



## NICHOLAS CROPP

Year of call  
1999

Nicholas Cropp is a barrister and attorney with extensive experience both in the United Kingdom and in the United States.

Nicholas has regularly appeared in courtrooms in complex disputes in several UK, US and offshore jurisdictions, focusing primarily on fraud, financial services and regulatory matters, constitutional and human rights law, commercial disputes including civil fraud allegations, and serious criminal matters including financial services offences, political and environmental crimes.

Nicholas is widely published in multiple jurisdictions in the fields of bribery and corruption, fraud and financial services litigation, constitutional and administrative law, regulatory compliance, land use planning and human rights.

Nicholas is a member of the Bar of England and Wales, the New York and Oregon State Bars, the Federal Bar of the District of Oregon and the US Ninth Circuit Court of Appeals.

In August 2017 Nicholas was appointed to the Serious Fraud Office B Panel of Trial Counsel and C Panel of Proceeds of Crime Counsel. Since 2017, Nicholas has been instructed by a Core Participant in the Undercover Police Public Inquiry, which is expected to start hearing live evidence sometime in 2020.

Nicholas is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme. For more information please visit our Direct Access page [here](#).

## LEGAL EXPERTISE

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## Financial Crime

Nicholas has considerable experience representing individual, corporate and government clients in multiple jurisdictions in a variety of fraud-related criminal matters and related civil litigation, including advisory work on internal investigations and potential early disclosures to regulatory and prosecuting agencies. In criminal matters Nicholas is principally instructed by the defence, though he has undertaken significant instructions on behalf of the Serious Fraud Office and the Financial Conduct Authority. Nicholas is equally comfortable taking the lead on a project or working as part of a team of lawyers to achieve his client's objectives. Nicholas also has considerable experience representing the victims of fraud in civil proceedings.

Nicholas practiced in the United States from 2002-2008, frequently appearing in federal and state courts in a variety of regulatory, constitutional and criminal matters, including securities fraud, tax fraud, forfeiture of assets, land use planning, free speech, regulatory litigation against the Securities and Exchange Commission, and serious criminal matters including political, environmental, drug and violent crimes. Nicholas has considerable experience with international corruption allegations under the Foreign Corrupt Practices Act and the Bribery Act 2010. Nicholas also has extensive state and federal appellate experience in the United States.

In 2012 Nicholas undertook a six month secondment at Baker & Partners in Jersey, working principally as a led junior in the *In re DH Trust* litigation, a factually complex commercial trust dispute involving allegations of fraud and misapplication of trust assets amounting to over £30 million in value, involving corporations and trust assets in Jersey, the BVI, Panama and the United Kingdom. Nicholas has since been involved in a number of cases with a significant international / offshore dimension. His practice has dealt with complex issues arising in a number of jurisdictions including Kenya, Switzerland, Mozambique, South Africa, Jersey, Spain, Panama, the BVI and the United States.

Nicholas was formerly a tutor in Company Law at University College London. He is widely published in several related fields, including corporate "human" rights and directors duties, the commercial implications of honest services fraud allegations and comparative analyses of the UK's and US's international bribery and corruption regimes.

## Selected Cases

### [R v Al Jarah & Ors \(2019\)](#)

Junior counsel instructed by SFO in case involving allegations of corruption in postwar Iraq reconstruction projects.

### [Carpet World v Imran \(2012-2017\)](#)

Sole counsel. Represented company claiming damages re: embezzlement of funds by former director. Involved novel issues relating to litigants in person: e.g. Defendant was represented throughout proceedings but unrepresented at trial, and attempted to introduce evidence, including expert evidence, at trial in breach of directions. Nicholas persuaded the Court to prohibit any reliance on expert evidence and any cross examination of Claimant witnesses given the Defendant's failure to properly state his case in advance of trial.

Secured significant judgment, costs, penalty costs/damages against Defendant, and secured the dismissals of several related appeals in the High Court and Court of Appeal.

## **Asghar v Ahmed (2016)**

Property dispute involving international fraud/forgery allegations and complex interlocutory applications.

## **Re: R (2015)**

Advice to group of disgruntled employees threatening to “blow the whistle” on international corporate with HQ in United States for possible Data Protection Offences, including liaising with employment law experts and consideration of employees’ own criminal exposure.

## **Re: I (2013-2014)**

Sole Counsel in disciplinary proceedings brought against notary accused of facilitating the commission of a £3 million land bank fraud in Mozambique, including though the misuse of a client account for the routing of funds. Fraud had implications in the UK, Spain, South Africa, Mozambique and the UK. Client faced being struck off and ruined by extensive (100+) civil claims relating to alleged client account mismanagement. Secured finding that client had no knowledge of fraudulent elements of scheme, complete dismissal of potentially ruinous account mismanagement allegations and “slap on the wrist” penalty for professional misconduct; client allowed to continue in practice, client’s business and numerous jobs saved.

## **Re C (2013-2014)**

Instructed by the FCA, along with Andrew Wheeler QC and James Robottom, to undertake a comprehensive privilege review of materials seized from solicitor defendant in long-running UK-based land bank fraud.

## **Re T (2013)**

Advisory work on behalf of large international plc considering historic bribery and corruption concerns in several jurisdictions including Jersey, Kenya, Switzerland and the UK. Considered the implications of the Bribery Act 2010, the pre-2010 anti-bribery regime in the UK, and the FCPA in the United States.

## **Re I (2013)**

Advisory work re: third party intervention in significant POCA proceedings concerning, inter alia, frauds in the UK and Nigeria.

## **Re DH Trust (2012)**

Junior counsel in offshore commercial trust litigation worth approximately £30 million dealing with entities/assets in Jersey, the Caymans, Panama and the UK, involving allegations of negligence and fraud in an internationally reputable accountancy firm.

### Malik & Din v Equity Red Star (2012)

Represented two claimants in multi-track RTA case where insurer co-Defendant tacitly alleged fraud. Claims succeeded, and secured significant indemnity costs award against Defendants for failing to demonstrate any fraud.

### R v Nadir (2011)

Led team of disclosure counsel at the Serious Fraud Office dealing with various aspects of the ultimately successful prosecution of Asil Nadir.

### Re Ogbolu-Okonji (2011)

Intervention in POCA proceedings on behalf of corporate victim of Defendant's fraud.

### Re H (2011)

Representation of central London solicitors firm from whom extensive conveyancing materials were improperly sought pursuant to overbroad POCA production orders.

### United States v Staren (2011)

Representation of London-based witnesses from the financial services industry subpoenaed to give evidence in US criminal proceedings in California concerning a multi-million dollar Ponzi scheme.

### Re: S (2009)

Advice to major international corporate concerning conflict between contractual duties of confidentiality in the UK and duties of disclosure to the DOJ in the United States, in the context of NPA negotiations in the United States.

## Regulatory & Professional Discipline

Nicholas has extensive experience representing professional clients facing professional misconduct allegations, as well as clients seeking advice on financial services and related regulatory requirements. Nicholas has represented professional clients including financial services providers, solicitors and notaries public at the Regulatory Decisions Committee of the Financial Services Authority, the Upper Tribunal, the High Court and the Court of Faculties. Nicholas also represents individuals and corporations in related criminal proceedings, including in relation to market abuse and insider trading allegations.

## Selected Cases

### Re: A (2016)

Representation of online vehicle market concerning provision of insurance advice and FCA authorisation.

### Buckinghamshire County Council v Olsen (2016)

Sole counsel. Represented landowner in criminal proceedings involving violations of local planning regulations by client's licensees. Persuaded the Council's Enforcement Team that in light of its failure to prosecute over a three year period and the comparative injustice of pursuing the landowner while the actual wrongdoers remained in occupation, a mere caution was the appropriate outcome.

### Re H (2015)

Represented internet startup dealing with authorisation required for warranty provision on its website and related regulatory concerns.

### FCA v M (2015)

Junior Counsel in RDC proceedings in which Authority sought prohibition of international businessman accused of giving dishonest answers to FCA in interview. Proceedings dismissed with no further action by RDC.

### FCA v V (2013-2015)

Junior Counsel in prohibition proceedings at the Upper Tribunal against based on findings and judicial commentary made in parallel civil proceedings.

### Re: I (2013-2014)

Sole Counsel in disciplinary proceedings brought against notary public accused of facilitating the commission of a £3 million land bank fraud in Mozambique, including through the misuse of a client account for the routing of funds. Fraud had implications in the UK, Spain, South Africa, Mozambique and the UK. Client faced being struck off and ruined by extensive (100+) civil claims relating to alleged client account mismanagement. Secured finding that client had no knowledge of fraudulent elements of scheme, complete dismissal of potentially ruinous account mismanagement allegations and "slap on the wrist" penalty for professional misconduct; client allowed to continue in practice, client's business and numerous jobs saved.

### Re: DH Trust (2012)

Junior counsel. Offshore trust/professional negligence dispute worth in excess £30million involving issues/assets in Jersey, the UK, Panama and the Bahamas.

### FSA v W (a firm); FSA v G (a firm) (2009-2010)

Representation of several small-cap stockbroking corporations before the Regulatory Decisions Committee of the Financial Services Authority, the Financial Services & Markets Tribunal, and in the High Court in judicial review proceedings.

## Public Law

Nicholas has extensive experience with constitutional, administrative and human rights litigation in multiple jurisdictions, on behalf of individual, corporate and government clients in various fields including policing, financial services regulation, land use planning, property, criminal and civil liberties matters. His ongoing work in this field includes representing a Core Participant in the ongoing Undercover Police Inquiry, a judicial review of the then-FSA in relation to its treatment of the small cap stockbroking industry, and advising the ACLU on a prospective free speech/due process challenge to a novel Oregon statutory scheme criminalising the provision of “sexually explicit” materials to minors.

Nicholas was formerly a tutor in Public Law for undergraduate and postgraduate law students at the University of Westminster. He is widely published in the fields of constitutional law, land use planning, due process and original intent, including in the Guardian Newspaper in an article dealing with the overlapping requirements of criminal proceedings and public inquiries. Several of Nicholas’s articles appear on law school syllabuses in the United States, and one of his articles dealing with procedural and substantive due process was quoted to the Supreme Court in *Kelo v. City of New London*, one of the most significant land use planning decisions in modern Supreme Court history.

## Selected Cases

### The Undercover Police Inquiry (2017)

Junior counsel instructed by Core Participant in one of the largest public inquiries in British history, dealing with allegations of misconduct by undercover police officers over a 40 year period from the late 1960’s onwards.

### Ex Parte N (2012)

Advisory work relating to long-running litigation concerning prospective claims against the Legal Services Commission under section 7 of the Human Rights Act 1998 for funds lost through improper mortgage repossessions.

### FSA v W (a firm); FSA v. G (a firm) (2009-2010)

Junior counsel. Judicial review proceedings against the then-FSA criticising its improper exercise of draconian powers against a number of firms in the small cap stockbroking industry.

### Re: A (2008)

Advised the ACLU in a free speech-based challenge to a new state law criminalising the provision of “sexually explicit” material to minors, which would have resulted in schools and libraries throughout the jurisdiction having to remove dozens of great literary classics from circulation.

## [Just v City of Lebanon \(2004\)](#)

Junior counsel. Standing for citizen groups in land use decision-making process in Oregon.

## [Albuquerque Commons Partnership v City of Albuquerque \(2003-2004\)](#)

Junior counsel. Significance of land use plan in decision-making process in New Mexico.

## [Utsey v Coos County \(2003\)](#)

Junior counsel. Citizen advocacy group involvement in land use decisions, power to confer standing.

## Commercial

Nicholas has extensive experience representing individual, corporate and partnership clients in multi-track matters concerning civil fraud allegations, contractual disputes (including agency and misrepresentation, the interpretation of solicitors retainer agreements, unfair terms and sale of goods), property disputes, Company Law disputes (including derivative actions and breaches of directors' duties) and Costs, including proceedings before the Senior Courts Costs Office. Nicholas is available to accept instructions on a wide variety of commercial disputes, including on a direct access basis in appropriate cases.

## Selected Cases

### [Carpet World v Imran \(2012-2017\)](#)

Sole counsel. Represented company claiming damages re: embezzlement of funds by former director. Secured significant judgment, costs, penalty costs/damages against Defendant, and secured the dismissals of several related appeals in the High Court and Court of Appeal.

### [Rahimian v Allan Janes \(2016\)](#)

Sole counsel. Unusual solicitors' costs dispute concerning extent of knowledge at time detailed assessment sought.

### [Asgar v Ahmed \(2016\)](#)

Property dispute involving international fraud/forgery allegations and complex interlocutory applications.

### [In re: Tobacco Dock \(2015\)](#)

Sole counsel. Represented prospective Defendant responding to letter of claim relying on heads of terms re: the use of marketing premises. Claim abandoned following robust response drafted for client.

### Dittrich v Patel (2014)

Multi-track RTA proceedings involving complex loss of employment opportunities claim in excess of £300,000, and an early application of "serious or significant" (as opposed to "non-trivial") CPR-breach case law.

### Re: DH Trust (2012)

Junior counsel. Offshore trust/professional negligence dispute worth in excess £30million involving issues/assets in Jersey, the UK, Panama and the Bahamas.

### Malik & Din v Equity Red Star (2012)

Sole counsel. Represented two claimants in multi-track RTA matter where insurer co-Defendant tacitly alleged fraud. Claims succeeded and Claimants awarded significant indemnity costs award against Defendants for failing to demonstrate any fraud.

## Memberships

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- ALBA
- Bar Pro Bono (Unit)
- FLA
- Lawyers for (Liberty)
- Serious Fraud Office B Panel Trial Counsel (2017-2021)
- Serious Fraud Office C Panel POCA Counsel (2017-2021)
- New York State Bar (2012)
- Federal Ninth Circuit Court of Appeals (2007)
- Federal District of Oregon (2006)
- Oregon State Bar (2003)
- Bar of England and Wales (1999)
- Grays Inn (1998)