



Jonathan Caplan QC

1973 (QC 1991)

Jonathan Caplan practices mainly in the following areas:

- Criminal work (specialising in fraud and cross jurisdictional matters)
- Regulatory issues and corporate liability
- Media Law (contempt, defamation, privacy, content)
- Public inquiries and tribunals (including sport and market regulation)
- Health and Safety
- Civil Fraud
- Arbitration

His clients include companies around the world, high profile individuals, television companies, newspapers, and government agencies.

He regularly appears in the courts of Hong Kong and has represented and advised clients in many other jurisdictions including Singapore and the Gulf. He is regularly listed in the top tier of Queen's Counsel in the Legal 500 and in Chambers and Partners UK Guide to the Bar in the areas of crime and criminal fraud, public inquiries and administrative law, and Health and Safety.

"Exceptionally assured and highly skilled he is one of the absolute top performers" (Chambers Guide 2014)

"An excellent criminal silk who provides quality advice...he is extremely sought after in all areas of regulatory work" (Chambers Guide 2014)

"He is silky smooth. He had a very important role in the Leveson Inquiry and discharged it with aplomb" (Chambers Guide 2014)

"One of the absolute top performers with an unparalleled reach" (Legal 500 2014)

"One of the best advocates of his generation" (Legal 500 2014)

"The best silk in the country on anything connected with disciplinary matters, fraud or health and safety" (Chambers Guide 2013)

"Absolute star...absolute gem to work with" (Chambers Guide 2013)

"For some he is the best criminal fraud silk in the UK" (Legal 500 2012)

"One of the most popular performers at the criminal bar and someone who other barristers unhesitatingly endorse. Whether it be pure crime or cases with a financial angle to them he is "absolute mustard" according to sources" (Chambers Guide 2011).

Recent cases

Recent cases Include:

Successfully resisting the extradition of an HSBC Forex manager to the United States
(*Scott v Government of USA (2018) EWHC 2021 (Admin)*)

Representing the Department of Justice in Hong Kong in the Court of Final Appeal in a money laundering case concerning the meaning of "reasonable grounds to believe" and the relevance of "wilful blindness" (FACC 17/2018)

Representing F1 driver in connection with data leak of personal information about him from a solicitors' firm (2017/8)

Representing the Attorney General of Brunei in prosecution against two senior judges for criminal breach of trust (2019)

Representing the Department of Justice in Hong Kong in resisting the appeal of police officers arising out of the Occupy Movement demonstrations (2017-8). Determining the test for the admissibility of photographic evidence taken from the internet (2019) HKCA 839

Representing the CEO of Afren on charges of fraud and abuse of position (2017-8)

Representing a senior member of a pharmaceutical company in an SFO investigation into foreign corruption (2017-8). Court of Appeal judgement awaited on the scope of section 4 of the Fraud Act.

Successfully defending the former Managing Editor of the News of the World in the phone hacking trial (2013-4);

Successfully defending the disc jockey Neil Fox on historic sex charges (2015);

Representing the Department of Justice in Hong Kong in numerous cases most recently in the Court of Final Appeal (HKSAR v Carson Yeung) with regard to the construction of key money laundering provisions (2016);

Representing a member of the Saudi Royal family in defamation proceedings against Forbes magazine (2014-5);

Representing a claimant in domestic arbitration proceedings in Singapore in connection with a half a billion Singaporean dollar claim arising from alleged fraudulent misrepresentation (2016);

Advising the Department of Justice in Hong Kong as to whether to prefer charges against the former Commissioner of the Independent Commission against Corruption (2015);

Advising and representing a senior trader in the LIBOR investigations (2014-5);

Representing Associated Newspapers in the Leveson Inquiry into Press ethics (2011-2)".

Recent reported cases

Recent reported cases include:

R v Gyrus Group Ltd (2014) EWCA Crim 2945 (section 501 Companies Act 2006)

HRH Prince Alwaleed bin Talal v Forbes LLC (2014) EWHC 3823 (QB) (defamation)

HKSAR v Carson Yeung (Court of Final Appeal Hong Kong: July 2016) FACC Nos 5 and 6 of 2015 (money laundering)

FACT v Ashton (2014) 1 WLR 1322 (domestic infringement of BskyB rights)

Attorney General v Mirror Group Newspapers (2012) 1 WLR 2408 (meaning of "impede" in Contempt of Court Act)

Attorney General v Associated Newspapers (2011) 1 WLR 2097 (first internet contempt case)

R (Dacre and another) v Westminster Magistrates Court (2009) 1 Criminal Appeal Reports 6 (private prosecutor's duties)

Notable Cases

Fraud: Jonathan has appeared in many major fraud trials in the UK since he represented Ernest Saunders in the reference appeal in Guinness (1996) 1 Crim App Rep 463 after he had argued and won the case before the European Commission of Human Rights. He has appeared in Blue Arrow, Maxwell, Versailles, Barings and Langbar. He defended in the first FSA prosecution for insider trading (2009) Times Law Reports June 23rd and advises frequently in corruption cases, money laundering, and most recently in Libor and Euribor. He advises and represents clients both in the UK and abroad, particularly in Hong Kong, Singapore, the Gulf and the United States.

Media: He represents newspapers, television companies, film companies and actors/actresses. He has frequently advised Channel 4, Associated Newspapers, Mirror Group, News International, and numerous film and television production companies. See, for example, (2012) EMLR 7 (internet contempt), (2012) EMLR 10 (Christopher Jeffries), (2012) All ER Rep (D) 185 (Milly Dowler), (2009) 1 Crim App Rep 6 (private prosecution of newspaper editor stayed); (2014) EWHC 2823 QB (defamation: Saudi Royal family), (2004) EMLR 37 (defamation: John Cleese)

Health and Safety: He has represented companies in several major disasters. P&O ferries after Zeebrugge (2001) 93 Crim App Rep 72, Great Western Trains after Southall rail crash (2000) 3 WLR 195,

Tebay rail disaster (2007) EWCA 970, Balfour Beatty after Hatfield derailment (2007) Business Law Reports 77. He represented Alton Towers theme park in a noise challenge to its operations (2007) EWHC 624. He has defended many directors in HSE prosecutions for example R v N Limited and C Limited (2008) 1 WLR 2684

Public Inquiries: He has appeared in numerous public inquiries. Most recently for Great Western Trains in the Southall rail disaster Inquiry, and for Associated Newspapers in the Leveson Inquiry.

Appointments

- Queen's Counsel 1991
- Recorder of the Crown Court
- Bencher of Gray's Inn
- Adjudicator of the Dubai Publishing and Broadcasting Standards Tribunal
- Member of the Editorial Board of the Journal of Criminal Law (1990-2006)
- Former Chairman of the Public affairs Committee of the Bar Council
- Law Commission (contributing associate) on Contempt of Court (2012/3)

Education Professional

- Cambridge University (Law) M.A
- Member Chartered Institute of Arbitrators (MCI Arb)
- Member of the Bar Council's Public Access List

Other

- Chairman BAFTA Management Limited Chairman BAFTA Advisory Board Hong Kong
- Patron Wiener Holocaust Library
- Development Board Royal Court Theatre (1997-2006)
- Contributing Editor "Fraud Law, Practice and Procedure" (LexisNexis)
- Member Times Law Panel
- Co sponsor Childrens' Film Awards (Tony Blair Interfaith Foundation)