

**STEVEN FLYNN | MANCHESTER,
LEEDS & BIRMINGHAM**

Year of call: 2006

Clerked by: Harry Young Louie
Morrissey

AREAS OF EXPERTISE:

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



Profile

Steven specialises in commercial, employment, and sports law.

Steven is recognised as *'one of the top sports law juniors in the UK'* (Legal 500). He is frequently retained to deal with issues of significant importance, advising 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, both in the UK and internationally. He has a particular interest in cross-jurisdiction contracts and conflict of laws issues.

Steven has a wealth of experience in arbitration, representing commercial and sporting clients before a vast array of domestic and international arbitral tribunals, as well as dealing with challenges before the Courts. Steven also accepts appointments to sit as a sole arbitrator or as a member of a panel (including as chair). He has been admitted as a Member of Chartered Institute of Arbitrators and appointed to the Sport Resolution Arbitration Panel.

Year of Call: 2006

Areas of Expertise

Arbitration

Steven is a Member of the Chartered Institute of Arbitrators and offers his services as an arbitrator. He has a wealth of experience in dealing with arbitrations in a commercial, employment, and sporting context. 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. Steven has been appointed to the Sport Resolutions Panel of Arbitrators and, in recent years, has chaired disciplinary/appeal panels for British Gymnastics, British Cycling and England Boxing.

Steven's work involves him representing clients before a vast array of arbitral tribunals, as well as dealing with challenges before the Courts. These include cases convened under the rules of the LCIA, the FA, and the Court of Arbitration for Sport.

Banking & Finance

Steven is regularly instructed by banks and other companies operating within the financial services sphere to assist in disputes involving issues of guarantees, mortgages, cheques, mistaken payments, negligent advice, undue influence and restitutionary claims. He also has considerable experience in dealing with disputes arising from consumer credit and leasing agreements.

Steven has also been involved in a number of cases that have involved whistleblowing allegations of market manipulation and insider trading.

Examples of recent cases include:

- Whistleblowing and market manipulation – Advising a director of a publicly traded company on his position in the event that he chose to blow the whistle to the FCA on market manipulation within his company.
- Consumer Credit – Successfully representing a finance company in a conjoined claim where a number of defendants were disputing the enforceability of a credit agreement.
- Insider trading – Advising a PLC where it was suspected that a director had been trading in company shares during the closed period.
- Hire Purchase – Obtaining delivery up of a motor vehicle following conversion.
- Discrimination – Representing banks against claims that they have unlawfully discriminated in the provision of services.
- Appeal – Successfully representing a bank in an appeal where the Defendant sought to appeal a judgment debt three years out of time on the basis that the bank had fraudulently withheld details relating to the enforceability of a credit agreement.

Commercial Litigation

COMMERCIAL LITIGATION

Steven's practice is directed towards business protection. He has particular experience of 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 substantial damages arising where a director had set up in competition whilst still in office.
- 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.
- Speedy trial – Representing a former director who was alleged to have set up in competition and misused company resources to do so.
- Worldwide Freezing Order – Successfully obtained a WFO against the CFO of a large PLC who had been misappropriating funds for 15-years.
- 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.
- Delivery-up – Representing an online property website in a claim against former directors for delivery up of confidential information and data that was essential to the operation of the website.

Restrictive Covenants

Steven has considerable experience in dealing with cases involving the 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 a springboard injunction against a PLC that had unlawfully poached a senior executive.
- Resisting an injunction application on the grounds that the senior executive had a very strong argument that 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.
- Poaching – Obtaining an injunction where a senior employee had been poaching customers prior to the termination of his employment.
- Confidential information – Obtaining an injunction for delivery-up and restricting use of confidential information.

Media & Entertainment

Steven also has niche expertise in the media and entertainment sector, regularly instructed by TV personalities and talent agencies to deal with commercial issues arising from appearance contracts, music and endorsement deals, and management agreements.

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.
- Assisting a worldwide chocolate brand to resist an unfair prejudice petition presented by a shareholder who objected to the redesignation of shares and the removal of the right of redemption.
- 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.

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:

- Advising a large medical partnership in circumstances where a group of partners were seeking to oust the CEO.
- 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:

- Representing a boxing manager in a claim for £30m against his former client.
- 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 substantial damage to their factory.
- 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.
- Representing a football agency before the Court of Arbitration for Sport in a £multi-million claim against a Malian company, arising from a contract that was governed by Swiss law.

Company

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- 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.

Employment

EMPLOYMENT

Steven's employment practice is directed toward business protection, with him dealing with employment related issues in the High/County Court, as well as those with an international element. These include:

- Breach of Contract claims in the High/County Court;
- Breach of confidence;
- Misuse of confidential information;
- Partnership disputes;
- Restrictive Covenants.

Some examples of his work in different areas can be found below.

High Court/County Court/International

- Representing a commodities trader in his £m + bonus claim.
- Representing a stockbroker in his £4.3m claim for breach of contract against a bank based in The Bahamas.
- Injunctions to prevent misuse of confidential information obtained during course of employment.
- Reference – representing a company that was accused of giving an inaccurate reference.
- Advising a long-term, senior employee who has been promised a payment of £10m upon sale of a company.
- Representing a PLC in a claim against its CFO who had misappropriated over £250,000 over the course of 15-years.

Restrictive Covenants

- Obtaining springboard injunction against a PLC that had unlawfully poached a senior executive.
- Resisting an injunction application on the grounds that the senior executive had a very strong argument that 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.
- Poaching – Obtaining an injunction where a senior employee had been poaching customers prior to the termination of his employment.
- Confidential information – Obtaining an injunction for delivery-up and restricting use of confidential information.

Contracts and Exit Agreements

- Office Holders – Advising on the establishment of a QUANGO; including the transfer of employees and the employment status of Office Holders.
- Share Options – Advising whether share option entitlements are discretionary or not.
- 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.
- Financial Services – Advising a director of a publicly traded company on his position in the event that he chose to blow the whistle to the FCA on insider trading and market manipulation within his company.
- Collective agreements – providing guidance as to whether collective agreements were incorporated into contracts of employment following numerous TUPE transfers and an absence of detail as to the date of agreement.

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International & Offshore

INTERNATIONAL & OFFSHORE

Steven is regularly instructed to deal with cases across his practice areas that have an international element to them. These include disputes determined by international arbitral tribunals, and cases in which jurisdiction and conflicts of laws issues arise.

Recent work includes:

- Representing a stockbroker in his £4,3m claim for breach of contract against a bank based in The Bahamas.
- Representing a UK based company pursuing a breach of agency claim against French and Malian companies in international arbitration.
- Advising on the application of the Swiss Civil Code to an international football dispute.
- Dealing with a challenge to the High Court's jurisdiction to hear an employment related claim.
- Representing a football manager in a claim against a Caribbean football association.
- Representing an English employee, employed by a Chinese company through a Dutch intermediary, in proceedings to determine jurisdiction.

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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; UK Sport; 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. In recent times, Steven has been appointed by British Gymnastics, British Cycling and England Boxing to hear disciplinary/appeals panels, and is a member of the Sport Resolutions Panel of Arbitrators.

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 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.
- Representing an intermediary in a claim for £1,2m in a claim before the Court of Arbitration for Sport.
- 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.
- Representing a boxing promoter in a claim for £2,4m against a client who terminated their contract in breach of the notice provisions.
- 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.
- 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:

- Football - Representing a professional footballer alleged to have provided a sample that contained a Higenamine.
- 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.
- 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 a wide plethora of governing bodies (including, the FA, the RFU, the RFL and the PGA, Steven has also sat as a disciplinary officer for British Gymnastics, British Cycling and England Boxing. He has

represented participants seeking to overturn disciplinary sanctions through arbitral proceedings, and represented governing bodies before the Courts when resisting such challenges. 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.
- Representing the EFL to assist with prosecuting numerous breaches of the EFL Regulations, including charges that led to Clubs being relegated from the Football League.
- Represented a footballer who assaulted a referee. In doing so, Steven managed to have his ban reduced by 50%.
- 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 golfer who was called before the PGA Disciplinary Committee for discriminatory 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.
- 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:

- Representing a Premier League football club in a £multi-million claim brought before the Professional Football Compensation Committee relating to the poaching of a talented youth player.
- Representing 3 professional footballers who successfully terminated their contracts due to persistent late payment of their wages.
- Representing an England international rugby player in his claim against his former club for breach of contract following the imposition of a salary reduction.
- Representing a football club in 6 claims presented by its former manager and coaches for breach of contract.
- 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.
- Successfully recovered 4 weeks' wages for a footballer subject to disciplinary proceedings.
- 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 arising from amendments to the FIFA Regulations.
- Representing a football player before the Player Related Dispute Commission in an appeal against dismissal following him being charged with a criminal offence.
- Advising a professional football coach as to whether his media work could amount to a breach of his contract of employment.
- 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 advise on the content the proposed Share Purchase Agreement.
- Representing the owners of a football club in a £20 million plus unfair prejudice claim presented by a fans' group.
- 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 a member of the Sport Resolutions Panel of Arbitrators.

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. In recent years 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.

Memberships

British Association for Sport and Law

The British Irish Commercial Bar Association

Appointments

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

England Boxing Disciplinary Panel Member

Sports Resolutions' Arbitration Panel Member

Memberships

British Association for Sport and Law

Employment Law Association

Employment Law Bar Association

The British Irish Commercial Bar Association

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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

Member of the Chartered Institute of Arbitrators

Cardiff University

Cardiff Law School

Gray's Inn

Recommendations

Chambers UK 2023

"He is down to earth, responsive and reliable."

Legal 500 2023

"Steve is pragmatic, approachable and always available. He never sits on the fence with his advice and can rapidly identify the key strengths and weaknesses of a case. He is superb with clients and has built up significant expertise in sports regulatory and litigation matters. He gives his all on every matter he is instructed on, and thrives under pressure."

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."

