

Rachel Cooper

Call to Bar: 2007



Recommended in Legal 500, 2024 - Crime(General and Fraud) Rachel "has a broad criminal law practice and is often instructed on cases where defendants have significant mental health needs. She recently represented the defendant charged with death by dangerous driving after a collision decapitated a back seat passenger." - **Legal 500, 2023**

"Rachel always delivers 100% of the time. She is both very able and capable and it is immediately clear to lay clients from their first meeting with her that she is totally committed and her eye for detail and preparation is faultless. It is both a pleasure and privilege to work with Rachel. She is great whether dealing with a guilty plea and mitigation to conducting a full trial." - **Legal 500, 2023**

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Rachel is an experienced barrister practising in crime, professional discipline and regulatory law. She has a particular interest and expertise in cases where one of the participants, be they defendant, complainant or witness is experiencing mental distress or is particularly vulnerable. She is regularly instructed in these challenging and difficult cases and has a well earned reputation for her being able to give the advice that is needed when it is needed and to guide her clients through the complex and often distressing experience of appearing at court.

Rachel is well known as a tenacious trial advocate and is much sought after to prosecute and defend in serious cases. Recent instructions include: serious sexual and violent offences; large-scale drugs conspiracies; firearms and armed robbery offences and serious fraud offences.

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Practice areas:

Business crime and Financial Regulation

Criminal Law

Professional Disciplinary
Regulatory

Health and Safety

Civil Law

Professional appointments:

Criminal Bar Association

Lincoln House Chambers Equality & Diversity

CPS Level 2 – Fraud

CPS Level 3 – Serious Crime

She is much sought after to appear in cases brought by Local Authorities and has been instructed by both prosecution and defendants in health and safety, trade descriptions, food safety, fire regulation and environmental prosecutions. She has considerable expertise in dealing with medical, technical and other expert evidence, particularly in the area of telephone analysis.

In professional discipline Rachel has substantial experience in representing medical professionals at tribunal hearings and appears at all levels before the GMC and NMC. Before being called to the Bar Rachel worked for the Healthcare Commission where she worked closely with medical experts; experience which she has applied to her practice generally and which is particularly helpful when representing medical practitioners.

As a former legal adviser in the Magistrates Court Rachel has extensive knowledge of road traffic law and undertakes this work on a privately instructed basis.

Rachel is authorised to accept public access instructions.

Murder, Manslaughter & Death by Dangerous/Careless Driving

R v X - the Defendant was charged with perverting the course of justice following the death of a neighbour. Other Defendant's tried at the same time were accused of murder. Rachel was successful in persuading the High Court judge, on the basis of a complex and difficult legal argument, that there was no case against her client. <https://www.bbc.co.uk/news/uk-england-lancashire-49392913>

R v A and Ors – Junior counsel in a multi-handed case of murder and affray. The case was complicated by allegations of witness intimidation occurring during the trial itself.

R v E and Ors – Junior counsel in a murder trial involving a single stab wound to the heart. The case attracted considerable local media interest, having occurred in a tight-knit local community.

R v P and Ors – Junior counsel in a six -week multi-handed case involving allegations of neglect of elderly residents in a care home, resulting in serious injuries to a resident. The case involved complex medical evidence regarding the care and treatment of the residents.

R v C – An elderly driver who lost control of their vehicle resulting in the death of a pedestrian. Medical evidence suggested that the defendant likely suffered a hypoglycaemic episode due to diabetes. The client had an underlying condition that meant they were unable to feel the symptoms of an attack. In cross-examination at trial the Crown's expert accepted that the defence expert's conclusions were more likely to be correct. Although the client was convicted, they received an exceptional 3 year community order from the Judge due to the 'extraordinary medical evidence in this case'.

R v S – A client who lost control of their vehicle in wintry conditions and collided with an oncoming car, fatally injuring the other driver. The defence obtained an expert report from a forensic meteorologist who determined that the collision was likely to be due to ice on the road. Following pre-trial discussions between counsel, the Crown dropped the case on the day of trial.

Grievous Bodily Harm

R v W – A client accused of burning their stepchild’s hands. The Crown’s was relied on medical evidence that suggested the injuries would take several minutes to inflict. The defence case was complicated by being unable to obtain a defence report due to a reluctance by experts to become involved in a criminal case involving alleged abuse of a child. However, under cross-examination the Crown’s expert conceded that their conclusions were based on extrapolated data, and that the defendant’s explanation was plausible. The client was acquitted.

Kidnap

R v X – A multi-handed case involving allegations of kidnapping and assault using firearms. The defendant was accused of providing ‘the muscle’ to support the kidnapping. Rachel successfully adduced medical evidence to show that the defendant had recently lost an eye and was continuing to suffer medical complications from the same. Her client was the only defendant to be acquitted in the case.

Firearms & Offensive Weapons

R v C – A young defendant who pleaded to carrying an offensive weapon, putting him in breach of a suspended sentence for his previous conviction of robbery. Rachel successfully argued that the defendant suffered from PTSD and other conditions that merited a community disposal to facilitate treatment. The defendant was not sent to custody.

R v P – Defendant who was charged with possession of a bladed article. Rachel successfully argued that the Defendant had forgotten to unpack the knife after moving house several days earlier and that this was sufficient to meet the needs of *R.v.Mcalla* (1988) 87 Cr.App.R in providing a reasonable excuse for possession of a knife. The Defendant was acquitted.

Drugs Offences

R v L – Cultivating cannabis case. This involved 186 plants over two main growing rooms. Rachel successfully argued that this was for personal, medicinal use and so should be distinguished from sentencing authorities that suggested lengthy sentences. The defendant received 6 months custody and the judge observed that, had the Defendant not involved his son in the cultivation, he would have considered a non-custodial sentence.

R v T – Six-week trial of a multi-handed drugs conspiracy. The case was complicated by eventual disclosure of a large volume of surveillance and telephone evidence.

Arson

Rachel also has considerable experience in arson cases where the client has been motivated by feelings of suicide or self-harm, and often secures suspended or short custodial sentences in these sensitive cases.

Fraud & Dishonesty

R v B – Prosecuted a defendant accused on concealing a marriage in order to continue to claim single person benefits. The defendant argued that the marriage had broken down, but she had had two children with the defendant in that period. She was convicted.

R v W – Defendant was found in possession of £35,000 of duty-free cigarettes. Pleaded to fraud offences and received a 20-month prison term.

R v M – The Defendant had been found guilty of VAT-related offences and sentenced to 6 years custody. He was then found to be in default of his confiscation order and was sentenced to a consecutive 5 years. Proceedings were then brought against him for contempt of court, as he had failed to comply with the restraint order that remained in place from the commencement of the substantive offences. Prior to sentence it was indicated by the Judge that he intended to impose the maximum consecutive sentence of 2 years.

With some discount for a guilty plea, Rachel successfully argued that the court was obliged to consider the totality of the time that the Defendant had already served when imposing a further prison sentence, resulting in a proposed 18 month sentence being cut to 12 months custody.

Child Neglect

R v K – Prosecution junior counsel in a four-week case of child neglect which contributed to the child's death. The case involved complex medical evidence and was further complicated by the unusual nature of the deceased child being a twin - the medical evidence strongly suggested that the identity of the twins had been 'swapped' after the death. The defence also submitted that the child had suffered from rickets in the womb and sought to adduce an American medical expert to support this suggestion, whom the Crown successfully applied to exclude.

People Trafficking

R-v-A and others - junior counsel in a complex and paper heavy trial involving allegations of people trafficking, rape, drug dealing and burglary. <https://www.lep.co.uk/news/crime/members-preston-gang-responsible-child-rapes-drug-dealing-and-burglaries-sentenced-2505967>

R v B – Junior counsel: A multi-handed case in which the defendants were accused of trafficking women to the UK for the purpose of prostitution. The trial was complicated by the use of multiple interpreters for the defendants. The defendant was convicted of people trafficking but acquitted of rape.

Sexual Offences

R v W - the Defendant, a transgender prisoner who was accused of sexual assault and rape. <https://www.bbc.co.uk/news/uk-england-leeds-45825838>

R v W – in which the defendant, a transgender woman, was convicted of multiple counts of sexual offences against women. This was a developing case in which an on-going police investigation resulted in three new cases being laid against the defendant whilst the defendant was on remand due to assault allegations. Miss Cooper represented the defendant throughout the resulting allegations. These involved rape allegations against a recent partner; historic rape allegations; and allegations of sexual assaults against fellow prisoners. The latter resulted in the defendant being moved from a women's prison into the male prison estate. The case involved many vulnerable witnesses and ongoing disclosure issues. Miss Cooper worked closely with the prosecution to clarify the developing cases whilst robustly defending her client, and preserving the dignity and anonymity of the witnesses during court proceedings. The defendant also had significant vulnerabilities that needed to be handled with sensitivity and understanding. This resulted in the defendant entering guilty pleas to a reduced indictment that properly reflected the criminal acts that had occurred.

Professional Disciplinary

GMC

GMC v Dr B – Rachel was led by Suzanne Goddard QC in disciplinary proceedings against a reconstructive genito-urethral surgeon. The charges involved allegations of sexual assault against young patients and the doctor had been acquitted in two Crown Court trials, requiring analysis of the transcripts of Crown Court evidence in relation to the current charges.

NMC

NMC v T – Rachel was instructed by the registrant in relation to an interim orders hearing. The registrant accepted that she had struck a patient but stated that her fitness to practice was not impaired. Rachel argued that this was an isolated incident, at odds with the excellent character references provided for the registrant. Conditions would affect her ability to work. The panel chose to impose no conditions on the registrant's practice.

Appellate Work

Rachel has a broad range of experience in the court of appeal, Criminal division, for both the appellant and the respondent.

I v R – For the Respondent: The defendant appealed his conviction following the discovery of new evidence that suggested a witness had lied at trial. The witness was interviewed and admitted telling some lies at court; however they did not affect the substance of the case against the defendant. Rachel represented the Crown in the court of appeal and called the witness in question. After submissions the Court agreed that the conviction was not unsafe.

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