



YEAR OF CALL	2005
INN	Middle Temple
QUALIFICATIONS	LLB (Hons) London School of Economics; Graduate Diploma of Law (Distinction) College of Law, London BVC (Outstanding), College of Law, London
AWARDS	Middle Temple, Benefactors' Award 2004

## PROFILE

Called to the Bar after a successful career over 15 years in the City in trading and advisory work; she therefore has a significant understanding of the regulatory environment governing both the financial services and corporate sectors. As a result she has developed a practice, beyond her call, dealing with financial crime and corporate defendants. She regularly represents directors and hedge fund managers facing criminal and regulatory allegations and has appeared before the Regulatory Decisions Committee of the Financial Services Authority and the First Tier Tribunal (Tax Chamber).

Vivienne has recently concluded a 6 month secondment to the Enforcement Division of the Financial Services Authority during the course of which she advised on matters in the investigation of Operation Montreal. During the course of her secondment she represented the FSA at restraint hearings in the Crown Court dealing with complex matters of disclosure and variation. Vivienne also advised on issues concerning Legal Professional Privilege. She has also been instructed by HMRC in confiscation and restraint proceedings both in the Crown and the High Court.

Vivienne is frequently instructed to represent both companies and individuals who are prosecuted by local councils for offences involving pollution and waste. She was also asked to advise in a large and complex action brought against an individual by Bedford Council for breaches of the Trademarks Act 1994.

Vivienne has also appeared in the Administrative Court (Queen's Bench Division) in Judicial Review proceedings and is currently instructed by the Bar Standards Board in the Judicial Review of a decision made by the Disciplinary Tribunal.

Vivienne is currently instructed in a number of appeals to the First Tier Tribunal (Tax Chamber) against decisions by the Commissioners to deny the repayment of input tax.

Vivienne is frequently instructed to represent nurses before the Nursing and Midwifery Council. Vivienne's tribunal advocacy also includes regular appearances on behalf of the General Social Care Council in Conduct Hearings and before the Preliminary Proceedings Committee.

Vivienne has been appointed to the SFO "C" List of Approved Counsel and is an elected member of the Bar Council.

#### NOTABLE CASES CRIME

Case Name: *R v A*  
Appearance: Defence Led Junior.  
Description: Conspiracy to Defraud- An advance fee multi million US Dollar fraud.

Case Name: *R v M*  
Appearance: Defence Led Junior  
Description: Fraud- Complex benefit fraud involving a Defendant suffering from psychiatric ill health

Case Name: *R v M*  
Appearance: Defence  
Description: Assault against the 13 year old daughter of the Defendant's partner which resulted in extensive injury to the face. The Defendant is a barrister's clerk.

Case Name: *R v DR and others*  
Appearance: Defence  
Description: Instructed to represent the fifth Defendant in a trial alleging conspiracy to incite the production of cannabis arising out of a large investigation conducted by the Derbyshire Constabulary.

Case Name: *R ( a Company) v Royal Borough of Kensington and Chelsea*  
Appearance: Defendant  
Description: Instructed by the Company in proceedings brought against them by RBKC for breaches of their duties under the Health and Safety at Work Act 1974 resulting from significant amounts of asbestos being present on premises run by the Company.

#### NOTABLE CASES REGULATORY

Case Name: *Financial Services Authority v L*  
Appearance: Defence  
Description: Instructed to represent the client in disciplinary proceedings brought by the Financial Services Authority for breach of Principle 3 of the FSA's Statements of Principle for Approved Persons, namely failing to observe proper market conduct

Case Name: *Financial Services Authority v A*  
Appearance: Defence  
Description: Instructed to represent a senior officer of an investment bank in disciplinary proceedings brought by the Financial Services Authority for breaches of Principles 5, 6 and 7 of the FSA's Statements of principle for approved persons.

Case Name: *HMRC v L*  
Appearance: Defence  
Description: Cash Seizure of a significant amount of Euros found on the client when he entered the United Kingdom at Stansted Airport.

Case Name: *General Medical Council v L*  
Appearance: Instructed by the GMC  
Description: Appeared instructed by the GMC at a fitness to practice hearing to determine the fitness of a doctor previously disciplined by the GMC

Case Name: *Nursing and Midwifery Council v P*  
Appearance: Instructed by the Royal College of Nursing  
Description: Appeared instructed by the Royal College of Nursing to resist an application for an interim suspension order against the registrant who was facing criminal allegations.

Case Name: *General Social Care Council v JE*  
Appearance: Instructed by the General Social Care Council  
Description: Appeared in a full Conduct Hearing in which the Registrant faced allegations of misconduct arising out of his failure to disclose a criminal caution for assaulting his 17 year old daughter.

Case Name: *G (A company) v HMRC*  
Appearance: Appellant  
Description: Instructed as a led junior (led by Orlando Pownall Q.C.) by the Appellant Company in a 10 day hearing at the First Tier Tribunal (Tax Chamber) in an appeal against the Commissioners' decision to deny input tax.

Case Name: *A Company v Bassettlaw District Council*  
Appearance: Claimant  
Description: Instructed by the Company in Judicial Review proceedings in the High Court (Administrative Court, Queens Bench Division) to review the Defendant council's decision to deny discretionary rate relief.