



Brendan Morris

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Brendan Morris is a criminal law practitioner with extensive experience of prosecuting complex, multi handed cases, including corporate fraud, serious and organised economic crime, VAT and tax frauds, bribery, corruption and people/drug/gun trafficking. He is on the Attorney General's and Serious Fraud Office's A list for prosecutors and is instructed to prosecute the most serious cases.

Brendan is regularly instructed in cases that require security clearance. He is highly experienced in the case management of complex factual scenarios and in the handling of sensitive information, including intelligence led operations with the use of covert policing methods, the deployment of undercover officers and operations run jointly with overseas agencies. [Department of Homeland Security, Dutch Drug Enforcement and French Anti -Terrorist.]

His principal area of specialisation is advising on matters of legal professional privilege. He has advised on the development of legal privilege policy and has drafted legal privilege protocols for the CPS, HMRC, Environment Agency and regulatory authorities. He is instructed to act as Independent Counsel and carry out large - scale reviews of privileged material in complex commercial fraud investigations.

Since 2008 Brendan has specialised in carrying out large -scale documentary reviews and advising on matters of legal professional privilege for a wide variety of prosecution departments and agencies arising out of complex criminal investigations.

Crime

Organised Crime and Fraud

Brendan has been instructed over the years by the SFO and CPS to prosecute in a diverse caseload including cases involving multi -agency operations, undercover officers, long-term surveillance, cell site analysis, facial mapping, and the handling of sensitive material and complex issues of disclosure. Cases include:

- **R v S & S & S (2017)** Prosecuting SFO junior in a 6-month £72m 'Ponzi Fraud' where funds were

purportedly invested to develop the Olympic Village, London, but were diverted and dissipated on luxury houses, cars and yachts.

- **R v R & D & L & J & J (2016)** UK based Polish OCG operating a well-organised and large-scale cigarette smuggling operation over a year. Travel schedules, cell site evidence, text and telephone traffic, ANPR sightings, surveillance and CCTV evidence were used to recreate the defendants' movements and interactions, with Polish delivery lorries and a remote warehouse used to distribute the loads.
- **R v O (2015)** Prosecution of large- scale Nigerian based organisation trafficking young girls from Nigeria to Europe via the UK for prostitution.
- **R v O & Ors (2014)** UK and Dutch based organised crime group involved in multi million pound operation to import Class A drugs into the UK over a period of six months.
- **R v D & Ors (2013)** 6-month joint surveillance operation with the US Dept. of Homeland Security, deploying UK and US undercover officers in Guam to uncover a conspiracy to stem the flood into the UK and US of counterfeit designer goods from China.
- **R v D & Ors (2012)** 8-handed conspiracy to launder £31m drug trafficking proceeds invested in UK manufacturing products and exported to Pakistan.
- **R v M & T (2006)** £5m blackmail of a shipping line by disgruntled employees who sought to use videos of the dumping of waste at sea alleged to have been authorised by the company.

Professional disciplinary & Regulatory

- **SFO (2012 - 2017)** Instructed to act as Independent Counsel for the SFO to carry out reviews of legally privileged material and advise on issues relating to the crime fraud exception and collateral waiver in the following cases:
 - **Azil Nadir**
 - **Alstom Plc.**
 - **G4S /Serco Group Plc.**
 - **Soma Gas and Oil**
 - **Rolls Royce**
 - **Smith and Ouzman**
 - **Tesco Plc.**
 - **Eurasian Natural Resources Corporation Ltd**
 - **GlaxoSmithKline Plc**
- **IPCC Hillsborough Investigation (2015)** Instructed to devise a protocol and advise on the handling of over 2 million documents, including privileged material created in inquiries, inquests and legal proceedings since the original coronial inquest in 1991. Documents now held by 30 different government departments and private bodies involved in or connected with the proceedings, and obtained for different reasons and held in different legal capacities.
- **Government Legal Department [formerly Treasury Solicitors Dept.] (2016)** Instructed to advise on journalistic privilege and legal professional privilege in the context of immigration cases.

- **Competitions and Mergers Authority (2016)** Instructed to advise as Independent Counsel arising out of a disputed claim of privilege in a complex cartel case.
- **CPS (2014-2017)**
 - **Operation Beddingham** instructed to advise the CPS on policy in relation to legal privilege within the context of litigation.
 - **Operation Greenking** Independent Counsel in a £40 million VAT fraud advising on the crime fraud exception and collateral waiver.
 - **Chris Huhne, Vicky Pryce and Constance Briscoe** - advised on LPP and disclosure.
- **HMRC (2008-2017)**
 - **HMRC** Currently instructed to advise and assist in the development of HMRC policy in relation to legal privilege and the management of legal challenges to privilege.
 - **Operation Bulkhead** Review of over 300,000 privileged documents carried out over four years into a £220 million film tax fraud.
 - **Operation Ballpark** Review of 500,000 privileged documents in a VAT fraud.
- **Department of Business, Innovation and Skills (2014)** Instructed to devise a protocol and review materials held by the department in the context of fraudulent trading and bankruptcy.
- **Pensions Regulator (2015-2017)** Instructed to carry out a review and advise on the effect of liquidation on the right to waive privilege once a liquidator is appointed, in a case involving pension liberation.
- **Environment Agency (2014-2017)** Instructed to advise on a variety of issues relating to privilege in a number of different investigations relating to Environmental Offence.
- **Marine Management Organisation (2014)** Instructed to devise a protocol to deal with the review of privileged material in an investigation relating to breaches of deep-sea permits authorising the search for treasure trove.

International Representation

Brendan has been instructed in the following cases with an international dimension:

- **Jersey:** Instructed to appear before the Attorney General of the Bailiwick in Jersey to obtain video recorded evidence from offshore bank employees for use in a UK fraud trial.
- **Holland:** Instructed to travel to Holland to liaise with Dutch police about the deployment of material obtained from Dutch based human intelligence sources in the UK.
- **France:** Instructed to liaise directly with French police to obtain documentary evidence for use in the UK in the trial of an Algerian OCG who were moving funds and people within Europe.

Publications, Lectures and Training

Publications

- *Legal Professional Privilege: overview for criminal lawyers: Practical Law*

- *Search warrants and privileged items: Practical Law*
- *Documents that may not attract advice privilege in a criminal context: checklist: Practical Law*
- *Documents which may attract advice privilege in a criminal investigation: checklist: Practical Law*
- *Documents which may or which may not attract litigation privilege in criminal investigations: checklist: Practical Law*
- *Guide to legal professional privilege: checklist: Practical Law*

Lectures

Presented lectures to the SFO in 2015 and to the CPS in 2016 on issues of legal professional privilege and also appeared with members of the SFO at the Cambridge Symposium on Economic Crime 2017 part of a joint presentation in relation complex fraud and issues of legal privilege.

Education

BA Economics. University of London. 1983

Diploma in Law Polytechnic of Central London 198

Memberships

Criminal Bar Association

South Eastern Circuit

Middle Temple