



NEW SQUARE

Can Yeginsu

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He has the gravitas of a natural leader and possesses a giant intellect.

- Chambers & Partners, 2019

Can Yeginsu is a leading barrister practising in commercial litigation and international arbitration, civil fraud, professional liability, public law and human rights, and both private and public international law.

Can is consistently ranked by Chambers Global, Chambers UK Bar, and Legal 500 as an outstanding junior in five practice areas: (i) commercial litigation; (ii) international arbitration; (iii) administrative and public law; (iv) civil liberties and human rights; and (v) public international law.

In 2019, Can was shortlisted for the '*International Arbitration Junior of the Year*' by Legal 500 and appointed to the independent High-Level Panel of Legal Experts on Media Freedom, convened by the former President of the UK Supreme Court, Lord Neuberger, and the UK's Special Envoy on Media Freedom, Amal Clooney, at the request of the UK and Canadian Governments.

Frequently appearing in the Commercial Court, Administrative Court, and the Chancery Division, Can has also acted in over 30 cases in the Court of Appeal, UK Supreme Court and the European Court of Human Rights. In addition, he has experience acting as co-counsel in proceedings before the ECOWAS Community Court of Justice, the Inter-American Court of Human Rights, the Federal Court of Malaysia, the Turkish Constitutional Court, and the Supreme Court of The Gambia. Can is admitted to the Bar of the DIFC Courts.

In his arbitral practice, Can is regularly instructed to act in commercial disputes under the LCIA, ICC, LMAA, and CIArb Rules, as well as in ad-hoc arbitrations under the UNCITRAL Rules. Can also has particular expertise in investor-state arbitration, including claims brought under the ICSID Rules and the ICSID Additional Facility Rules. He has received, and continues to accept, appointments as sole and co-arbitrator.

Can is **Adjunct Professor of Law** at Georgetown Law (Washington D.C.) and Koç University Law School (Istanbul) where he teaches investor-state arbitration. Can is also **Lecturer-in-Law** at Columbia Law School (New York) where he teaches international human rights law. He is the co-author of *The Protections for Religious Rights: Law and Practice* a leading practitioners' text, published by Oxford University Press, and **Partner Fellow** at the Lauterpacht Centre for International Law, University of Cambridge.

In 2013, Can was recognised as one of ten "Stars" practising at the Commercial Bar by Legal Week Magazine where he was identified as possibly one of "*the Bar's true polymaths...able to advocate in a wide variety of legal areas, with seemingly effortless fluency*".

Privacy Policy

Click here for a **Privacy Policy** for Can Yeginsu.

Transparency Statement

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Areas of Expertise

Professional Liability

Can has a strong professional liability practice which encompasses claims for and against a range of professionals including: valuers, mortgage brokers, surveyors, accountants, actuaries, construction professionals, lawyers – both barristers and solicitors – and insurance brokers in the county courts as well as in the Queen’s Bench and Chancery Divisions of the High Court.

Can has a particular expertise in claims arising out of the mis-selling of mortgages, having appeared successfully as counsel in the Administrative Court and Court of Appeal in *Emptage v the Financial Services Compensation Scheme* [2013] EWCA Civ 729. Can has a very busy practice in this area advising in claims for compensation to the Financial Ombudsman Service and Financial Services Compensation Scheme and he appears in related applications for judicial review.

Can edits, with Jonathan Hough QC, the chapter on Litigation (encompassing group actions and expert evidence) in *Jackson & Powell on Professional Liability* (Sweet & Maxwell, 8th Edition, 2017).

Cases

- **Stirling Mortimer (Commercial Ct)**
Defending, led by David Turner Q.C., auditors being sued in the Commercial Court by a Guernsey fund in the recovery of €59m.
- **In the Federal Court of Malaysia**
Acting for and advising an international professional services firm (with Graham Chapman QC) in proceedings before Malaysia’s highest court in a landmark appeal concerned with the duty of care owed by auditors to third parties.
- **Stanley Gibbons Holdings (Chancery D)**
Instructed with Ben Hubble QC for a group of actuary defendants in a professional liability claim, listed for a 10 day trial in the Chancery Division, arising out of the requirement to implement equalisation between men and women in an occupational pension scheme.
- **FSCS (Keydata)**
Instructed for a number of IFAs in the £75 million claim brought in the Commercial Court by the Financial Services Compensation Scheme.
- **In the matter of Toprak**
Instructed as lead counsel for the claimant in a professional negligence claim against a bank relating to the conveyance of a £40m property.
- **Emptage v FSCS (CA)**
Acted, led by Mark Cannon QC, for the successful applicant in a landmark judicial review of the FSCS’s decision to award compensation pursuant to the compensation scheme established under part XV of the Financial Services and Markets Act 2000, and administered by FSCS [2013] EWCA Civ 729.
- **Film schemes**
Instructed as lead counsel for the claimants against a leading accountancy firm in a claim relating to failed film schemes.



- **Tiaga & ors v RJP LLP (Chancery D)**
Instructed as sole counsel for an accountancy firm in a claim arising out of tax advice.
- **Brown & Ors v Innovatorone Plc & Ors**
Acted as junior counsel in [2012] EWHC 1321 in an 18 week trial of a c. £50m claim involving complex tax avoidance schemes and allegations of fraud against individuals and professional advisers, led by John Powell QC and Graham Chapman QC. Can was also instructed in the proceedings before the Court of Appeal which were subsequently compromised between the parties.
- **Ludsin Overseas Ltd v Eco 3 Capital Ltd and Ors**
Instructed (with Jamie Smith QC) to represent Part 20 solicitor Defendants in a 10 day trial in the Chancery Division.

Qualifications & Memberships

Memberships & Committee Positions

- Investment Treaty Forum, British Institute of International and Comparative Law.
- Vice Chairman, British Turkish Lawyers' Association.
- Bar Liaison Committee, International Committee, and Library Committee, Inner Temple.
- Co-Editor-in-Chief, The Turkish Commercial Law Review.
- Memberships: IBA, COMBAR, LCIA, ICC, ICCA, ASA, BICCL, ALBA, ILI, IPBA, and Lawyers for Liberty.

Education, Qualifications & Prizes

- **University College, Oxford:** Double First Class B.A. in English Language and Literature; College Scholar, Master's Scholar, and the Stephen Boyd Memorial Prize recipient for the top First in Finals.
- **Princeton University:** Jane Eliza Procter Fellow.
- **City University, University of London:** First Class LL.B. (1st in year).
- **Harvard Law School:** LL.M. and Cravath International Scholar.
- **Inner Temple:** Treasurer's Prize, Major Scholar, and Princess Royal Scholar.

Languages: Turkish (native speaker), French (working knowledge)

Insights

GCHQ, encrypted chats and IPA 2016

18 July 2019

This article was first published on Lexis@PSL on 8 July 2019. Corporate Crime analysis: An open letter signed by over 50 organisations, including Apple, WhatsApp, Liberty and Privacy International, recently called on the UK Government Communications Headquarters (GCHQ) to abandon a proposal to eavesdrop on encrypted chats. Can Yeginsu and Anthony Jones, barristers at 4 New Square Chambers, explain the background to the proposal and consider some of the related legislation in this area.

Covered Investment in International Investment Law – Chapter in Investment Treaty Arbitration Review (Ed. Barton Legum, 2019)

1 July 2019

Can Yeginsu (4 New Square Chambers) and Ceyda Knoebel (Gibson Dunn) examine the definition of “investment”, often a critical threshold question of jurisdiction in investor state arbitration.

Criminalizing Speech to Protect Religious Peace?

28 November 2018

Can Yeginsu and John Williams analyse the recent decision of the European Court of Human Rights in *E.S. v. Austria* in an article for Just Security.

Covered Investment in International Investment Law – Chapter in Investment Treaty Arbitration Review (Ed. Barton Legum, 2018)

5 October 2018

Can Yeginsu (4 New Square Chambers) and Ceyda Knoebel (Gibson Dunn) examine the definition of “investment”, often a critical threshold question of jurisdiction in investor state arbitration.

The emerging human rights liability of banks? - B.J.I.B. & F.L. 2016, 31(6), 353-355

1 June 2016

Discusses potential risks and liabilities facing banks regarding their involvement in breaches of human rights. Notes the report "Banks and Human Rights: A Legal Analysis" produced by the UN Environment Programme Finance Initiative and law firm Foley Hoag LLP in December 2015. Considers examples of circumstances in which banks might be subject to criminal prosecutions or civil claims regarding human rights violations.

Book: Jackson & Powell on Professional Liability (Sweet & Maxwell, 6th, 7th, 8th editions)

13 December 2016

The definitive text on professional liability and a comprehensive guide for every practitioner. Can edits the Litigation Chapter (Group Actions and Expert Evidence) with Jonathan Hough QC.

Book: The Protections for Religious Rights: Law and Practice (Oxford University Press)

31 October 2013

The first practitioner work to offer a full and systematic treatment of the law as it pertains to religious rights in the UK and abroad. A practical working aid to a sensitive and important area of increasing litigation and public debate, this text examines the applicable legal instruments, considers the current state of the law, and reviews domestic, comparative, and international case law to provide a comprehensive reference resource that informs on all matters of significance in this area.

Londongrad calling: jurisdiction battles in the English courts - D.R.I. 2014, May, 25-36

10 May 2014

Examines the circumstances when the English courts may accept jurisdiction over a commercial dispute served from outside the jurisdiction against a defendant who is not domiciled in the EU. Outlines the applicable principles. Discusses the Court of Appeal judgment in *Cherney v Deripaska*, and subsequent case law, on whether England could be found to be the appropriate forum for the dispute even when the applicant had conceded that it was not the natural forum.

Cross-border challenges

5 August 2013

Explores the reasons behind the continuing popularity of England as a forum for the resolution of commercial disputes between foreign parties.

The first successful judicial review on Cart principles: R. (Kuteh) v Upper Tribunal - J.R. 2013, 18(1), 134-139

14 January 2013

Discusses the Administrative Court ruling in *R. (on the application of Kuteh) v Upper Tribunal (Administrative Appeals Chamber)* on whether the refusal of permission to appeal the First-tier Tribunal decision upholding the inclusion of a nurse on the Protection of Children and Vulnerable Adults lists was amenable to judicial review as: (1) the First-tier Tribunal had committed a serious procedural irregularity in ignoring evidence supporting the applicant's claim that he had assaulted a patient in self defence; and (2) the threat to his career was a "compelling reason" to allow the challenge.

Inquests and the "detachable" article 2 obligation: In Re McCaughey - J.R. 2011, 16(3), 290-296

12 September 2011

Discusses the Supreme Court judgment in *Re McCaughey's Application for Judicial Review* on whether the House of Lords decision in *Re McKerr's Application for Judicial Review*, ruling that an inquest into deaths occurring before the Human Rights Act



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1998 entered into force need not meet the procedural requirements of the European Convention on Human Rights 1950 art.2, should be overruled as a consequence of the European Court of Human Rights ruling in *Silih v Slovenia* (71463/01) that, in certain circumstances, art.2 imposed freestanding procedural obligations.

The business of sport after the Bribery Act 2010 - S.L.A. & P. 2011

1 August 2011

Discusses the implications for sport of the coming into force of the Bribery Act 2010 on July 1, 2011. Outlines the key provisions of the Act and comments on its scope. Provides a comparison between the Act and the US Foreign Corrupt Practices Act 1977. Provides illustrative case examples of the Act's potential significance in terms of awarding the rights to stage events and corporate hospitality and entertainment at sporting events. Advises on steps that can be taken to minimise the risk of incurring liability.

Conditional fee agreements and human rights: *MGN Limited v United Kingdom* - J.R. 2011, 16(2), 151-155

15 March 2011

Comments on the European Court of Human Rights judgment in *MGN Ltd v United Kingdom* (39401/04) on whether: (1) the award of damages to the model Naomi Campbell for breach of confidence, following a newspaper's publication of details and photographs relating to her treatment for drug addiction, was a disproportionate interference with the applicant's rights under the European Convention on Human Rights 1950 art.10; and (2) the success fees claimed by Ms Campbell's solicitors and counsel on top of their base costs under the terms of a conditional fee agreement breached art.10.

***Smith (Oxfordshire Coroner)* in the Supreme Court - J.R. 2010, 15(4), 356-365**

10 December 2010

Comments on the Supreme Court judgment in *R. (on the application of Smith) v Oxfordshire Assistant Deputy Coroner* on whether British service personnel serving overseas remained within the UK's jurisdiction for the purpose of determining if they retained the rights conferred by the European Convention on Human Rights 1950. Considers whether the death of a soldier should have been made subject to an inquest satisfying the procedural and investigative standards implicitly required by art.2 of the Convention.

Turkey Packs the Court - *The New York Review of Books*

22 September 2010

Discusses the 12 September 2010 constitutional referendum in Turkey.

Storm in a teacup: domestic and international conservatism from the *Corner House* case - J.R. 2008, 13(4), 267-272

12 December 2008

Considers the House of Lords decision in *R. (on the application of Corner House Research) v Director of Serious Fraud Office* on whether the respondent's submission to the threat that Saudi Arabia would no longer assist the UK with counter-terrorism intelligence if a corruption investigation was not discontinued had been unlawful on the ground that it had not shown that there had been no alternative. Discusses whether this standard unduly restricted the respondent's discretion. Assesses the court's jurisdiction to consider whether the decision complied with the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions 1997 art.5.

Religious Liberty in British Courts: A Critique and Some Guidance - 49 HARV. INT'L L.J. 28 (2008)

11 April 2008

For centuries, religious liberty in Britain existed as a broad-ranging but principally negative freedom at common law. Individuals were permitted to do as they pleased in matters of faith, unless the law stated otherwise. Religious liberty, thus conceived, was more passive toleration of religion than any active promotion of religious freedom as a fundamental right. All that changed on October 2, 2000...

Deep in the texture: The trials of Orhan Pamuk and of Turkey - *The Times Literary Supplement*

3 February 2006



Willingly or not, Orhan Pamuk has become as much a political symbol as a man of letters. February 7, next week, was the date set for Turkey to try its foremost novelist for the crime of “publicly denigrating Turkishness”...