

## 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



## Sport

Steven is recognised as *'one of the top sports law juniors in the UK'* (Legal 500), dealing with contractual and commercial disputes in this sector, as well as disciplinary and regulatory issues. He is noted as having *'best knowledge of on-field disciplinary work and [as] a go-to in this area'* (Chambers UK) and for his *'niche experience of handling employment disputes within the professional sports world'* (Legal 500). He regularly appears on his own against QCs or leading a multi-disciplinary team in complex disputes.

Steven is regularly instructed by players, clubs, agents, governing bodies, players' unions, fans and sponsors across a wide variety of sports including football, rugby union and league, boxing, tennis and golf. He has advised at all levels of sport and has acted for and against many high profile participants and organisations including matters involving: the FA; the RFU; the Premier League; Manchester United FC; Manchester City FC; Chelsea FC; Liverpool FC; the LTA; Rotherham Titans RFC; Bradford Bulls RLFC; Toronto Wolfpack RLFC; Chester Racecourse; Archery GB; the PFA; the RLPA; the FSF; and many others. He has also been instructed by high profile companies who wish to enter into commercial rights/sponsorship agreements with such organisations.

In addition to dealing with commercial and regulatory matters, Steven is also regularly instructed in cases relating to discrimination in sport. He has experience in advising on the rights and obligations imposed on players, clubs and governing bodies by the Equality Act 2010 including appearing in a trial due to last 6 weeks where a participant claimed £120 million from a governing body.

Steven's work also involves him representing participants before disciplinary and appeals panels, as well in court and at arbitration. This includes Rule K arbitrations, the EFL Player Related Dispute Commission, the British Boxing Board of Control Regulation 24 arbitration and before the Court of Arbitration for Sport. Steven has been appointed by British Gymnastics, British Cycling and England Boxing to hear disciplinary/appeals panels.

Reflective of his experience and expertise in the sector, Steven has been appointed a Visiting Sports Law Fellow at the Centre for Sports Law Research at Edge Hill University and is regularly invited to lecture on sports law LLMs at a variety of universities.

A summary of his work in different areas can be found below:

### Agents

Steven is regularly instructed by sports agents who seek his assistance in the drafting of agency agreements so as to adequately protect their interests. He also advises participants as to the legal implications of any agency agreement that they are planning to enter and represents both agents and participants in breach of contract/unpaid fee disputes. He has recently:

- Represented a manager in a British Boxing Board of Control Regulation 24 Arbitration in a £30 million claim against his former client.
- Represented a player in Rule K arbitration proceedings relating to a claim for commission arising from his transfer to the Chinese Super League.
- Advised an English international footballer on the enforceability of a contract he had entered with a sports agency.
- Represented a professional darts player in his dispute with his former manager.
- Advised a sports agency on a claim for non-payment of fees by a club and the referral of the dispute to the Court of Arbitration for Sport. Drafted an agency agreement for use by a World Champion boxer.
- Advised a footballer as to the potential remedies available to him against an agent whose actions had prevented his move to a Premier League club.
- Representing agents accused of inducing a player to breach their contract.

### Anti-Doping & Mechanical Doping

Steven is instructed by governing bodies, clubs and participants to assist in relation to anti-doping matters. This includes investigations, internal disciplinary proceedings and hearings before the National Anti-Doping Panel.

Steven also has experience of dealing with mechanical/electronic doping in cycling, having represented a cyclist who was accused of manipulating data to improve his access enhanced eRacing equipment.

Recent cases include:

- Representing a governing body before the NADP in a case where the athlete contended that the source of the prohibited substance was training supplements that he had been provided with from a reputable source.
- Football – Representing a professional footballer alleged to have provided a sample that contained a prohibited substance.
- Rugby – Acting for a player who was accepted that he had committed an ADRV but who sought to argue that he bore no fault, or, in the alternative, no significant fault.
- Rugby – Acted for 3 players who were found to have taken recreational drugs who sought to argue that the drugs were taken out of competition so as not to attract a ban. Steven also advised them on the internal disciplinary matters arising from the same allegations.
- Boxing – Instructed by the boxer’s manager to review and advise on tactical response to an allegation that the boxer had injected nandrolone. The boxer contended that the source of the nandrolone was contaminated food. This involved an examination of the testing process and expert evidence as to whether the source of the elevated nandrolone was exogenous and endogenous.

### **Disciplinary and other internal proceedings**

As well as representing clubs and participants who were subject to disciplinary action before the RFU, FA, RFL and PGA, Steven has also sat as a disciplinary officer for British Gymnastics, British Cycling and England Boxing. He has also represented participants seeking to overturn disciplinary sanctions through Rule K arbitration. Recent cases include:

- Representing the RFU at the disciplinary hearing where an England international was found to have made homophobic remarks during the course of the game.
- Representing a governing body in a ‘tapping-up’ case where both the agent and the approaching club were found to have acted in breach of the sports regulations.
- Representing an English rugby union international who was cited the week before the 6 Nations Championship. If the citing was upheld, the player would have missed the Championship. The citing was dismissed, and the original yellow card rescinded.
- Representing a high-profile football coach accused of having made racist comments towards players.
- Representing a football club charged by the FA with failing to control their players in circumstances where they were alleged to have racially abused their opponents during a match. The club was cleared before an FA disciplinary panel of any wrongdoing.
- Advising an owner who was banned from all football related activity as he challenged the sanction through the Rule K arbitration.
- Represented a professional footballer accused of match-fixing/manipulation.
- Representing a football league that was called before an FA Commission of Inquiry arising from a fundamental breakdown in the relationship between the league and the County FA.
- Representing a golfer who was called before the PGA Disciplinary Committee for alleged misconduct.

### **Discrimination in Sport**

Steven has a great deal of experience of cases involving discrimination in a sporting context. He represents participants at all levels, from those who are attending their first coaching session through to elite athletes who have suffered loss of funding or career damage because of discrimination. He also advises service providers (e.g. clubs, governing bodies, venues) as to their duties under the Equality Act 2010. Examples of his work include:

- Representing a talented tennis player in a claim alleging discrimination, harassment and victimisation against the Lawn Tennis Association. The player alleged that the LTA’s actions had caused career long losses exceeding £120 million. The case was listed before HHJ Hand in the Central London County Court for a 6 week trial at which Steven was led by David Berkley QC.
- Advising a Paralympian who had been subjected to harassment by the governing body of his sport.
- Advising a disabled supporters’ group seeking to challenge a Premier League Club’s compliance with its duty to make reasonable adjustments and failure to comply with the Accessible Stadia guidance issued by the Sports Grounds Safety Authority.
- Representing a child who was excluded from a sports club because of his disability.

### **Player/Participants Contracts and Transfers**

Agents, players and clubs regularly instruct Steven to consider issues surrounding employment/funding contracts. He also provides guidance on legal issues that arise during transfers and representation in breach of contract claims. Some of his recent cases include:

- Advising a football scout accused of conspiracy, including a breach of contract and breach of fiduciary duties in a claim for in excess of £4 million.
- Representing the owners of a football club in a £20 million plus unfair prejudice claim.
- Assisting a football coach to secure a high value exit package from a Premier League football club.
- Representing 43 ex-players and staff dismissed by a professional rugby league team.
- Advising 3 professional athletes who were subject to disciplinary proceedings following drugs-related allegations.
- Advising senior coaches/executives on their exit packages.
- Representing a professional rugby club in a breach of contract claim pursued by their former first-team coach.
- Advising a professional football club on player contracts in light of amendments to the FIFA Regulations.
- Representing a football player before the EFL Player Related Dispute Commission.
- Advising a professional football coach as to whether his media work could amount to a breach of his contract of employment.
- Advising a Championship level football coach on the form and content of his contract.
- Advising on the contractual status of a professional golfer.

## **Sale and Purchase of Clubs/Sporting Venues**

Given Steven's commercial law background and sports sector experience, he is positioned to advise on issues relating to the sale and purchase of sports clubs and venues. His work has included drafting an agreement for use in a £100 million deal. Some of the work he has done includes:

- Being instructed by the sellers of a Premier League club to advise on the terms of sale and to redraft the proposed Share Purchase Agreement.
- Representing the owners of a football club in a £20 million plus unfair prejudice claim.
- Advising a 'fans group' on their buy-out of a football club in administration. This included advising on the purchase of items that vested with the Crown; drafting a new constitution; and providing guidance on the terms and conditions of player contracts.
- Dealing with a minority shareholder dispute in relation to the ownership of a race course.

## **Sponsorship/Image Rights**

Steven has a particular interest in sponsorship and image rights agreements. He has been instructed by numerous agents, clubs, participants and sponsors to assist with the negotiating and drafting of such agreements and advise and represent them when such agreements breakdown. Recent examples of his work in this area include:

- Advising a French international football player on his image rights agreement and its interaction with the Premier League contract and other global sponsorship agreements.
- Advising a football club in circumstances where their sponsors sought to exert influence over the club's transfer policy.
- Representing a sponsor in a claim against a Super League team for failure to provide services detailed in the sponsorship agreement.
- Advising commercial enterprises on the use of player image rights (soft IP).
- Representing a sponsor who sought to terminate their contract with a football club and seek damages in circumstances where the club's conduct had caused the sponsor reputational damage.
- Providing guidance to agents on how to arrange sponsorship deals so as to maximise the value of their players' image rights across multiple global regions.

## **Arbitration**

Steven also offers his service as an arbitrator in sporting disputes. This includes both sitting as a sole arbitrator or as a member of a panel. Steven has particular experience in arbitrations that involve contractual and employment issues in a sporting context, as well as challenges to the decisions of governing bodies. He is willing to accept instruction to carry out a paper-based exercise or to offer a fixed fee service (to include directions, the hearing and drafting of the award).

Steven's work also involves him representing participants before disciplinary and appeals panels, as well in court and at arbitration. This has included Rule K arbitration, the EFL Player Related Dispute Commission, the British Boxing Board of Control Regulation 24 arbitration and referrals to the Court of Arbitration for Sport. Steven has been appointed by British Gymnastics, British Cycling and England Boxing to sit on their disciplinary/appeals panels.

Reflective of his experience and expertise in the sector, Steven has been appointed a Visiting Sports Law Fellow at the Centre for Sports Law Research at Edge Hill University and is regularly invited to lecture on sports law LLMs at a variety of universities.

## Profile

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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).

**Year of Call:** 2006

## Areas of Expertise

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Arbitration

Banking & Finance

Commercial Litigation

Company

Employment

International & Offshore

Partnership

Sport

## Memberships

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British Association for Sport and Law

Employment Law Association

Employment Law Bar Association

The British Irish Commercial Bar Association

## Appointments

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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

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Member of the Chartered Institute of Arbitrators

Cardiff University

Cardiff Law School

Gray's Inn

## Recommendations

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### 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."

