

## David Stern

Call: 1989  
 Education: LLB (London); LLM (Cantab)  
 ADR Group Accredited Mediator  
 Email: stern@11sb.com  
 Telephone: 020 7831 6381  
 Mobile: 07976 706 128



David's strengths are his tactical and analytical approach, commercial acumen and creative flair. He has a proven track record in handling complex commercial fraud, serious fraud and business crime cases. His commercial experience in insurance and financial services often proves invaluable working on complex fraud trials.

*"Working with David is a pleasure because he combines an ability to master almost any problem with an impressive talent for hard work and analysing minutiae without losing sight of the larger picture. He is a great asset to any team who wants to get it right from the start".*

*Richard Cornthwaite, Garstangs*

### Serious Fraud & Corporate Crime

David has acted as leading junior and junior counsel in commercial fraud, serious fraud and business crime investigations and prosecutions. While he handles a wide variety of serious matters, the principal areas of his practice are:

- Serious and complex fraud, including SFO and HMR&C prosecutions
- Restraining and confiscation orders, POCA and SOCA matters
- Money-laundering compliance, investigations and prosecutions
- Corporate manslaughter and HSE investigations and prosecutions
- Director disqualification
- Environmental enforcement
- Cartels, anti-trust and Enterprise Act investigations
- FSA compliance and regulatory investigations

A key area of success has been the early dismissal of proceedings on grounds of abuse of process.

He appears in the Crown Court, Divisional Court and Court of Appeal and has actively acted as junior counsel in the House of Lords.

He has acted in several high-profile cases for commercial and private clients for example:

- HSE and corporate manslaughter investigation arising out of the Marchioness;
- Anti-trust investigations involving Cable & Wireless, and
- Several "big ticket" fraud prosecutions and appeals, including Smith, McNicholas Construction and Butte Mining.

### Sample cases of interest include

*Rachar* Carousel fraud alleging several hundred million pounds' worth of VAT - proceedings stayed due to abuse of process regarding non-disclosure

*In re X* Highly complex money laundering and drug importation prosecution involving international “supergrass”

*Hertfordshire County Council, ex parte Green Environmental Industries Ltd* [2000] 2 AC 412, [2000] 1 All ER 773, [2000] 2 WLR 373 Leading House of Lords authority on “the right to silence” under European and domestic law

*Hastings and Rother Justices ex parte Anscombe* [1998] EWHC Admin 146; (1998) 162 JP 340 Key authority on the failure to pay a confiscation order

*Quadmost Limited (In Liquidation) -v- Reprotech (Pebsham) Ltd* [1998] EWCA Civ 474 Court of Appeal decision affirming *Norglen* on assignment of causes of action and availability of legal aid for commercial actions, including those alleging fraud

*Norglen Ltd v Reeds Rains Prudential and others* [1996] 1 WLR 864, [1997] 3 WLR 1177 Groundbreaking Court of Appeal and House of Lords decisions on assignment of causes of action by liquidators and security for costs in an action concerning allegations of fraud

*Director of the Serious Fraud Office, ex parte Smith* [1992] 1 All ER 730 DC Key authority on “the right to silence” in Serious Fraud Office investigations