplinary proceedings alleging serious misconduct.

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### S v IMF (2023)

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Acting for an IMF employee in a complaint brought against the IMF arising from findings of bullying and harassment in the workplace.

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### AUC v A (2021 – 2023)

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Acting for a senior AUC employee in disciplinary proceedings alleging serious misconduct.

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### IFAD v F (2022)

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Acting for a senior IFAD employee in disciplinary proceedings alleging serious misconduct.

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### GMC v Dr E (2022)

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Acting for an allergy specialist accused of wide-ranging lack of competence allegations and specific allegations of misconduct relating to a vulnerable adult.

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### GMC v Dr X (2022)

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Acting for a gynaecology and fertility specialist in proceedings relating to an allegedly improper and sexually motivated internal examination of a patient.

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GMC v Dr Y (2022)

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Acting for a cosmetic surgeon in regulatory proceedings accusing serious misconduct arising from improper procedures and breach of patient trust.

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GMC v AK (2021)

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

## Health and Safety

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

Sophie acts for companies, company officers and individuals, as well as the prosecuting entities, in regard to allegations of systemic failings in safe practices, serious injury and death in the workplace, and criminal allegations of professional wrongdoing and ill-treatment. She is also instructed in coronial inquests and inquiries, often acting for government bodies as well as appearing on behalf of companies and company officers.

### Notable Health and Safety cases

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R (LFRS) v TK & Others (2023)

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Acting for the corporate owner of a residential building for serious offences arising from fire safety failings.

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Operation Dynamite (2022 – 23)

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Acting for the Maritime and Coastguard Agency in one of its most ambitious and wide-ranging investigations into sustained health and safety and regulatory offences involving loss of life.

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HSE v FF (2022)

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Acting for textiles corporate in proceedings arising from an explosion and fire at work premises in which an employee

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suffered life-changing injuries.

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Thames Water (2022)

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Acting for Thames Water in a series of corporate prosecutions for Water Supply (Water Fittings) Regulations 1999 breaches.

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## 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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