

Quinton Newcomb

Managing Partner | Qualified: 2005

I found Quinton's detection, knowledge, and experience in dealing with an SFO investigation invaluable and reassuring in what was a highly stressful and demanding time for me...



Quinton Newcomb is a barrister at Fulcrum. He has been practicing in white collar work for over 15 years. Prior to joining Fulcrum in 2013, Quinton was a member of the independent bar for 8 years, where he both prosecuted and defended in criminal proceedings.

Appointments: Recorder (2020)

Quinton represents companies and individuals involved in some of the most complex and high-profile SFO investigations and prosecutions, and has led Fulcrum teams acting for companies, including ALSTOM and ENRC.

He has experience of managing large multidisciplinary teams, including working closely with our corporate clients both within their offices as part of a team with their in-house legal and compliance professionals, and externally in order to assist with their compliance function.

Quinton's corporate governance and compliance experience has ranged from the conduct of 'gap analyses' upon existing policies and procedures at large multinational companies and sporting National Governing Bodies to designing whole compliance and audit functions from scratch.

He sits on the Editorial Board for LexisNexis's Corporate Crime PSL Service, writes for Lloyd's Financial Crime Law Reports, and alongside David Williams QC and Pam Shearing, Quinton has recently updated the bribery and corruption chapter of Fraud (Criminal Law and Procedure) (OUP, 2013).

Immediate past Captain of the Bar of England and Wales Cricket Club, Quinton is a veteran of five Lawyers' Cricket World Cup competitions, former Sudbury RFC player, and a keen club tennis player.

Experience

White Collar Defence & Advisory

Quinton has been practicing white collar work for over 15 years. Prior to joining Fulcrum in 2013, Quinton was a member of the independent bar for 8 years, where he both prosecuted and defended in criminal proceedings, and gained recognition for his proceeds of crime work in particular.

Since joining Fulcrum he has been involved in white collar investigations across the globe in a range of circumstances, including high profile, sensitive, and highly complex of matters. Quinton has led teams responsible for the criminal defence of both individuals and companies – including large multinationals, such as Alstom and ENRC – facing SFO investigations and prosecutions.

He has also represented witnesses who have been interviewed by the SFO and has supported them through the whole process of providing evidence for a criminal prosecution. Aside from his criminal litigation work, Quinton regularly conducts internal investigations in circumstances where white collar crime is alleged, and he advises companies on their white collar crime compliance procedures. He has also acted as an expert witness on UK financial crime laws in the context of international arbitrations.

Away from his client work, Quinton is a contributor to Lloyd's Financial Crime Law Reports, he sits on the Consulting Editorial Board for LexisPSL's financial crime service.

Asset Forfeiture & Proceeds of Crime

Prior to joining Fulcrum in 2013, Quinton was a member of the independent bar for 8 years, where he both prosecuted and defended, and gained recognition in the Chambers and Partners directory where clients identified him as a 'safe pair of hands' in this area. Quinton has experience of addressing applications for restraint orders and receivership orders, in addition to both post-conviction confiscation proceedings and asset recovery proceedings, including a period in-house during which he prosecuted confiscation enforcement proceedings for HMRC.

Significant recent experience includes:

- Advising an individual suspect in an SFO investigation against whom the SFO sought to pursue asset recovery proceedings in parallel to their criminal investigation, and successfully resisting their attempts to do so;
- Providing advice to a multinational company as to the restraint and receivership regime in the context of white-collar crime;
- Producing advice to a client in relation to the potential applicability of the unexplained wealth order regime.

Bribery & Corruption

Quinton has advised extensively in the field of bribery and corruption. Prior to joining Fulcrum in 2013, he spent 8 years at the independent bar, prosecuting and defending bribery and corruption cases. Quinton's bribery and corruption work ranges from advising on the design and implementation of 'adequate procedures' within the meaning of the UK Bribery Act 2010, and in adherence to both the SFO and US Department of Justice's guidance on evaluating corporate compliance programs, through to acting as counsel to Alstom in the historic prosecution brought by the SFO against their UK subsidiary, Alstom Network UK Ltd.

Quinton has also acted as an expert witness in the field of UK bribery and corruption law in international arbitration proceedings. With colleagues, Pam Shearing and David Williams Q.C. he also edited the corruption chapter of *Montgomerie and Ormerod on Fraud (OUP)*.

Significant recent experience includes:

- Acting as criminal counsel for ENRC in the context of the SFO's ongoing corruption investigation;
- Acted for Alstom Network UK Limited including as trial counsel in two separate but linked corruption trials, and subsequently for the purposes of its appeal against conviction and sentencing in relation to Tunisia;
- Representing a senior executive witness in the context of the SFO's Rio Tinto investigation; and
- Represented senior Rolls-Royce executives, in the context of the SFO's corruption investigation, for the purposes of interviews pursuant to a Section 2 Notice, and the process of finalising a witness statement.

Fraud

During his 8 years at the independent bar, Quinton regularly prosecuted and defended in fraud cases. His fraud experience ranges from advisory work in relation to anti-fraud measures through to defending companies and individuals accused of fraud.

Significant recent experience includes:

- Representing an individual suspect in an SFO fraud investigation;
- Acting as criminal counsel for a company in an SFO fraud investigation.

Judicial Review

Quinton has acquired significant experience of public law challenges in the context of criminal investigations and has recent experience of successfully challenging the SFO in relation to steps taken by them on public law grounds. He has worked closely with large teams within Fulcrum and those acting for other stakeholders in order to prepare public law claims and to pursue them, both in the UK and in other common law jurisdictions.

Significant recent experience includes:

- Advising an extractives company, drafting a pre-action protocol letter in the context of

contemplated judicial review proceedings against a foreign government, in the context of an ongoing serious fraud investigation, and launching judicial review proceedings;

- Advising an individual suspect in an SFO fraud investigation on procedural irregularities and preparing a pre-action protocol letter, leading to a concession by the other side; and
- Advising a multinational company in relation to the prospects of a judicial review claim in the context of a government investigation.

Money Laundering

During his 8 years at the independent bar, Quinton regularly prosecuted and defended in money laundering cases. That experience has equipped him well to advise Fulcrum's clients in the area, and Quinton's money laundering experience ranges from advisory work in relation to AML procedures through to defending companies and individuals accused of money laundering.

Significant recent experience includes:

- Leading a team delivering highly specialist AML training to a leading retail bank;
- Advising a multinational drinks company on the applicability of the SAR regime to their business, and upon bespoke AML procedures in relation to a new product; and
- Designing and delivering AML training to a large international law firm, across a number of offices and trainee segments, from administrative staff through to Partners.

Sanctions & Export Controls

During his time at Fulcrum Quinton has led teams advising on matters involving both historic and future sanctions liability pursuant to both US (with the assistance of US partners), UK, and EU sanctions breaches.

Significant recent experience includes:

- Advising a large multinational in relation to potential exposure to sanctions breaches relating to historic transactions;
- Leading a team advising a large multinational about potential sanctions exposure arising from a contemplated investment in a jointly venture asset.

Investigations

Quinton has been practicing in investigations work for over 15 years. Whilst at the independent bar he regularly advised the police and other officers, financial investigators, and prosecution lawyers upon criminal investigations, and acted as a trial advocate / attorney for the Crown Prosecution Service and Revenue and Customs Prosecutions Office, amongst other prosecution agencies. During this period, he prosecuted serious fraud and money laundering, and he also gained significant experience before the higher courts.

Since joining Fulcrum, Quinton has led teams responsible for both the criminal defence of individuals and companies - including large multinationals, such as Alstom and ENRC, facing SFO investigations

- and for the conduct of internal investigations.

Significant recent experience includes:

- Conducting complex and sensitive internal investigations for a number of multinationals across a number of continents and sectors;
- Representing a suspect in an ongoing SFO corruption investigation;
- Representing a senior executive who is subject to a Section 2 Notice in a high-profile and ongoing corruption investigation;
- Represented senior Rolls-Royce executives for the purposes of interviews pursuant to a Section 2 Notice, and the process of finalising a witness statement;
- Lead criminal defence lawyer for ENRC in the context of the SFO's ongoing investigation;
- Acted for Alstom Network UK Limited including as trial counsel in two separate but linked trials, and subsequently for the purposes of its appeal against conviction and sentencing in relation to Tunisia.

Tax Investigations

Quinton carries out investigations relating to suspected tax offences. He has been practicing in investigations for over 15 years. Whilst at the independent bar he regularly advised the police and other officers, financial investigators, and prosecution lawyers upon criminal investigations, and acted as a trial advocate / attorney for the Crown Prosecution Service and Revenue and Customs Prosecutions Office, amongst other prosecution agencies. He also spent a period in-house during which he prosecuted confiscation enforcement proceedings for HMRC.

Internal Investigations

Quinton has been practicing in investigations for over 15 years. Prior to joining Fulcrum in 2013, Quinton was a member of the independent bar for 8 years, where he both prosecuted and defended, gaining extensive skills and experience in the art of questioning witnesses, and analysing evidence. This has equipped Quinton to conduct internal investigations, and he has led a number of teams conducting internal investigations across the globe in a range of circumstances, including the most sensitive and complex of matters. Fulcrum have increasingly sought to adopt technology in order to drive efficiencies and improve accuracy for clients, and Quinton now has significant experience of using artificial intelligence in the form of technology assisted review ("TAR") and communication mapping.

Significant recent experience includes:

- Conducting investigations for multiple multinational companies into the alleged use of consultants to pay bribes in multiple jurisdictions, including countries in Europe, Asia, Africa, Middle East, and South America.
- Conducting an investigation into employee theft at a UK fund.

Remote Investigations

Both prior to the pandemic, and increasingly during the pandemic, Quinton has acquired considerable experience in working closely with legal technologists to conduct internal investigations remotely, and has conducted a large number of interviews remotely, using various techniques to ensure their effectiveness.

Significant recent experience includes:

- Leading a team using remote data collection and TAR to conduct an urgent review of approximately 600,000 documents and prepare interview packs within a month;
- Conducting remote video and audio interviews using sophisticated document management software to ensure the security and control of sensitive documents put to witnesses.

Regulatory Investigations

Quinton has been practicing in investigations work for over 15 years. Whilst at the independent bar he regularly advised the police and other officers, financial investigators, and prosecution lawyers upon criminal investigations, and acted as a trial advocate / attorney for the Crown Prosecution Service and Revenue and Customs Prosecutions Office, amongst other prosecution agencies. During this period, he prosecuted serious fraud and money laundering, and he also gained significant experience before the higher courts.

Since joining Fulcrum, Quinton has led teams responsible for the criminal defence of both individuals and companies - including large multinationals, such as ALSTOM and ENRC, facing SFO investigations.

Significant recent experience includes:

- Representing a suspect in an ongoing SFO corruption investigation;
- Representing a senior executive who is subject to a Section 2 Notice in a high-profile and ongoing corruption investigation;
- Represented senior Rolls-Royce executives for the purposes of interviews pursuant to a Section 2 Notice, and the process of finalising a witness statement;
- Acting as criminal counsel for ENRC in the context of the SFO's ongoing investigation;
- Acted for Alstom Network UK Limited including as trial counsel in two separate but linked trials, and subsequently for the purposes of its appeal against conviction and sentencing in relation to Tunisia.

Compliance & ESG

Deploying his specialist financial crime experience of over 15 years, Quinton has advised a number of start-ups, SME's and multinationals - including listed companies - on their ESG and Compliance programmes, with a particular focus on financial crime compliance. Such experience has included leading a team engaged to put in place and execute UK anti-bribery 'adequate procedures' within the meaning of the Bribery Act 2010. Quinton has also advised regulated and non-regulated sector companies on the UK SAR regime, and delivered compliance training to businesses including an international law firm.

Significant recent experience includes:

- Advising a multinational extractives company in relation to a new training and awareness framework;
- Leading a team delivering highly specialist AML training to a leading retail bank;
- Designing and delivering ESG and Compliance training to a multinational engineering company;
- Advising a multinational drinks company on the applicability of the SAR regime to their business, and on bespoke AML procedures in relation to a new product and market.

Private Prosecutions

Quinton has been practicing in criminal prosecutions work for over 15 years. Prior to joining Fulcrum in 2013, Quinton was a member of the independent bar for 8 years, where he both prosecuted and defended, and during which time he spent time on secondment with Revenue and Customs Prosecutions Office. Throughout his time at the bar, Quinton advised investigators and prosecution lawyers in relation to criminal prosecutions. Since joining Fulcrum, Quinton has gained experience of managing multidisciplinary teams, which have incorporated experience investigators – both former SFO investigators and senior police officers – in addition to forensic accountants.

Significant recent experience includes:

- Advising a foreign state in relation to an investigation into financial crime, including corruption, committed by members of a previous Government;
- Advising a multinational company as to the prospects of pursuing a private prosecution.

Sector Experience

Mining

Quinton has significant experience in the field of mining, having represented mining companies, as well as senior executives, in relation to some of the largest SFO investigations in that sector, including ENRC and Rio Tinto. He also regularly advises mining clients on white collar compliance issues, including in relation to money laundering, bribery and corruption, and fraud.

Significant recent experience in the sector includes:

- Acting for ENRC in relation to the SFO's long-running investigation into alleged fraud, bribery and corruption in Africa;
- Representing an individual suspect in relation to a an SFO fraud investigation into a mining company and a number of associated executives;
- Representing a senior executive of Rio Tinto in relation to the SFO's corruption investigation;
- Conducting two related and sensitive and complex whistleblower-led internal investigations for

a large mining company in South America;

- Advising a mining company on compliance steps it could take to mitigate any risk of sanctions violations by business partners, and the implications of UK, US, and EU sanctions on certain historic and contemplated transactions in Africa.

Oil & Gas

Quinton has significant experience in the field of oil and gas, having represented oil and gas companies in the context of both large-scale international arbitration and criminal investigation.

Significant recent experience in the sector includes:

- Acting for an oil and gas company in a large international arbitration against a State-owned gas company;
- Representing companies and individuals in the context of a large and long-running criminal investigation in a commonwealth jurisdiction.

Engineering, Infrastructure and Transport

Quinton has acquired considerable experience in providing white collar compliance advice, conducting internal investigations, and defending in criminal proceedings in the engineering, infrastructure, and transport sector. This has provided him with a very good understanding of the relevant procurement processes involved in the sector, and the potential areas where such processes can be open to abuse. His advice has ranged from designing and implementing 'adequate procedures' to prevent bribery and corruption for an engineering company, through to defending a large engineering company as counsel in criminal proceedings brought by the SFO.

Significant recent experience in the sector includes:

- Acting for Alstom Network UK Limited including as trial counsel in two separate but linked corruption trials, and subsequently for the purposes of its appeal against conviction and sentencing in relation to Tunisia;
- Delivering compliance training to the compliance team at a multinational engineering company;
- Conducting investigations and remote investigations across a number of continents for a large multinational engineering company; and
- Designing and implementing 'adequate procedures' to prevent bribery and corruption at a multinational engineering company.

Defence & Aerospace

Quinton has significant expertise in the defence & aerospace sector and advises clients in relation to a variety of white collar and compliance matters.

Significant recent experience includes representing and advising:

- A senior executive in during the course of a Section 2 Interview by the SFO in the context of its investigation into Rolls-Royce and associated individuals.
- The Global Head for one of Rolls-Royce's functions, following the SFO's requirement that he attend a Section 2 Interview in order to answer questions in relation to projects in two jurisdictions. Quinton represented him during the course of his interview by the SFO and the process of finalising his witness statement.

Extractives

Quinton has significant experience in the extractives sector, having represented mining and oil & gas companies, as well as senior executives, in relation to some of the largest SFO investigations in that sector, including ENRC and Rio Tinto. He also regularly advises extractives clients on white collar compliance issues, including in relation to money laundering, bribery and corruption, and fraud.

Significant recent experience in the sector includes:

- Acting for ENRC in relation to the SFO's long-running investigation into alleged fraud, bribery and corruption in Africa;
- Representing an individual suspect in relation to a an SFO fraud investigation into an extractives company and a number of associated executives;
- Representing a senior executive of Rio Tinto in relation to the SFO's corruption investigation;
- Advising an extractives company on compliance steps it could take to mitigate any risk of sanctions violations by business partners, and the implications of UK, US, and EU sanctions on certain historic and contemplated transactions in Africa.