

Nikita McNeill

"One of our go-to juniors for inquest and inquiries work. She is supremely hard-working, unflappable and cuts straight to the heart of the matter. Her advocacy is powerful yet measured." "Nikita is a really good advocate, who also offers exceptional client care and excellent judgement."

"She is so organised and so on top of everything."
Chambers UK 2021



Year of Call: 2010

020 7353 5324

Nikita is a skilled and confident advocate who is known for meticulous attention to detail and is particularly adept at managing cases involving complex expert evidence.

Nikita enjoys a diverse and challenging practice that encompasses crime, inquests and public inquiries, professional discipline and licensing law. She is a member of the Attorney General's Civil Panel C and undertakes public law cases, with a particular focus on judicial review and coronial law.

Nikita is consistently ranked as a leading individual in the Inquests and Public Inquiries section of both Chambers UK and Legal 500. She is a sought after junior for large and high profile inquests and public inquiries having appeared in the Hillsborough Inquests, the Independent Inquiry into Child Sexual Abuse and the Grenfell Tower Inquiry.

In addition, Nikita has a significant amount of experience before both healthcare and financial services regulators. Her considerable experience of the wider regulation of the Health Care sector allows her to provide a full service approach to criminal allegations, inquests and disciplinary proceedings.

Nikita accepts **Direct Access** instructions.

What others say:

"An exceptional advocate, who is clear and fair but does not give up. She is effective, knows everything about public inquiries and gives sensible views." – Legal 500 2021

"She has an excellent knowledge of the law." – Legal 500 2020

Location

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“Her confidence and the high standard of her work belies her call. She is one to watch.” and “Her advocacy was succinct and well delivered. She reduced complex points so they could be simply understood by the coroner and the family, and delivered them sensitively but authoritatively.” – Chambers UK 2020

“She has an excellent ability to marshal the evidence and the team, and a very strategic sense of how things should progress.” – Chambers UK 2020

“She’s phenomenally hard-working, organised, and a very effective advocate.” – Chambers UK 2019

“She’s incredibly efficient and is a skilled cross-examiner.” – Chambers UK 2019

“Her written work is first class and she is very good at handling clients and providing proactive advice that helps clients see their way through problems.” – Chambers UK 2018

“She is thorough and meticulous. She really gets to grips with the expert evidence” – Chambers UK 2018

Criminal Defence

Nikita is an experienced and tenacious criminal advocate. She has substantial experience representing defendants across a wide spectrum of offences; including violent and sexual offences.

Nikita is particularly experienced at representing defendants suffering from mental health concerns and advising upon fitness to plead procedures.

Notable Cases:

R v LC (Peterborough Crown Court)

Nikita acted as junior alone representing a defendant accused of 14 counts of the most serious sexual assaults against 4 children aged 3-10 years old.

The defendant had very significant mental and physical health problems. In the course of very complex fitness to plead arguments Nikita obtained evidence from, and cross examined, expert evidence from 5 mental health professionals.

R v MD (Harrow Crown Court)

Assault occasioning Grievous Bodily Harm with Intent

Nikita acted as junior alone to represent a defendant acquitted of a serious machete attack.

R v AK (Blackfriars Crown Court)

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Robbery and Indecent Assault

The defendant was arrested as a result of a 20-year-old cold case review, which involved an elderly woman who had been sexually assaulted and robbed at knife point in her home.

R v RC (Snaresbrook Crown Court)

Inciting a child family member to commit sexual activity

Nikita represented a defendant who was unfit to plead, and accused of inciting sexual activity with his niece. Following very careful cross-examination of a very young witness, and her family, the most serious charge was dismissed at half time.

R v SD (Court of Appeal)

Robbery

In one of the first successful appeals under the new Robbery Sentencing Guidelines, the defendant's sentence was reduced from 32 months to 18 months.

R v SR (Croydon Crown Court)

Sexual Assault

Nikita represented a healthcare assistance who was acquitted of multiple counts of sexually assaulting a vulnerable patient in a hospital.

R v AM (Inner London Crown Court)

Assault occasioning Grievous Bodily Harm with Intent

Nikita represented a defendant involved in a suspected gang-related knife attack.

R v TT (Reading Crown Court)

Burglary (dwelling)

Nikita represented a defendant charged with burglary in which there was CCTV footage of the burglary from which a police officer had identified the defendant. A voir dire was conducted in which Nikita successfully argued to exclude the identification evidence for gross breaches of the PACE code of conduct by the police and further persuaded the court to exclude the CCTV footage under Section 78. The prosecution were obliged to offer no evidence.

Business Crime & Financial Services

Nikita is skilled at representing both individuals and businesses in complex and high-value fraud matters, as well as other white collar work. She has particular experience in prosecutions by, or on behalf of, HMRC.

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Before she came to the Bar, Nikita worked as a credit analyst for a worldwide blue chip company and was an adjudicator for the Financial Ombudsman Service, investigating and deciding upon complaints made against financial institutions. She has utilised this unique experience to advise upon the application of the Financial Services and Markets Act 2000 to proposed business structures.

Notable Cases:

HMRC v Divyesh Karsan & Ors

Nikita was a led junior in a lengthy and complex MTIC fraud. The prosecution followed a large scale HMRC investigation, including covert surveillance and concealed cameras installed within the organisation's offices. HMRC estimated that over £85 million in profits was laundered within the UK and transferred abroad, and that the total loss to the revenue as over £34 million. Nikita, led by Mark Graffius, defended the director of Golden Harvest, a wholesale alcohol supplier who was alleged to have acted as a "buffer company".

HMRC v Italian Wine Company (Central Criminal Court)

Nikita appeared as a led Junior in the defence of the Financial Controller of IWC. A joint investigation by the British and Italian authorities culminated in a 2 month trial at the Central Criminal Court. Over a 5 year period from 2008-2013 the company manipulated the Excise Movement and Control to smuggle wine from Italy. The total value of the evaded VAT, Excise Duty and Corporation Tax was estimated as over £46.5 million.

Inquests & Public Inquiries

Nikita has been consistently ranked as a leading individual in the Inquests and Public Inquiries section in Chambers & Partners UK and Legal 500 since 2018.

Nikita is a sought after junior for complex and high profile inquests and public inquiries, and has been instructed on behalf of a wide range of interested persons and core participants. She has acted as junior counsel to the inquest in the Hillsborough Inquest, first junior counsel to the inquiry in the Independent Inquiry into Child Sexual Abuse and, most recently, acted for a core participant in the Grenfell Tower Inquiry.

Nikita has experience of the lengthy and complex procedures required for applications to the Attorney General for a fiat to overturn the findings of an inquest and has both advised upon and acted in judicial review proceedings arising from inquests.

Notable Cases:

Grenfell Tower Inquiry

Nikita is instructed to represent a core participant involved in the renovation of the Grenfell Tower Inquiry following a fire which resulted in the death of 71 people.

Rushbrooke v HM Coroner for West London

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Nikita acted on behalf of the Coroner in an application to quash the inquest into the death of Sylvia Rushbrooke who was, at the time of her death, subject to a DOLS order and resident in a care home. The application was based upon procedural irregularities in the first inquest as well as insufficiency of inquiry.

R.e. Peter John Fasoli

Nikita acted on behalf of the Senior Coroner for West London in an application to the Divisional Court to quash the inquest into the death of Peter Fasoli. Mr Fasoli's death was originally found to be accidental, following a fire at his home. Video footage subsequently discovered showed that Mr Fasoli was murdered before the fire was intentionally set.

Independent Inquiry into Child Sexual Abuse

Nikita is currently instructed as junior counsel in the Independent Inquiry into Child Sexual Abuse, which was established to examine how the country's institutions responded to their duty of care to protect children from sexual abuse.

Cummings v HM Coroner for West London

Nikita acted for the Senior Coroner for West London in an application to quash the inquest into the death of an elderly lady who died when her home caught on fire, following receipt of a new investigation by the London Fire Brigade into the possible causes of that fire.

Inquest into the death of NA

Nikita appeared in an inquest into the suspected suicide of a Bristol University Student. 12 students at the University had or were suspected of having taken their own lives in an 18 month period. Nikita represented a GP in the student health services in a complex inquest which looked at the particular challenges faces in the treatment of young students suffering from mental health difficulties.

Inquest into the death of AR

Nikita represented the GP surgery in a week long inquest into the death of a patient with significant and complex mental health problems who took his own life after he was discharged from community mental health services into the care of his GPs.

Inquest into the death of AG

Nikita was instructed in an Article 2 Inquest following the drowning of a swimmer at a health centre. The deceased was seen on CCTV struggling for some time, before being at the bottom of the pool for 6 minutes before being retrieved by staff even though there was a lifeguard on duty at that time.

Inquest into the death of KG

Nikita is instructed by a travel company in an inquest into the death of a UK traveller in one of their European hotels.

Hillsborough Stadium Disaster

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Nikita was instructed by Sir John Goldring as junior counsel to the inquest into the death of 96 football fans at the Hillsborough Stadium Disaster. Nikita was particularly involved in the consideration of the extensive and complex pathological evidence.

Professional Discipline

Nikita has experience of both presenting and defending in cases across a number of professional regulators.

Nikita has extensive experience of proceedings before the Nursing and Midwifery Council, including representing registrants in complex cases involving the death of vulnerable patients. She also appears on behalf of doctors before the Medical Practitioners Tribunal Services.

Nikita has appeared regularly before the ACCA, both on behalf of the regulator and representing registrants. She has presented cases against teachers for the National College of Teaching and Learning. She has also appeared on behalf of the Football Association.

She was instructed by a leading professional regulation firm to review and provide advice upon proceedings before the General Pharmaceutical Society relating to the largest pharmaceutical fraud investigated by the MHRA.

Notable Cases:

FA v X

Nikita appeared on behalf of the FA to present the case against a player who failed an out of competition drugs test.

NMC v CR

Fitness to Practise

Nikita represented one of eight nurses facing FtP proceedings following medication errors which culminated in the death of a patient. The patient, admitted with a pulmonary embolism, did not receive his anti-coagulant medication for 4 days. The patient subsequently died of what was believed to be a new pulmonary embolism and an inquest recorded a finding of neglect, before referring the nurses to the NMC. Following an independent pathological expert report and cross-examination of the original pathologist, the cause of death was shown to have been incorrect and the charges against Nikita's client were dismissed at the close of the NMC's case. Nikita is currently representing all nurses involved in an application to the Attorney General for a Fiat to overturn the inquest findings.

NMC v AC

Fitness to Practise

Nikita represented a registered nurse and care home manager who faced over 40 allegations relating to medication errors, safeguarding concerns and dishonesty that occurred over a 6 month period and resulted in

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the care home being placed into special measures. Following a 2 year investigation and 3 weeks of hearing all dishonesty charges and medication errors were dismissed and, ultimately, no impairment was found based upon the remaining management errors.

ACCA v ML

Fitness to Practise

Nikita represented an accountant facing 5 allegations of misconduct, including two of dishonesty, before the ACCA. The allegations centred on a criminal conviction he had received for Assaulting a Police Officer and his subsequent failure both to declare the conviction upon registration (dishonestly it was alleged) and failure to refer himself to the ACCA. Following legal submissions the ACCA offered no evidence on the two allegations relating to self-referral. At a hearing the committee of the ACCA found the remaining two allegations, including that of dishonesty, for failing to declare the conviction unproved. The ACCA agreed with Nikita's submissions that the ACCA's own process, in part, led to the omission.

GPhC v JQ

Fitness to Practise

The registrant had been charged in criminal proceedings as a party to the largest pharmaceutical fraud the UK has seen in which counterfeit medicines, including those for cancer, had infiltrated the NHS. Following acquittal in the criminal proceedings Nikita was instructed by the General Pharmaceutical Council to work, together with the MHRA, to consider in excess of 20,000 pages of evidence to advise upon proceedings before the GPhC.

Licensing

Nikita is highly experienced in advising and representing clients on all licensing matters under the Licensing Act 2003. She is particularly experienced in the areas of alcohol licensing. Nikita has advised and represented clients on the transfer of existing licences, licensing reviews and licensing appeals. In addition to her work representing individuals and companies facing Road Traffic and Tacograph Offences, Nikita is very knowledgeable about the Licensing and Regulation of Heavy Goods Vehicles by the Traffic Commissioners. She is able to advise upon both Operator Licences and Operating Centres, and to provide representation before the Traffic Commissioners.

Notable Cases:

Re. Chipstead Golf Club

Nikita represented the licensee who, having had a club premises certificate, wished to apply for a premises licence in order to make greater use of the Club's leisure facilities for weddings and events. There was a large and concerted campaign of opposition by local residents to both the change in licence and the proposed licensing hours. Nikita persuaded the panel that the residents' concerns about noise and nuisance were not supported and to grant the licence applied for.

Metropolitan Police Service v Bar Taps

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Nikita represented the licensee who was subject to a summary licence review under the Section 53A procedure of the Licensing Act 2003 where the Metropolitan Police submitted that they were a premises associated with serious crime and disorder. Nikita made written representations against the very restrictive interim steps imposed, which were subsequently varied. During the substantive hearing Nikita cross-examined both the Metropolitan Police Officer and the Licensing Officer. Having made extensive written and oral submissions, Nikita persuaded the panel that the Metropolitan Police were wrong and this was not in fact a bar associated with serious crime or disorder. The panel agreed that the extremely serious conditions requested were not necessary and would serve only to shut down the premises.

Southwark Council v Jacks Bar

Nikita represented the licensee at a combined hearing to consider long-standing complaints by residents against a number of bars in the Southwark Area. Nikita negotiated with the licensing officer in advance of the hearing to agree a number of sensible conditions which the licensee could comply with and which would address many of the residents' complaints. On the outstanding issues, Nikita addressed the panel at length and dissuaded them from limiting the operating hours or capacity of the venue.

Re. The Straight & Narrow

Nikita acted for a residents association in appealing to the Magistrates' Court against the grant of a licence for a wine bar in a residential area.

Re. RS (Before the Traffic Commissioners)

Nikita acted for a large distribution company in a two-day public inquiry into its operating centre. A substantial local residents campaign had formed and objected to the continuing use of the centre following serious and repeated complaints about the safety and environmental effects of the site. Nikita questioned expert witnesses on noise, site safety and road safety. Ultimately, the Traffic Commissioner renewed the licence for use of the site without imposing any further restrictions on the operator.

Accreditations



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Appointments & Memberships

- Attorney General's Civil Panel C
- Criminal Bar Association
- Association of Regulatory & Disciplinary Lawyers
- Young Fraud Lawyers Association
- South Eastern Circuit
- CPS Panel Advocate Level 2

Education & Qualifications

- 2010: BVC, College of Law
- 2009: BVC Exhibition Award, Inner Temple
- 2008: LLB (Hons) Law with Australian Law, University of Nottingham

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