



# CLARE MONTGOMERY QC

## **MAIN AREAS OF PRACTICE:**

Crime and criminal due process  
Regulatory and health and safety  
Commercial fraud  
Administrative law  
Extradition and mutual assistance  
International criminal and  
regulatory law  
Human rights

**Called to the Bar** 1980

**Appointed to Silk** 1996

## **CONTACT:**

claremontgomery@matrixlaw.co.uk  
+44 (0)20 7404 3447  
Paul Venables, Practice Manager  
paulvenables@matrixlaw.co.uk

Clare is a highly respected specialist in criminal, regulatory and fraud law, perhaps best known for her work on legally and factually complex cases. For the past decade Clare has specialised in dealing with the most demanding and difficult legal cases. She has featured in the starred category of QC's recommended for crime and fraud for the whole of that period. Formerly a member of the Attorney General's Panel, Clare has also been concerned in a wide range of public law and due process cases both for and against the Government. Clare was named Crime Silk of the Year in 2013 in the inaugural Legal 500 awards and was Crime Silk of the Year in the 2005 and 2011 Chambers & Partners Bar Awards; she has also twice been nominated as the Lawyer's barrister of the year and features as one of the Stars at the Bar in Chambers & Partners Guide for 2017. She is Best Lawyers' 2017 Fraud "Lawyer of the Year". Clare has been admitted in Northern Ireland and specially admitted in the courts of the Bahamas, Bermuda, Brunei, Hong Kong, Mauritius and the Turks and Caicos Islands.

## **PRE-LITIGATION STRATEGY**

Clare is widely valued as a pre litigation adviser, providing strategic guidance and advice to companies and individuals caught up in regulatory and criminal investigations, particularly those with an international dimension and where both civil and criminal law problems are present. She is presently advising a number of FTSE 100 companies in dealing with current SFO enquiries, most involving complex cross border issues. Completed advice has enabled GSK to answer concerns raised by the MHRA into relation to clinical trials procedures by reference to EU and domestic regulation. She acted on behalf of BAE throughout the long running SFO investigation negotiating the ground breaking settlement that ended the investigation. She is also sought out by prosecuting authorities to advise and represent them in politically sensitive or legally complex cases, most recently advising the DPP in connection with the prosecution of a prominent political figure.

## **CROSS BORDER CHALLENGES**

Clare has had extensive experience in extradition, international mutual legal assistance and international criminal law, representing both governments and individuals. She works with lawyers outside the UK on national and international criminal cases assisting with strategy and legal challenges. She represented Augusto Pinochet in the House of Lords. She advised the former Prime Minister of Thailand after he was ousted in a military coup. She has successfully represented a string of prominent Russian citizens who have been the focus of requests from the Russian Federation. She led the prosecution team in the Swedish request for the extradition of the founder of Wikileaks and acted for Shrien Dewani in relation to allegation made against him in South Africa. She is

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## DIRECTORIES' RECOMMENDATIONS

Ranked in 2017 by Chambers & Partners, Legal 500, Who's Who Legal and Best Lawyers in:

**Administrative Law:** "One of the finest criminal and public law advocates of our time."

**Business Crime:** "Often the first silk solicitors turn to and the last one other barristers want to face." "At the top of the tree" respected for her "strong command of the courtroom."

**Civil liberties:** "A brilliant mind, an amazingly quick thinker, but nonetheless very approachable."

**Crime:** "She receives plaudits for her "innovative" and "inventive" approach, "She's a class act, amazingly quick to pick up on all of the issues but also just very, very good on her feet."

"Incredibly bright and very clear-sighted." "She is one of the finest minds at the Bar, full stop."

**Extradition:** "Respected silk who is considered "devastatingly intelligent" by those in the extradition market."

**Fraud and Financial Crime:** "She is what perfection looks like. End of." "One of the biggest brains at the Bar and an amazing appellate lawyer." "She thinks of every angle and comes up with clever stuff. Clients absolutely love her as she's plain talking, reassuring and very clear about what will happen."

**Fraud Civil:** "She operates at the very top of the market." "She's a star of the Bar."

**Proceeds of Crime:** "She's just top-drawer; she grasps things very quickly and gives easy-to-digest, no-nonsense advice." "She adds a huge amount of value, is terribly efficient and extremely user-friendly."

a co-author of *The Law of Extradition and Mutual Assistance* (3rd Ed published by OUP, 2012). She regularly advises governments on crimes of universal jurisdiction.

## APPEAL WORK

Clare has also developed a substantial and varied appellate practice. She represented the Bar when the issue of barrister's immunity arose in the House of Lords; she appeared for Sally Clark when Clark was finally cleared of murdering her two sons by the Court of Appeal in 2003 and appeared for Sion Jenkins when his conviction was quashed in 2004. She was brought in to lead the argument for the defence when the Court of Appeal confirmed the dismissal of the pharmaceuticals case brought by the SFO in 2008. In 2011 following a successful judicial review of the CCRC, she acted for Kenneth Noye in the Court of Appeal. She has appeared in courts of appeal in Brunei, Bermuda and Hong Kong. In the Hong Kong Court of Final Appeal she acted for Mo Yuk Ping, in the leading case on conspiracy to defraud, in *HKSAR v Andrew Lam* securing the acquittal of a solicitor charged with perverting the course of justice, and in 2013 for the barrister, Philip Wong Chi Wai, who was unanimously cleared by the CFA. She developed and led the arguments that secured the acquittal in *HKSAR v Pang Hung Fai*. She represented the leader of the main political party in Mauritius, Pravind Jugnauth, when he was cleared on appeal to the Supreme Court of conflict of interest charges in 2016. She represented Carson Yeung on his appeal against money laundering convictions in June 2016 in the Court of Final Appeal. Throughout her time in practice Clare has been closely connected with the development of human right arguments in Strasbourg, from Soering through to Yukos related cases.

## TRIAL WORK – CRIMINAL AND CIVIL

Clare represents a range of prosecuting authorities, such as the FCA and SFO as well as acting for private clients and corporations. She was the advocate for the former chief executive of Railtrack charged in relation to the deaths in the Hatfield rail crash. She has appeared in many of the leading SFO trials of the last 20 years. She recently represented a prominent property developer in Hong Kong on charges of corruption. She is joint editor (with Professor David Ormerod and Anthony Shaw QC) of *Fraud (Criminal Law and Procedure)* (OUP, 2013). Since taking silk in 1996, Clare has also come to be valued as a trial advocate in complex civil disputes. She appeared as trial counsel in the Bermuda Fire & Marine litigation and in the BCCI misfeasance action against the Bank of England. She continues to work on civil fraud and arbitration cases both as an advocate and an adviser. She is instructed by News Group Newspapers in the Mobile Telephone Voicemail Interception litigation. She is valued for her ability to work in a team, her attention to detail and her skill as a cross examiner.

## PUBLICATIONS

Editor with Professor David Ormerod of *Fraud: Criminal Law and Procedure* (OUP 2008)

Co-authored *The Law of Extradition and Mutual Assistance* 3rd Ed (OUP 2013)

'*Forensic science in the trial of Sally Clark*' (2004) article in *Med Sci LJ*