

## Daniel Saoul QC

Call: 2008

Silk: 2019

DD: +442078222024 d.saoul@4newsquare.com

M: +447947048989

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**Clerk: James Barrass**

j.barrass@4newsquare.com

+442078222047

+447715859771



*Absolutely outstanding: he is the complete counsel*

- Chambers & Partners

**Daniel Saoul QC has a commercial practice encompassing business disputes, sports law and public law. He is one of the leading barristers practising in these fields.**

He took silk in 2019, after just ten years at the Bar, and was recognised by the legal press as one of the most outstanding barristers taking silk that year. He is described as "*the complete counsel*", as an "*outstanding advocate*" who "*commands the court*", and as being "*excellent strategically*" and "*exceptionally good to work with*". He is also described as having "*a brilliant intellect*" and "*thoroughly commercial instincts*".

The legal directories rank him as a leading silk in six areas: commercial dispute resolution, international arbitration, civil fraud, professional negligence, sports law and costs litigation. Prior to taking silk he was also a member of the Attorney General's Panel of Counsel, and he continues to advise UK Government departments and agencies on sensitive and complex legal matters.

His practice is wide-ranging, spanning the full spectrum of commercial, civil fraud, banking and finance and professional negligence matters, as well as sports law. He is also instructed on cases involving public and regulatory law, often connected to his other areas of practice. His work is frequently international in nature, including English Court litigation involving cross-border legal issues or foreign law, and includes an extensive international arbitration practice as well as instructions in relation to litigation in overseas jurisdictions, in particular offshore. The cases in which he is instructed often involve allegations of dishonesty or other intentional wrongdoing and he has been instructed in some of the biggest commercial fraud cases to come before the English Courts in recent years.

His work also frequently arises out of, or is connected to, corporate collapse, and he has substantial experience of related areas of insolvency law and insurance law. He is also an expert in the law relating to solicitors' costs, typically acting in matters connected with substantial commercial litigation.

He has appeared in leading cases across all of his areas of expertise, both at trial and appellate level, including as advocate in the Supreme Court. He is a highly experienced cross-examiner and also has substantial experience of heavyweight and often urgent applications, including for freezing and other injunctive relief as well as for committal for contempt of Court, in respect of which he has appeared in a number of legally groundbreaking cases.

Recent comments from Chambers & Partners, Legal 500 and Who's Who Legal include:

- "*Absolutely outstanding. He is the complete counsel: he has a brilliant intellect, he's always able to find one extra first-rate*



*point of argument, he's excellent at paperwork and he's a particularly outstanding advocate"*

- *"He commands the court and is extremely eloquent"*
- *"A first class arbitration advocate"*
- *"Has a razor-sharp mind combined with thoroughly commercial instincts"*
- *"Incredibly astute and intelligent"*
- *"His commerciality and passionate advocacy make him stand out from the crowd"*
- *"A tough opponent, who knows his stuff and will always give you a hard fight"*
- *"Technically excellent and has an excellent feel for a case, he is exceptionally good to work with"*
- *"Excellent strategically, he integrates himself seamlessly into the team"*
- *"He creates solutions to complex problems"*

Dan joined 4 New Square after training and practising as a solicitor-advocate at City firm Herbert Smith (now Herbert Smith Freehills). He has also worked as a litigator in the British Virgin Islands for leading offshore firm Conyers Dill & Pearman and was called to the Bar of the BVI in 2009.

He has served on the Executive Committee of both the Commercial Bar Association (COMBAR) and the British Association for Sport and Law (BASL).

More information about Dan's specific areas of practice is set out below.

### **Privacy Policy**

Click here for a **Privacy Policy** for Daniel Saoul.

## **Areas of Expertise**

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### **Commercial Litigation**

**"Very efficient and very good on his feet, he commands the court and is extremely eloquent." "He's very ambitious and he works hard – he really buys into the case."** – *Chambers & Partners, 2020*

Commercial litigation forms the core of Dan's practice. Having worked as a commercial litigator for Herbert Smith in London and Conyers Dill & Pearman in the British Virgin Islands before practising at the Bar, he has very substantial experience in this field. He is ranked by the directories as a leading practitioner in this area.

Dan's commercial practice is a broad one: it encompasses all types of business and corporate disputes across a variety of industry sectors, including banking and financial services, retail, consumer goods, manufacturing, commodities and energy amongst others.

Dan deals with the full range of commercial legal issues, including contractual matters, commercial fraud, shareholder and partnership disputes, allegations of negligence, breach of directors' duties and breach of trust, and corporate insolvency. His work often has an international element to it, and he has significant experience of advising on substantive and procedural conflicts of law issues and is comfortable engaging with foreign law.



He is also regularly instructed to deal with time critical or complex interim applications, such as freezing injunctions (including against third parties), search and seizure orders, anti-suit injunctions and Norwich Pharmacal orders.

Further, thanks to his City background – he worked in the front and back offices of two leading investments banks before training as a lawyer – Dan is well suited to more sophisticated corporate or financial disputes.

Examples of Dan's recent commercial work include:

- Being instructed on a US\$300million commercial fraud claim by a group of Kazakh companies against their former directors
- Acting on a multimillion dollar claim relating to investments in a Cayman based fund, including the obtaining of worldwide freezing orders and the unwinding of fraudulent transactions under Section 423 of the Insolvency Act 1986
- Acting in a high profile dispute relating to alleged fraud, unfair prejudice and breach of directors' duties in the management of a telecommunications company
- Appearing for a well known retailer in a multimillion pound claim for alleged economic duress, intimidation and negligent misrepresentation
- Being instructed on a €200million claim arising out of an alleged conspiracy to defraud an Italian hedge fund, involving freezing and mandatory injunctions
- Advising on a £15million warranty claim by a leading US biochemical company following a corporate acquisition it had made
- Appearing in a £10million claim relating to a fraud on an investment management company allegedly perpetrated by one of its directors, involving freezing and proprietary injunctions
- Appearing as sole advocate on multimillion pound claim brought by the founder of a private equity fund, relating to commission fees due for business introductions
- Acting in a high profile matter for a former partner in a defunct Wall Street law firm in relation to claims brought against him by alleged creditors of the firm
- Working on a substantial arbitration arising out of an alleged \$500million commodities fraud in Central Asia
- Acting on a £150million professional negligence claim against a magic circle firm of solicitors, relating to advice received in connection with a complex corporate transaction
- Advising on a very significant claim arising out of interest rate swaps entered into by a European public authority
- Acting on a multimillion pound claim brought by an offshore private bank against an ultra-high net worth former customer from the CIS

## Civil Fraud

**“Technically excellent and very user friendly – he creates solutions to complex problems.”** – *Legal 500, 2020*

**“Clever and commercial in his approach.” “A very accessible and hard-working barrister.”** – *Chambers & Partners, 2020*

**Dan is recognised as one of the leading civil fraud practitioners at the Bar.**

He has acted in numerous cases involving allegations of dishonesty in a commercial context, including some of the largest cases in the High Court in recent years.

His practice in this area is broad, ranging from alleged deceit in the procuring of commercial investments, large scale frauds by directors on corporate conglomerates, alleged dishonesty in the context of property deals, and alleged fraudulent wrongdoing by financial institutions, amongst other things.

He is familiar with the different ways in which such allegations can be articulated in law (including matters of accessory liability) as well as with the procedural tools, such as freezing injunctions, that can be deployed in support of them. He also has a keen eye for factual detail which is often crucial in cases of this nature.

Dan has very significant trial experience in fraud matters, in which his cross-examination skills have often been crucial in achieving the desired outcome for his clients.



For further information regarding Dan's civil fraud work, please contact the clerks.

## Banking & Finance

**Dan has a strong banking and finance practice.**

He has first hand experience of the industry having spent time at two investment banks, in London and Paris, prior to qualifying as a lawyer, both on the trading floor as well as in the back office.

His work frequently involves a significant banking or finance element, including very substantial claims arising out of complex loan and guarantee arrangements (including in the context of sovereign finance issues), disputes relating to sophisticated financial instruments including swaps and other derivatives (including under ISDA agreements) and matters relating to hedge funds, private equity funds and other forms of investments.

His caseload also frequently involves cases arising in a banking or finance context and involving allegations of fraud or other wrongdoing.

For more details please contact the clerks.

## International Arbitration

**“Technically excellent and has an excellent feel for a case, he is exceptionally good to work with.” – *Legal 500, 2020***

Dan has significant experience of international arbitration in the context of both commercial disputes and sports matters. **He is ranked by the directories as a leading practitioner in this area.** He also accepts appointments to sit as arbitrator in disputes falling within his areas of practice.

His background makes him ideally suited to international arbitration: he was educated in the British, French and American systems, speaks fluent French and has worked in London, Paris and the Caribbean.

Where commercial arbitrations are concerned, he has been instructed as Counsel in a range of matters in the commodities, financial services, energy, insurance and construction sectors conducted under, variously, LCIA, ICC, ZCC and LME rules, as well as *ad hoc* arbitrations. Purely by way of example (and recognising the confidentiality which typically attaches to this area of work) this has included a dispute arising out of renewable energy technology in Continental Europe, a claim arising out of an alleged commodities fraud in Central Asia and a case arising out of broadcasting contracts in the Middle East.

He also regularly advises on the scope, validity and effect of arbitration clauses, on challenges to arbitral awards under the Arbitration Act 1996 and on enforcement under the New York Convention. He has also obtained High Court injunctions in support of arbitrations.

Where sports arbitrations are concerned, he is at the forefront of this field and has represented national governing bodies, athletes and other entities before independent arbitral tribunals in both the UK and overseas (including the Court of Arbitration for Sport). For more information on Dan's sports law work, please click on the "Sports" link.

Dan also sits as arbitrator, in both commercial and sports matters, and is on the Panel of Arbitrators of Sport Resolutions, the UK's leading sports dispute resolution body.

## Offshore

**Dan's practice is focused on commercial litigation and arbitration of all varieties, often with a cross-border / offshore element.**



In 2009 Dan worked for Conyers Dill & Pearman in the British Virgin Islands, during which time he was called to the Bar of the BVI and appeared in a number of very substantial cases before the BVI Commercial Court.

Since then Dan's work has frequently involved an offshore element: he is regularly instructed on matters proceeding in the BVI, Cayman and other offshore jurisdictions, as well as in matters featuring offshore entities or corporate vehicles, or where litigation is proceeding both in an offshore jurisdiction and in England. He is an expert in the obtaining of injunctive relief in England or the BVI in support of a main action elsewhere.

He also has significant experience of dealing with cross-border issues or foreign law relating to other, onshore, foreign jurisdictions, such as Switzerland, the USA, Russia and the CIS, the Middle East and North Africa, China, India and elsewhere.

For further information about Dan's international work, please contact the clerks.

## Professional Liability

**"He is very approachable."** – *Legal 500, 2020*

**"He has a very good manner with people, is very well prepared and is very clever and quick on his feet." "Very thorough and approachable."** – *Chambers & Partners, 2020*

In line with Chambers' expertise, Dan's practice encompasses the broad spectrum of professional liability work. **He is recognised by the directories as a leading practitioner in this area and is particularly suited to professional negligence claims arising in a commercial or corporate context.**

He has substantial experience of claims against lawyers, accountants, financial advisors and surveyors.

His background makes him highly suitable for prosecuting or defending claims against lawyers – both solicitors and barristers – where he can draw on his experience from both sides of the profession. Dan has been instructed on cases relating to mismanaged commercial litigation, allegedly negligent transactional advice (including in the context of mergers and acquisitions, pension schemes and overseas property transactions) and apparent conveyancing/mortgage fraud – including elaborate and high value frauds on institutions.

In relation to accountants, Dan has significant expertise in claims involving auditors and tax accountants and is well placed to engage with the complex regulatory regime that is in play (as well as the detailed factual issues that typically arise).

Dan is also strong where allegedly negligent financial advice is concerned – be it in the context of investments, mortgages or insurance. His City background and understanding of relevant products and instruments leaves him well equipped to prosecute and defend claims of this kind, whether relating to retail and consumer dealings or more sophisticated scenarios.

Finally, where surveyors are concerned Dan has significant experience of advising on claims relating to the valuation of properties. He understands the contributory negligence arguments that might be advanced by defendants in these cases, how to deal with them and how they might affect the commercial viability of a claim.

## Sports

**"Excellent strategically, he integrates himself seamlessly into the team."** – *Legal 500, 2020*

**"A delightful, high-calibre barrister who produces beautiful documents and is wonderfully user-friendly."** – *Chambers & Partners, 2020*

**Dan is one of the leading sports lawyers at the Bar.** The directories consistently recognise him as **one of the foremost barristers in this field.**



NEW SQUARE

A former rowing cox, with honours at the Rowing World Cup, Commonwealth Rowing Championships and Henley Royal Regatta to his name, he has remained actively involved in the sport having subsequently been Secretary of Britain's leading rowing club, Leander and also served on the Council of British Rowing, the national governing body of the sport in the United Kingdom. He therefore has first-hand experience as a competitor, coach and administrator of the kinds of legal issues that arise in sport.

Dan acts for sporting governing bodies, athletes, clubs and other entities in the full range of sports related matters, including relating to selection, doping, funding, governance, media concerns, disciplinary issues, sponsorship contracts, broadcasting deals and other commercial matters.

He is instructed in a wide range of sport-related disputes and also takes instructions in non-contentious matters, such as constitutional or transactional advice and drafting. He has appeared before domestic and international tribunals at all levels, including the National Anti-Doping Appeal Panel and the Court of Arbitration for Sport.

He also sits as arbitrator in sports matters, and is a member of Sport Resolutions' Panel of Arbitrators.

Examples of Dan's sports work include:

- Acting in numerous eligibility and selection disputes relating to participation in major Games and Championships, both for and against National Governing Bodies, National Olympic Committees and International Federations, including in athletics, boxing, rowing, wrestling, shooting, taekwondo, fencing, bobsleigh and speed-skating amongst others. He has also been appointed as independent chairman of Olympic selection panels, as well as in an arbitral capacity in selection disputes, and has advised upon and drafted selection policies.
- Being instructed on a wide range of doping matters both for prosecuting authorities and for athletes and other third parties implicated in breaches of the World Anti-Doping Code. Dan has been involved in landmark cases relating to the use of anabolic steroids, synthetic hormones, stimulants (including methylhexanamine) as well as recreational substances, and has handled matters involving the provision of substantial assistance. He has also advised governing bodies on their anti-doping policies and compliance with their anti-doping obligations generally.
- Advising on myriad governance matters at the national and international level, including re-writing the constitutional documents of governing bodies, navigating member unrest at general meetings, guiding boards of directors on corporate best practice and managing relationships with international federations and other overarching sporting bodies.
- Representing National Governing Bodies in challenges to funding decisions taken by UK Sport.
- Representing athletes and agents, as well as sitting as arbitrator, in player-agent disputes in a range of sports, including football, boxing and rugby, resulting in hearings before bespoke panels such as FA (Rule K) arbitral tribunals and British Boxing Board of Control tribunals.
- Prosecuting and defending a range of disciplinary matters, including acting as prosecutor before the Motor Sports Association's National Court and defending high profile Olympic athletes accused of misconduct. Dan has also been instructed to draft or update governing bodies' disciplinary policies.

## Regulatory & Disciplinary

Dan has significant experience of advising on disciplinary and regulatory matters across a number of professional sectors, including banking and finance, accountancy and law amongst others. He is also a recognised expert in disciplinary cases arising in sport. Further details can be obtained from the clerks.

## Public & Administrative

**Dan has a strong interest in public and administrative law. Prior to taking silk, he was a member of the Attorney General's Panel of Counsel (B Panel).**

He regularly advises the UK Government as well as other clients on legal issues within this sphere, often but not always related to his other areas of expertise. His work for the Government has included complex corporate tax disputes, the obtaining of restraint orders in support of domestic and foreign criminal prosecutions, advising on the obtaining of unexplained wealth orders, as well as advising on other matters relating to the overlap between the State's activities and the commercial world.



He is also an expert on constitutional issues, and has significant experience of advising parties including sporting national governing bodies, corporate entities and individuals in this area, both inside and outside the framework of the Companies Act 2006.

He also frequently advises on challenges to the decisions of government departments or other entities, including regulators, subject to the principles of judicial review (or the equivalent private law jurisdiction).

## Costs

**“A great team player and very bright.”** – *Legal 500, 2020*

**“Incredibly astute and intelligent.” ” Good at complex disputes, he’s very user-friendly, careful and considered.”** – *Chambers & Partners, 2020*

Recognised for his strong costs practice, **Dan is ranked as a leading barrister in this field by both Chambers & Partners and the Legal 500.**

He has led teams of lawyers on large-scale costs litigation as well as dealing with more specific costs issues.

As a commercial practitioner he appreciates the implications of costs in wider litigation and also recognises the importance of costs law as a complex legal field in its own right. His background as a former solicitor leaves him well placed to understand the context in which costs are generated.

He accepts instructions across the full spectrum of costs matters: from costs budgeting issues at the outset of litigation, to issues of funding and security for costs, as well as substantial detailed assessments and also complex arguments on discrete points of law.

He is also frequently instructed in claims by or against firms of solicitors in relation to their fees, and has been involved in some of the leading cases on the availability of liens and other relief such as freezing injunctions to protect solicitors’ interests.

His strength undoubtedly lies in advising on and arguing difficult, novel or high-profile legal issues in the costs context, a challenge which he hugely enjoys and to which he brings a thorough understanding of the law, creative thinking and outstanding client care.

Examples of Dan’s costs work include:

- Acting for the paying party on a very substantial detailed assessment relating to a costs claim of approximately £18million, giving rise to numerous strategic issues as well as undecided legal points
- Advising on the costs issues arising out of a substantial appeal to the Competition Appeal Tribunal
- Being instructed to argue important detailed assessments of lead PPI cases, in the Supreme Court Costs Office
- Appearing in the Court of Appeal on a matter relating to the amounts recoverable *inter-partes* for work done by unqualified fee-earners
- Acting for a firm of solicitors in a high profile High Court claim against former clients for unpaid fees incurred in pursuing various litigation on their behalf for over a decade
- Having won a fully contested summary judgment application in the Commercial Court in a contractual claim against a listed company, resulting in that company’s de-listing and subsequent insolvency, advising on an application for costs against the company’s directors
- Acting on the record breaking claim by Leigh Day & Co (in the name of their clients, Motto & Others) against Trafigura for over £100m of legal costs, following the settlement of a class action brought by residents of the Ivory Coast, a case raising a range of new or untested technical issues which were the subject of three appeals to the Court of Appeal

## Qualifications & Memberships

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Before commencing practice Dan gained prize-winning first class degrees from the University of Edinburgh (incorporating a year at the University of California, Berkeley) and the University of Oxford, where he was elected to a scholarship. He also taught trusts law at the University of Southampton.



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He is a member of COMBAR, CFLA, PNBA and BASL.

He speaks fluent French and has a working knowledge of Spanish.