

STEVEN FLYNN

Year of call: 2006

Clerked by: Avais Saleem Gary Young

AREAS OF EXPERTISE:

Arbitration Banking & Finance Commercial Litigation
Company Employment International & Offshore Partnership
Sport



Commercial Litigation

Steven's practice is directed towards business protection, with particular experience in dealing with issues arising from employment contracts; breach of confidence; partnerships; restrictive covenants; and shareholder rights/obligations. He is regularly instructed by both national and international companies including banks, airlines, construction companies, car manufacturers and those within the financial services industry. Steven also represents directors, company secretaries, office holders and shareholders, as well as individuals in disputes with corporate bodies and other individuals.

A summary of recent work can be found below:

Directors' Contracts & Duties

Steven represents directors and companies in matters relating to bonuses; breach of fiduciary duties; claw-backs; misuse of confidential information; removal; and restrictive covenants. Due to Steven's strong employment law background, he is also regularly instructed to represent both companies and individuals in contractual negotiations.

Examples of recent work include:

- Breach of fiduciary duty – Representing a company in a claim for damages arising where a director had set up in competition whilst still engaged.
- Misuse of confidential information - Representing a large insurance broker in a claim against its former CEO who had used its database and pricing formulas to set up in competition.
- Advising on the TUPE status of directors, shareholders and business owners who are also employees.
- Drafting employment service agreements for company directors.
- Advising whether share option entitlements are discretionary or not.
- Representing a company secretary who was alleged to have received high value gifts from a third party as a reward for ensuring a deal was completed.
- Exit packages – Advising a senior safety executive on his exit from a market leading automotive company in circumstances where he may be required to give evidence in the event of a product recall.
- Advising a director of a PLC on his position in the event that he chose to blow the whistle to the FCA on insider trading and market manipulation.

Restrictive Covenants

Steven has considerable experience in dealing with cases involving the drafting and enforcement of restrictive covenants. He is often instructed to seek/resist injunctions and damages in both the High Court, as well as being instructed to provide advice during mediation.

Examples of recent work include:

- Obtaining springboard injunction against a PLC who had poached a senior executive.
- Advising a senior executive as to whether he had been constructively dismissed so as to render void the restrictive covenants contained within his employment contract.
- Representing a solicitors' firm in circumstances where an associate who had been made redundant set up in competition and attempted to poach clients.
- Drafting restrictive covenants for former owner/directors where a company has been bought out and they are to be engaged as employees.

Shareholder Rights

Steven regularly advises individuals and companies on the rights, roles and duties of shareholders. This includes both contentious and non-contentious issues such as share sale agreements, minority shareholder's rights and unfair prejudice petitions.

Examples of recent work include:

- Share Options – Advising a company whether employee share option entitlements were discretionary or not so as to allow for the accurate valuation of the Company prior to sale.
- Representing a group of members in an unfair prejudice petition.
- Representing the owners of a football club in resisting an unfair prejudice petition presented by a fans' group.
- Representing a CEO of a publicly traded company who alleged that he was the subject of anti-Semitic comments by directors in an attempt to force him to resign and sell his substantial shareholding.
- Providing guidance to a national company on the offering, implementation and consequences of Employee Shareholder Agreements.

Partnerships & LLPs

Steven has considerable experience in advising on the establishment and dissolution of partnerships and LLPs. He is often instructed to advise partners on their legal obligations and, when necessary, to assist them in disputes arising from said partnerships. Steven is also one of a limited number of practitioners who has experience of representing partners and LLP members in claims alleging discrimination against the partnership.

Examples of recent work include:

- Representing a member who was unlawfully expelled from an LLP because of his age.
- Advising as to the division of assets following the dissolution of a partnership.
- Providing guidance to an individual who believed he had entered into partnership with a solicitor only for it to become apparent that the solicitor was prevented from doing so by the Code of Conduct (as in operation at the time).
- Representing a former partner in a dispute over whether she was liable to make payment towards an unfair dismissal award where she had opposed the other partner's decision to dismiss.

Sale of Goods/Supply of Goods and Services

Steven is regularly instructed by both Claimants and Defendants in actions involving the sale of goods and/or the supply of goods and services. These cases range from the sale of horses to disputes relating to the supply and carriage of large quantities of steel to Asia; many of which are in the High Court. He also has experience in assisting in the recovery of possessions that have been the subject of conversion.

Examples of recent cases include:

- Advising a rider who purchased a horse that she intended to compete. Upon purchase it became apparent that the seller had withheld the material fact that the animal's leg had been operated upon; thereby making it unsuitable for show jumping.
- Representing a potato farmer in his dispute with an international crisp manufacturer who refused to pay for the goods on the basis that a foreign object in the potatoes had caused damage to their factory.
- Successfully representing a construction firm in a dispute where a client alleged that a number of buildings were substantially defective.
- Representing an individual who purchased what he understood to be a fully restored EType Jaguar. The vehicle turned out not to have been restored and the individual was allowed to reject the vehicle and recover the money he had paid out.

Profile

Steven is *'one of the top sports law juniors in the UK'* (Legal 500), working across the gamut of sports law. He frequently advises various participants including professional athletes, teams, governing bodies, agents, and players' associations on contractual, commercial and regulatory matters.

Away from the sports sector, Steven's practice is directed towards business protection. He is regularly instructed to deal with issues arising from employment contracts, breach of confidence, partnerships, restrictive covenants, and shareholder rights/obligations.

Steven is recognised as being, *'technically very astute'* and *'liked by judges'* (Chambers UK), with ability to *"put clients at ease in an instant in even the most stressful of cases."* (Legal 500)

Steven has a wealth of experience in arbitration and has been admitted as a Member of Chartered Institute of Arbitrators. He accepts appointments to sit as a sole arbitrator or as a member of a panel (including as chair).

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Areas of Expertise

Arbitration

Banking & Finance

Commercial Litigation

Company

Employment

International & Offshore

Partnership

Sport

Memberships

British Association for Sport and Law

Employment Law Association

Employment Law Bar Association

The British Irish Commercial Bar Association

Appointments

Visiting Sports Law Fellow at the Centre for Sports Law Research, Edge Hill University

British Gymnastics Disciplinary Appeal Panel Member

British Cycling Disciplinary Appeal Panel Chair

England Boxing Disciplinary Panel Member

Sports Resolutions' Pro Bono Legal Services Panel

Qualifications

Member of the Chartered Institute of Arbitrators

Cardiff University

Cardiff Law School

Gray's Inn

Recommendations

Chambers UK 2021

"Thoroughly confident and liked by judges."

"Technically very astute"

Legal 500 2021

"Steve is one of the top sports law juniors in the UK, with experience across a number of sports and expertise in commercial and regulatory disputes."

"Steve is very knowledgeable of the sports sector, and extremely user friendly. He is contactable at all times, day or night and can put clients at ease in an instant in even the most stressful of cases."

"Consistently good and very reliable."

Chambers UK 2020

"Very clear and concise in his advice to clients. Extremely knowledgeable when it comes to rugby, in particular when dealing with regulatory matters." "He has the best knowledge of on-field disciplinary work and is a go-to in the area."

Legal 500 2019

"A very grounded barrister with a great intellect."

"[Has] niche experience in handling employment disputes within the professional sports world."

Legal 500 2017

"Very knowledgeable, thorough and technical."

