

# Steven Flynn

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Steven Flynn is a senior junior who specialises in commercial arbitration and litigation; business protection; and sports law.

Steven covers the full range of commercial litigation and arbitration. He is regularly instructed in high-value disputes across various sectors, including banking, finance, trading, insurance, sport, entertainment and media, construction, and manufacturing. Clients include banks, multi-nationals, foreign state-owned entities, and major public companies, as well as senior executives, entrepreneurs, and public figures.

Steven's experience of commercial and employment law mean that he is highly sought after by those involved in business protection disputes. 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 is recognised as '*one of the top sports law juniors in the UK*' (Legal 500). He is frequently retained to deal with issues of the utmost importance, advising various participants including professional athletes, teams, governing bodies, agents, and players' associations on contractual, commercial, and regulatory matters.

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 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.

# Expertise

## ADR

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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 commercial and business protection 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, ICC, the FA, and the Court of Arbitration for Sport.

## Commercial Dispute Resolution

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Steven's practice covers the entire spread of commercial litigation and arbitration. He regularly provides representation and advice on disputes that include issues of agency, commercial agents, company litigation (including shareholder disputes and claims against directors/fiduciaries), commercial fraud, confidential information, contract disputes, insurance, post-termination disputes, restraint of trade, and sale of good.

He is frequently 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:

### Arbitration

Steven has a wealth of experience before a vast array of domestic and international arbitral tribunals, including those convened pursuant to the rules of the CAS, CIArb, LCIA, ICC, and Sport Resolutions.

Examples of recent work include:

- Representing a state-owned enterprise in a £3bn arbitration relating to a multitude of inter-connected finance agreements.
- Assisting an agent to recover £1,2m in unpaid fees.
- Representing a manufacturer in a dispute concerning defective good.
- Representing a promoter in a £30m claim arising from the cancellation of an event.

### Commercial Fraud

Steven has advised on, and taken to trial, numerous cases in which deceit, conspiracy, breach of fiduciary duty, breach of trust, restitution, undue influence, and unconscionable bargain have been in issue.

Recent example of work include:

- Advising a professional sports team that was deceived into entering a sponsorship contract with an offshore company that had no knowledge of the agreement.
- Representing a group of companies that entered into manifestly unfavourable energy contracts through deceit and breach of fiduciary duty.
- Advising a company whose procurement manager had conspired with a recruitment company to enter into a contract that contained unjustifiably onerous terms.
- Representing a media and entertainment agency in a case where it resisted allegations of undue influence and unconscionable bargain levelled against it by talent that wished to move to a different agency.

### **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 the 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.

Examples of recent work include:

- Assisting an agency to resist allegations of undue influence and unconscionable bargain levelled against it by talent that had been tapped up.
- Defending talent against claims for breach of contract where they had been the victim of sexual assault by their manager.
- Representing social media influencers in seeking to recover unpaid fees from both their agents and clients.
- Advising on the form and content of representations contracts.
- Assisting talent to extricate themselves from unjustifiably onerous contracts.

## 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. 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.
- Representing a steel exporter in a claim against an Indian company for unpaid fees.

## Employment

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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 & 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.

## Sport

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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 KCs or leading a multi-disciplinary team in complex disputes, and has been described as *'a great advocate'*.

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 elite level 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; Leicester Tigers, Gloucester Rugby Club; Chester Racecourse; Archery GB; British Ice Skating; UK Athletics; 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.

Steven's work involves him representing participants before disciplinary and appeals panels, as well in court and at arbitration. This includes Premier League Section X arbitrations, FA 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 also has a wealth of experience chairing disciplinary/appeals panels, as well as chairing arbitral tribunals. He is a Member of the Chartered Institute of Arbitrators and has been appointed to 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 players, clubs, and the world's largest sports agencies in relation to disputes over breaches of contract, fees, and inducements. He has recently:

- Successfully represented a football agency in a seven-figure claim before the Court of Arbitration for Sport.
- Assisted an agency in successfully resisting a claim for inducing a breach of contract after a Premier League player joined their agency.
- Advised and mediated a settlement for a footballer whose agent's actions had prevented his move to a Premier League club.
- Resisted applications for springboard injunctions where agents have left and established their own agency.
- Successfully representing a football agent in Rule K arbitration for unpaid commission. This case involved cross-examining a Premier League Chairperson.
- Perused agents who have misused confidential information, obtaining measures to prevent its use.

## Anti-Doping & Mechanical Doping

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

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 a coach who had ordered a prohibited substance for personal use when drunk, and was faced with loss of his livelihood.
- 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.

## Arbitration

Steven regularly appears before arbitral tribunals; both in the UK and Internationally. He has appeared before British Boxing Board of Control Arbitration Panels; the Court of Arbitration for Sport; FA Rule K panels; the ICC; the EFL League Arbitration Panel; the LCIA; the Managers’ Arbitration Tribunal; the Player Related Dispute Commission; Premier League Rule X panels; and those convened by Sport Resolution. Steven is extremely familiar with arbitral procedure and the law surrounding 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 expertise 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.

## Boxers, Managers & Promoters

Steven is particularly active in the boxing world, have represented many of the world’s leading managers and promoters. He also represents boxers who are active at both the amateur and professional level.

- Successfully represented a manager in a British Boxing Board of Control Regulation 24 Arbitration where the claim was for £30 million against his former client.
- Currently representing boxing promoter in a £10m+ claim against a former member of its stable for breach of a promotional agreement.
- Advising England Boxing on a wide-range of issues relevant to the governance and administration of the sport.
- Representing a boxing promoter in an LCIA arbitration against a boxer who had failed to honour a matching right.
- Successfully representing a boxing promoter in a claim for £2,4m against a client who terminated their contract in breach of the notice provisions.
- Advising World Champion boxers on the form and content of promotional agreements that they are proposing to enter.
- Representing a boxing promoter in a claim against a broadcaster for breach of contract.

## Disciplinary & 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 and appeal officer for a variety of sports. 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:

- Represented a professional footballer accused of match-fixing/manipulation.
- Representing a high-profile football coach accused of having made racist comments towards players.
- 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 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.
- 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.
- 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 & 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 variety of football managers and clubs on disputes before the Managers' Arbitration Tribunal.
- 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 WSL player in a grievance appeal related to bullying by her manager.
- 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 & 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.

Some of the work he has done includes:

- 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.

## Appointments

- Visiting Fellow at the Centre for Sports Law Research, Edge Hill University
- Sport Resolution Panel of Arbitrators
- England Boxing Disciplinary Panel Chair

## Education

- Gray's Inn
- Cardiff Law School
- Cardiff University

## Memberships

- Chartered Institute of Arbitrators
- British Association for Sport and Law
- The British Irish Commercial Bar Association

## Publications

- Author of the '*Managers Contracts*' chapter (with Christopher Jeans QC) for *Football and the Law* (2<sup>nd</sup> Ed.) (pre-publication)
- Author of the '*London*' chapter of the *International Arbitration: A Global Guide for Practitioners* (1<sup>st</sup> Ed.)

(with Andrew Singer QC and Janine Alexander) (pre-publication)

## Recommendations

### **Chambers UK 2023**

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

### **Chambers UK 2022**

*"He is extremely knowledgeable and is very clear and concise in his advice."*

### **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."*