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T 020 7710 6444
W CLOTHFAIRCHAMBERS.COM



RACHEL KAPILA

Called to the Bar – 2006

"Very impressive - she's intellectually brilliant and totally charming." "She has an eye for detail that you rarely see and is seriously capable." - Chambers & Partners: UK Bar

"She is really excellent...a first choice for a complex financial crime case and always my first pick as a junior." - Chambers and Partners: High Net Worth Individuals

BIOGRAPHY

Rachel is a sought-after junior in the fields of financial crime (individual and corporate), investigations, and high-profile general crime. *"Superbly bright", "calm and focussed"*, she is ranked in Chambers & Partners, Legal 500 and Who's Who Legal as a leading practitioner in these areas, with reviewers highlighting her *"formidable legal brain"*, her *"strong sense of strategy"*, her *"extraordinary command of facts and details"* and her *"excellent presence in court"*.

Rachel is regularly instructed to act for individual and corporate clients in the most serious and heavyweight white-collar investigations and prosecutions. She has a breadth of experience, with current and past instructions encompassing a wide range of offences, including fraud, bribery and corruption, false accounting, forgery, Revenue offences and money laundering. She acts for clients at all stages of criminal proceedings, from pre-charge advice, including advice in connection with the conduct of corporate internal investigations, to jury trials and appellate work. She also has experience in the conduct of private prosecutions. Rachel's advice is routinely sought on a wide range of ancillary matters, including privilege, search warrants, restraint, account freezing orders, forfeiture, and confiscation. The cases in which she is instructed frequently involve parallel civil and regulatory proceedings, and raise issues spanning multiple jurisdictions. She also has experience in judicial review, appeals by way of case stated and habeas corpus applications.

The multi-jurisdictional nature of Rachel's practice is complemented by her expertise in extradition and mutual legal assistance. She is recognised in the directories as *"one of the most able and prominent junior barristers in the field"*, and is regularly instructed in high profile extradition proceedings, particularly proceedings with a financial crime context. She also has a substantial advisory practice in this area, advising clients in connection with anticipated extradition requests, Interpol notices and MLA requests.

Outside the field of financial crime, Rachel's notable instructions include acting for a senior News of the World journalist charged with phone hacking, and defending an election agent accused, alongside a Conservative MP, of submitting false election expenses returns following the 2015 General Election. Rachel is one of very few juniors with particular expertise in criminal proceedings arising out of alleged breaches of electoral law.

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Rachel also has niche practices in sporting and gambling regulation. *"She has become the go-to in the online gambling world"* (Chambers & Partners).

WHAT OTHERS SAY

Chambers and Partners: UK Bar 2022

Ranked for 'Financial Crime' and 'Extradition'.

"A respected financial crime barrister recognised for her strong defence work. She is particularly experienced in fraud, bribery and corruption cases, and is adept at internal corporate investigations."

"She is a very tough advocate and an effective court performer."

"An extremely intelligent barrister who handles some very interesting cases."

Chambers and Partners: High Net Worth Individuals 2021

Ranked for 'Financial Crime'.

"Rachel Kapila is one of the best juniors at the Bar. She is very bright, very incisive and very thoughtful."

"She is extraordinarily smart. I would absolutely go to her if I needed a junior on a case."

"She is intelligent, unflappable and very strategic. She is my go-to junior."

Legal 500: 2022

Ranked for 'Business and Regulatory Crime (including Global Investigations)', 'Fraud: Crime' and 'International Crime and Extradition'.

"Incredibly hard-working, very bright and an absolute pleasure to work with. Combines a fierce intellect with a prodigious capacity for work, mastering complex and heaving paper-based matters in remarkably short time-frames, all the while instilling confidence in her lay and professional clients."

"Hugely impressive, she has a razor-sharp mind. One of the most able and prominent junior barristers in the [extradition] field."

Who's Who Legal: 2021

Recognised in the UK Bar directory as a leading practitioner in the fields of 'Criminal Fraud' and 'Investigations', and in the Global directory as a leading practitioner in the field of 'Business Crime Defence – Individuals'.

"Rachel Kapila earns acclaim for her "strong attention to detail, commitment and ability to digest large amounts of complex information" in high-profile investigations."

"Rachel Kapila is renowned for her adept handling of fraud, corruption and bribery cases."

Entries from previous years

"Rachel is one of the smartest juniors... She is hard-working, well organised, a star of the future and incredibly bright."

"She is really excellent. She has an excellent presence in court – she is very calm and unflappable and has a strong sense of strategy. I see her as one of the senior juniors that the best silks go to. She is a first choice for a complex financial crime case and always my first pick as a junior."

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"She has an excellent presence in court and is very calm, unflappable and has a strong sense of strategy."

"She is totally dedicated, very incisive and collegiate."

"She has an extraordinary command of facts and details."

"An outstanding junior."

"Her work ethic is second to none."

"She has a razor-sharp mind. A go-to junior for extradition matters."

"Rachel Kapila performs exceptionally in our research this year. She is "a formidable legal brain" who is "not frightened to challenge preconceptions and test accounts"."

"Very impressive – she's intellectually brilliant and totally charming."

"She has an eye for detail that you rarely see and is seriously capable."

"Extremely diligent and very user-friendly, she has become a go-to in the online gambling world."

"A no-nonsense junior; judges love her."

"Rachel Kapila wins high praise from sources for her superb work on corporate criminal matters, an area in which they consider her "a real star"."

"An extremely high-quality fraud junior with an exceptional capacity for work."

"She has a forensic eye for detail."

"Extremely bright, hard-working and a very effective advocate."

"Very intelligent, calm and focussed."

"A first-rate junior who is very good with clients."

"She instils confidence."

"Extremely clever and quick."

"Very strategic."

"An "excellent" junior experienced at prosecuting and defending a broad range of extradition cases. Interviewees highlight her ability to "judge a tribunal" and to "take arguments that are measured and realistic"."

"She's sharp as a tack and really gets to the point very quickly."

"Fantastic on her feet."

"She is superbly bright, tenacious and willing to go the extra mile for her clients."

"She is clever and comes up with some interesting and novel approaches to cases."

"She is outstanding and will go far."

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“Extremely knowledgeable, helpful and able.”

“She is extremely bright and charming but when you are at court you tend to have a tough time if you are against her because she is extremely sharp-witted.”

“She shows meticulous attention to detail.”

“She leaves no stone unturned and is a reliable pair of hands for difficult cases.”

RECENT & CURRENT CASES

Rachel's current and recent instructions include:

- Representing a defendant charged by the SFO with fraud offences in connection with the operations of Balli Group Plc and Balli Steel Plc.
- Advising Rio Tinto group in connection with an ongoing SFO investigation into allegations of corruption in the conduct of its business in the Republic of Guinea.
- Representing Dechert LLP and its former co-head of white collar and securities litigation in the Commercial Court trial of claims brought by ENRC against the Dechert defendants and the SFO.
- Representing a professional sportsman charged with offences of sexual assault, common assault and being drunk on an aircraft: *R v TO* (2021). Client was acquitted of all charges at trial.
- Acting for the US Government in extradition proceedings arising out of the collapse of the Abraaj Group, the world's largest private equity insolvency.
- Advising a prominent property developer in relation to a police investigation into allegations of fraud and corruption, and an associated challenge to search warrants.
- Advising a corporate client in connection with internal, SFO and DOJ investigations into allegations of historic multi-jurisdictional bribery, associated with the activities of Unaoil.
- Advising the responsible person for Vote Leave in connection with the Metropolitan Police investigation into electoral offences alleged to have been committed during the 2016 EU Referendum campaign.
- Acting for the US Government in extradition proceedings arising out of the 'HP Autonomy' case.
- Representing a former hedge fund executive, charged with defrauding a Libyan sovereign wealth fund.
- Advising the operators of a prominent Mayfair casino in connection with a change of corporate control application under s.102, Gambling Act 2005.
- Acting for the Governor of the Falkland Islands in proceedings arising out of the first two extradition requests issued by that territory to the United Kingdom.
- Advising the Attorney General of another British Overseas Territory in relation to a high-profile criminal prosecution within that territory, and associated extradition proceedings.
- Advising a leading online gambling operator in connection with its post-regulatory settlement reporting to the Gambling Commission.
- Representing an election agent accused of forgery and knowingly making a false declaration on an election expenses return: *R v CM & ors* (2018-2019). The prosecution arose out of a series of investigations into the spending returns submitted in the South Thanet constituency following the General Election in 2015. Client was acquitted of all charges at trial.
- Representing the former CEO of a multinational travel company accused of conspiracy to cheat the Revenue in connection with a film investment partnership: *R v PR* (2018)
- Acting for an online casino in a licence review arising out of breaches of conditions relating to anti-money laundering and failure to comply with social responsibility codes: *Gambling Commission v Casumo Services Ltd* (2018).
- Advising the subject of a European Investigation Order, issued in the context of a high-profile murder investigation. One of the first EIOs issued to the UK following implementation of the EIO Directive in July 2017.

PREVIOUS CASES

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- SFO v PF (2017): Represented former managing director of FH Bertling Ltd, charged by the SFO with conspiracy to make corrupt payments to an agent of the Angolan state oil company. Client was acquitted at trial.
- Gambling Commission v DR and CD ('FUT Galaxy') (2017): Acted for defendants in the first Gambling Commission prosecution concerning virtual currencies and social gaming on the internet.
- R v LM (2016-2017): Represented first defendant in a £40 million excise and VAT fraud. The case involved a preparatory hearing appeal on a novel point of law concerning the application of the *ne bis in idem* principle under Article 54 of the Convention Implementing the Schengen Agreement: *R v LM* [2017] EWCA Crim 82.
- R v E&W (2015): Represented two RBS equities traders accused of conspiracy to cheat the Revenue in connection with a film investment partnership. Both clients were acquitted at trial.
- Government of Rwanda v VB & ors (2013-2015): Represented a defendant accused by the Government of Rwanda of participating in the 1994 Rwandan Genocide. The Rwanda case is one of the most complex and long-running cases to have come before the extradition courts, and involved a novel point of law culminating in proceedings in the Supreme Court (*R (B & ors) v Westminster Magistrates' Court & ors* [2015] AC 1195).
- R v Coulson & ors (2013-2014): Represented a senior News of the World journalist, who pleaded guilty to phone hacking.
- British Horseracing Authority v H & ors (2013): Acted for the British Horseracing Authority in an Inquiry into a nine-handed conspiracy to commit fraudulent or corrupt practices in connection with racing.
- R v ET (2011-2012): Represented oil trader accused of defrauding a multinational oil company. Two hung juries. Client was acquitted.
- Operation District (2010): Represented one of four defendants accused of MTIC fraud involving evasion of over £10m VAT. Client was acquitted after a three month trial.
- R v C [2010] 1 Cr App R 7: Appeared in one of the last cases heard by the House of Lords. The leading authority on the offence of sexual activity with a person with a mental disorder impeding choice, under section 30 of the Sexual Offences Act 2003.

EDUCATION / EXPERIENCE

BA Hons (Oxon) – Jurisprudence (Law)

Postgraduate Certificate in Sports Law and Practice (BASL/DMU) (Distinction, 1st in the year)

Bar Vocational Course, Inns of Court School of Law (Outstanding, 1st in the year)

Senior Scarman Scholarship

British Academy of Forensic Sciences Prize

Baron Dr Ver Heyden de Lancey Prize (Middle Temple)

APPOINTMENTS

British Swimming Appeal Panel (2012)