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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." "An extraordinarily talented lawyer." - Chambers & Partners: UK Bar

"Rachel is supremely clever... She is definitely one of the very best junior barristers at the Bar. Rachel can turn her mind to any case, and master it in a very short time." "A junior to keep a close eye on, and destined to go on to great things." - Chambers & Partners: High Net Worth Individuals

"Absolutely first class." - Legal 500

BIOGRAPHY

Rachel is a highly sought-after junior in the fields of financial crime (individual and corporate), investigations, and high-profile general crime. *"Fiercely bright", "calm and focussed"*, she is ranked in Chambers & Partners and Legal 500 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. She has experience in judicial review, appeals by way of case stated and habeas corpus applications. The cases in which she is instructed frequently involve parallel civil and regulatory proceedings, and raise issues spanning multiple jurisdictions.

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 *"a star, possibly the star, individual junior of the extradition Bar"* and is *"at the top of the list for anyone seriously seeking a barrister with intellect, diligence and ability to carry the most difficult cases"*. Rachel is regularly instructed in high-profile and complex 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 investigations and

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proceedings arising out of alleged breaches of electoral law. The directories highlight her “almost encyclopaedic knowledge of often byzantine electoral laws” combined with “a seemingly effortless ability to master the facts of a case in double-quick time”.

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 & Partners: UK Bar 2024

Ranked for 'Financial Crime', 'Financial Crime: Corporates', 'Extradition' and 'Election Law'.

"If I had to recommend a junior it would be Rachel. She is incisive and will get the legal analysis spot-on and find an argument you don't know is there."

"Rachel is an extremely smart barrister."

"Her attention to detail is outstanding."

"Rachel Kapila is an absolute winner, who will go on to do amazing things."

"She is an absolutely fantastic barrister."

"Rachel Kapila is an expert on electoral fraud. She has an encyclopaedic knowledge of the law and can see around corners to the client's advantage."

Chambers & Partners: High Net Worth Individuals 2024

Ranked for 'Financial Crime'.

"Rachel Kapila is a highly talented junior barrister. A very clever, courageous and creative thinker."

"Rachel is a real star of the future. A junior to keep a close eye on, and destined to go on to great things. She works unbelievably hard, and really delivers even in the most difficult of cases."

"Rachel is a terrific team player. Her industry is boundless and she is laser-focused on the details that actually matter."

Legal 500: 2024

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

"Rachel is rightly regarded as a star, possibly the star, individual junior of the extradition Bar. She is at the top of the list for anyone seriously seeking a barrister with intellect, diligence and ability to carry the most difficult cases. Absolutely first class."

"Rachel combines in-depth knowledge of electoral law, a firm grasp on case details, and impressive tactical thinking."

Entries from previous years

"She is an extraordinarily talented lawyer. She grasps the big picture and is a safe pair of hands."

"She is one of the best juniors at the Bar." "Incredibly smart, she is very committed and a real pleasure to work with."

"Rachel is supremely clever, insightful and hard-working. She is definitely one of the very best junior barristers at the Bar. Rachel can turn her mind to any case, and master it in a very short time."

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"Rachel is fiercely bright, highly industrious and a great team player."

"Rachel is really intellectual. She is a fantastic worker, really outstanding."

"Rachel is the only sensible choice for any extradition silk in need of the best junior, with the most penetrating mind, for the most difficult case."

"Rachel is hugely talented, with an almost encyclopaedic knowledge of often byzantine electoral laws and a seemingly effortless ability to master the facts of a case in double-quick time. She combines this with a disarming manner with clients that puts them at their ease."

"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 heavy paper-based matters in remarkably short time-frames, all the while instilling confidence in her lay and professional clients."

"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."

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

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

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

"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."

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

"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."

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

"Very intelligent, calm and focussed."

"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."

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RECENT & CURRENT CASES

Rachel's current and recent instructions include:

- Representing a former Glencore employee charged by the SFO with corruption offences arising out of the company's operations in West Africa.
- Advising an individual charged with historic bribery in the Isle of Man.
- Advising on complex civil forfeiture proceedings in the Channel Islands.
- Advising an individual in connection with the Gambling Commission's investigation into betting on the date of the 2024 General Election.
- Advising individuals in connection with a high-profile NCA investigation.
- Advising a HNW individual on extradition issues arising out of the 'Varsity Blues' college admissions scandal in the US.
- Advising an individual under investigation by City of London Police for electoral offences and perverting the course of justice.
- Advising a prominent HNW individual in connection with an anticipated extradition request from an East Asian jurisdiction.
- Appearing in the Supreme Court, in a case considering the test to be applied where a convicted person seeks to resist extradition on the basis that his conviction was the result of a flagrantly unfair trial: *Popoviciu v Curtea De Apel Bucharest (Romania)* [2023] 1 WLR 4256.
- 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 SFO and Australian Federal Police investigations into allegations of corruption in the conduct of its business in the Republic of Guinea.
- Advising a prominent property developer in relation to a police investigation into allegations of fraud and corruption, and an associated challenge to search warrants.
- 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: *ENRC v Dechert LLP, David Neil Gerrard, DSFO* [2022] EWHC 1138 (Comm).
- 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 individual in connection with a high-profile Electoral Commission investigation.
- 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.
- Representing a former hedge fund executive, charged with defrauding a Libyan sovereign wealth fund.
- 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 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.

PREVIOUS CASES

- Advising a leading online gambling operator in connection with its post-regulatory settlement reporting to the Gambling Commission (2019).
- 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

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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.
- *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 Judicial Appeals Panel (2012; Chair 2014)