

James Fletcher

YEAR OF CALL: 2000



"He has a first-class analytical mind, and is able to assimilate and consider huge volumes of detailed material. He's a great advocate who shows diligence throughout and is great in terms of preparing skeleton arguments."

CHAMBERS AND PARTNERS 2015 FOR POCA WORK & ASSET FORFEITURE

Overview

James practises in both civil and criminal law. He is a specialist in Asset Recovery and Proceeds of Crime work. He is instructed on behalf of businesses, by individual members of the public and by Government departments.

He has been featured in Chambers and Partners in the field of Proceeds of Crime and Asset

Forfeiture work (all circuits) since 2014 and has been "Top Ranked" since 2016.

"He is very creative," and "a very bright, hard-working lawyer who is consistently busy."

Chambers and Partners 2018.

James is ranked as a band 2 leading individual in the Legal 500 for POCA and asset forfeiture (London Bar). He is also ranked in Who's Who at the UK Bar (2017 & 2018 Edition) in the field of criminal fraud work.

"He's excellent - he's very bright, thorough, pleasant and good to work with."

Chambers and Partners 2017.

'Extremely knowledgeable about POCA matters and criminal judicial reviews.'

Legal 500 2017.

Additional information

Direct Public Access

James is qualified to receive instructions directly from members of the public. He is qualified to conduct litigation. Recent cases include:

Advising a company on debt recovery.

Advising on personal insolvency issues.

Drafting Court documents and advising a landlord in civil proceedings.

Professional Panel Appointments

"A" panel for the Serious Fraud Office (SFO).

Attorney General's "B" list of panel advocates for civil litigation.

Grade 3 Prosecutor for the Crown Prosecution Service (CPS).

CPS specialist list for Proceeds of Crime.

CPS specialist list for Fraud and Organised Crime.

Professional Memberships

Proceeds of Crime Lawyers Association.

Fraud Lawyers Association.

International Bar Association.

Cybercrime Lawyers Association.

Asset Recovery, Civil Fraud & Confiscation

James has specialist knowledge of the Proceeds of Crime Act 2002 and Asset Forfeiture.

Government bodies, defendants, third parties and victims all approach James to act in Restraint, Receivership, Confiscation and Enforcement cases in the Magistrates' Court, Crown Court and High Court.

He undertakes Civil Recovery cases and Cash Forfeiture cases under the Proceeds of Crime Act 2002.

"He advises in a way that is not only principled but pragmatic; he recognises areas of weakness and vulnerability as well as those of strength and substance."

Chambers and Partners 2016.

James can help defendants and third parties, providing solutions where they face problematic confiscation issues or have been prevented from dealing with their assets. He can assist businesses and individuals recover missing or stolen assets.

Business Crime

James is a barrister who acts across the whole spectrum of regulatory cases, especially cases involving condemnation and forfeiture of goods and cases in the First Tier Tax Tribunal. He deals with search warrant and production order cases.

Crime

James' practice in crime focusses on fraud and money laundering cases where there are significant quantities of material. He acts for the defence and for the prosecution.

Immigration

James accepts immigration instructions.

Judicial Review & Public Law

Cases of Note

R v Contogoulas & Others

Successful defence of a former Barclays US Swaps trader accused of dishonest manipulation of the LIBOR interest rate benchmark between 2005 and 2007. Led by John Ryder QC (6 KBW College Hill). After a three month case in 2016 where the jury were unable to return verdicts, Mr Contogoulas was acquitted in a re-trial in 2017.

R v Badcock

Briefed to represent the Defendant at confiscation. The defendant had been found guilty of conspiracy to supply cannabis. He had permitted a large cannabis factory to operate from a barn on his farm and the prosecution sought a benefit of £14m on the basis of the value of the

cannabis. We successfully argued that the defendant's benefit was the value of the rent and services he supplied to the growers rather than the value of the cannabis as he had no interest in the drugs themselves. The confiscation order was successfully limited to £425,000 ensuring the Defendant will still have assets even after the payment of the Order.

Commissioner of Police of the Metropolis v Mucko

Police had seized £300,000 from the Client and argued it should be forfeited on the basis that it was the proceeds of modern slavery. After serving a skeleton argument that explained that the money had come from sales of scrap metal, which was not said to be illegitimate, and that therefore it could not be proved that the cash was recoverable, the Police abandoned their application.

R v Axford

Represented the Defendant at confiscation after he had been found guilty of benefit fraud. Successfully argued that the way the prosecution had drafted the indictment (individual counts of fraud by misrepresentation on specific dates) prevented the application of the lifestyle provisions of the confiscation regime, thereby limiting the confiscation order.

HMRC v Matolych

Cash Forfeiture. Advising foreign businessman from Ukraine in relation to cash seized by HMRC. Alleged to be the proceeds of money laundering.

Commissioner of Police of the Metropolis v Solanki

Advising client in respect of procedure and tactics in cash forfeiture case.

R v Shepherd

Acted for the defendant in enforcement proceedings for non-payment of his confiscation order.

Operation Bitterling

£1.2m VAT fraud conducted by two Indian restaurants over an 8 year period.

Operation Airbrick

Leading junior in a £14m money Laundering case where part of the money was laundered through an alcohol trading company.

Operation Thornback

A multi defendant case where the defendants distributed and sold non duty paid cigarettes across the UK.

“M”

Post judgment worldwide Freezing Order obtained on behalf of a high profile individual.

R (on the Application of Chaudhary) v Bristol Crown Court [2015] EWHC Admin 723

Costs in section 59 cases. Search warrants

R (on the Application of Chaudhary) v Bristol Crown Court [2014] EWHC Admin 4096

A challenge to the lawfulness of a search warrant issued by the Crown Court must be made to the High Court by way of judicial review.

R (On Application of Bavi) v Snaresbrook Crown Court [2013] EWHC 4015

Mental health issues in cash forfeiture case.

National Crime Agency v Rodrigues [2013] EWHC 3316.

Civil recovery of a Columbian drug dealing cartel's proceeds. First case for newly formed National Crime Agency.

NCA v Pathmanabhan

Costs argument arising out of cash forfeiture proceedings.

Accreditation

