

Ben Summers



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Ben is the Legal 500 Criminal Junior of Year 2019

Ranked as a Leading Junior, Ben is described as "a star of the future" in Chambers UK 2017 (Financial Crime) and as "performing at silk level" The Legal 500 2019 (Fraud: Crime)

"The go-to counsel for defending criminal data protection cases" The Legal 500 2017
"he performs at silk level and has been for some time" The Legal 500 2019 (Business and Regulatory Crime)

Details of practice

Ben was called to the Bar in 1994 and following a civil pupillage, he joined QEB Hollis Whiteman where he was in independent practice for eight years. He then joined leading white collar solicitors firm Peters & Peters in March 2003 and transferred to become a solicitor in November 2004; he was appointed as a partner in November 2007. In May 2009 Ben resumed independent practice at the Bar and joined Three Raymond Buildings.

Ben has a practice in business crime, professional discipline, public inquiries and inquests, and regulatory matters, with specialist experience in compliance issues.

Corruption & bribery

Ben has acted for national and multi-national corporates and individuals in anti-bribery investigations and enforcement proceedings. He also gives advice on compliance policy and implementation in order to comply with UK, USA and supra-national (OECD & UN) obligations.

Business crime

Advice and representation in a wide range of fraud and anti-trust/cartel investigations and prosecutions brought by a range of bodies including the SFO, OFT/DOJ & SEC/EU, SOCA, DBIS, CPS and HMRC. Also experienced in cross-jurisdictional investigations and mutual assistance requests made by, and of, the UK.

Financial services

Advice to corporate and individual clients subject to FCA enforcement activity and in relation to non-contentious FSMA issues including advice on RTC and RDC decisions. Ben has provided advice and worked with the FCA in relation to proceedings before the RDC arising from its investigation of allegations of LIBOR manipulation.

Professional discipline

Advice and representation of individuals involved in disciplinary proceedings before their professional regulator, with extensive experience of police conduct matters.

Public inquiries & inquests

Acting for a range of core participants and witnesses before public inquiries, and for interested parties in Article 2 and non-Article 2 inquests.

Data Protection Act and Freedom of Information Act

Ben provides advice on the drafting of policy, ongoing implementation and training to businesses concerned to comply with their Data Protection Act 1998 obligations. He has also acted for individuals and corporates in Information Commissioner's Office investigations including matters involving high profile losses of data by public bodies and where data protection issues arise in the context of criminal or regulatory investigations and proceedings. He regularly acts for the ICO and acted on its behalf in the first prosecution for conspiracy to commit offences under the DPA (2013). Ben has also advised government departments and public bodies on Freedom of Information Act 2000 matters.

Directory recommendations

"An extremely good choice for heavyweight white-collar fraud, he's a superb strategist and a highly skilled forensic cross-examiner ... very good technically on complex legal arguments and impressive in front of a judge." **Chambers UK 2020: Financial Crime**

"A very smooth and rounded advocate, liked by judges and juries." **The Legal 500 2020: Business and Regulatory Crime**

"He has a meticulous eye and is great with technical cases." **The Legal 500 2020: Fraud: Crime**

"Very cerebral and an effective cross-examiner." **The Legal 500 2020: Police Law**

"He performs at silk level and has been for some time." **The Legal 500 2019: Business and Regulatory Crime**

"His background of having been a partner in a major white-collar practice means that he understands the problems that a solicitor faces and has a much better client manner than many of his peers. It is not just that he is good in conference, he really thinks strategically about the case from day one and maximises the client's position at an early stage." **Chambers UK 2018: Financial Crime**

"A highly competent and well-organised barrister with laudable experience of advising on bribery, fraud and regulatory issues". **Chambers UK 2018: Financial Crime: Corporates**

"He has an unsurpassed ability to digest data and interpret technical issues" **The Legal 500 2017: Fraud**

"He is exceptionally solicitor- and lay client-friendly" **The Legal 500 2017: Police Law**

"No page in a brief goes unread and every single avenue in the case is pursued and analysed." **Chambers UK 2017: Financial Crime**

"Good on the detail, and tenacious." **The Legal 500 2016: Fraud**

"A smooth and able advocate, who has a nice touch with clients" **The Legal 500 2016: Business and Regulatory Crime**

"A realistic and empathetic advocate." **Chambers UK 2016: Financial Crime**

'He has the ability to inspire the rest of the defence team.' **The Legal 500 2015: Business and Regulatory Crime**

"He is a very clever advocate and a good tactician" **Chambers UK 2015**

"Phenomenal" **The Legal 500 2014: Business & Regulatory Crime**

Education/professional qualifications

University of Sussex: LLB (Hons) (1990-1993)
Inns of Court School of Law (1993-1994)

Publications

Recent publications and lectures

- Data Protection training tailored to suit, and delivered to, city law firms.
- 'The Bribery Act 2010: An introduction to compliance' for PDP Training.
- Data Protection Enforcement Seminar (with Bird & Bird)
- *At Last the UK Confronts Bribery* Business Law International
- Chairing 'Information Security' seminar Fraud Advisory Panel
- *The Regulatory Enforcement & Sanctions Act 2008 – is less the new more?* Bloomberg European Law Journal
- *Bribery & Corruption* Study Pack College of Law
- Protect yourself; protect others on the Data Protection Act *Managing for Success* (Law Society Law, Management Section)

Other information

- Advocacy Trainer – Inner Temple (2017 -)
- Chairman of the Fraud Advisory Panel's Data Protection Sub-Committee.
- Member of the IBA, CBA and the Association of Regulatory & Disciplinary Lawyers.
- Member of the South Eastern Circuit Committee

Direct access

Ben accepts work on a direct access basis from both professional clients/intermediaries and from lay persons (when appropriate). Given the five years he spent at Peters & Peters and his admittance in 2004 to the Law Society to practise as a solicitor, Ben has extensive experience of dealing directly with the needs of clients. Ben aims to provide a responsive, flexible and user friendly service. For further information, please contact the Clerks.

Notable cases

Data protection

Cambridge Analytica

Acting for the ICO in its investigation of Cambridge Analytica and SCL Elections Ltd

Op Millipede/Op Spruce

Advising various parties on legal issues arising from the NCA and ICO investigations

ICU Investigations Ltd

Acted for the ICO in the first prosecution of a conspiracy between a company, its officers and its employees to commit section 55 'blagging' offences

Minera Tyres Ltd

Acted for the ICO in the first prosecution of the section 56 'enforced subject access' offence.

Corruption & bribery

R v Bertling Freight Handling Ltd

Acting for the first defendant in the SFO prosecution of the company and its senior officers for conspiracy to corrupt a representative of the Angolan government in the oil sector

R v E

Acted for a local council leader charged with misconduct in a public office and fraud

Innospec Inc

Acted for a senior executive in relation to the SFO and DOJ investigations

Johnson & Johnson

Acted in the UK arm of the investigation into bribery committed by an acquired subsidiary in Europe; inquiry followed voluntary disclosure by the US parent to the DOJ and SEC

Astra Zeneca

Acted in an SFO investigation relating to the UN Oil For Food Programme. Also dealt with related issues in the US with the Department of Justice and connected civil proceedings

Business crime

R v JM

Leading for the first defendant in three month trial into an allegation that a team of cardiothoracic clinicians defrauded the NHS during their employment at Basildon & Thurrock University Foundation Trust Hospital over a four year period

Torex Retail plc

Acting for the group finance director in a three month SFO prosecution in Oxford arising from the collapse of the Torex group of companies in 2007. The trial focussed on detailed group accounting issues and treatment of revenues

Vantis Tax Ltd

Acted for a company director in the HMRC prosecution of tax planning scheme operated by VTL

Financial services

R v NM and others

Acting for the defence in the FCA prosecution of a 'boiler room' land banking fraud

R v RF and others

Acting for the first defendant in a prosecution of a wine investment fraud

LIBOR

Worked at the FCA preparing submissions to the RDC in relation to allegations of LIBOR fixing

R v TA

Acting as junior counsel for German national charged by the FSA with insider dealing at Mizuho Bank

R v DM

Acted for the defendant who was prosecuted by the FSA, for what it called a 'boiler room' scam

Public inquiries

Acted for the Commanding Officer of the Battalion involved in the **Baha Mousa Public Inquiry**

Inquests

Re W

Acting on behalf of the MPS in an inquest into the death of a young man in South London

Re R

Acting on behalf of the MPS in an inquest into the death of a man under the care of mental health services in central London

Re C

Acting on behalf of the MPS in an inquest into the death of a young man in South London

Re W

Acted for an Acting Inspector and Chief Inspector in Northumbria police in relation to a MISPER enquiry

Re K

Acting for a member of civilian staff employed by Met Police operating in the Central Command Centre during a foot chase and containment of a male who entered railway tracks and was struck by a train

Re M

Acting for a number of Serco employees in relation to a death in HMP Wormwood Scrubs