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Kendrah Potts

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A highly intelligent lawyer

- Chambers & Partners

Kendrah Potts has a broad practice that covers commercial litigation and arbitration, civil fraud and sports law. She is described in the directories as a “highly intelligent lawyer”, “sensational” and a “brilliant advocate, who is able to drill into the key points with ease”. Kendrah was named on The Lawyer’s Hot 100 Lawyers for 2021.

Kendrah’s commercial practice encompasses advising on all aspects of civil fraud, corporate and business disputes and breach of contract claims. She is recognised as a leading junior for Commercial Litigation in Legal 500. She is also instructed on one of The Lawyer’s Top 20 Cases of 2020 (*PIFSS v Al Rajaan & others*).

Kendrah has worked on a wide range of commercial disputes across different industries, including energy, pharmaceuticals and financial services. She regularly works on cases involving allegations of corruption or fraudulent conduct, and that have an international aspect. She advises on interim applications, including for freezing and other injunctive relief, disclosure applications and security for costs, as well as on conflicts of laws/jurisdictional issues, enforcement and asset tracing. Kendrah is instructed as sole counsel in large commercial disputes and as junior counsel in heavyweight litigation requiring larger teams.

Kendrah is ranked in the top tier of leading juniors in both Chambers & Partners and Legal 500 for Sports Law. She has extensive experience of commercial disputes and disciplinary matters in the sports sector, particularly in the fields of corruption, match-fixing, disrepute charges and anti-doping. She is regularly instructed in high profile cases as sole advocate (including against silks).

Kendrah was called to the Bar after working as a solicitor for eleven years. She spent eight years in the litigation department at Freshfields Bruckhaus Deringer, where she gained significant experience of large-scale, multi-jurisdictional disputes. She was also a Partner and Head of Litigation at Onside Law before joining Mishcon de Reya as a Legal Director.

Kendrah is widely praised for her advocacy skills and has considerable experience as an advocate (far beyond her year of call), from interim applications to trials. She takes a commercial and client-friendly approach to litigation and, after many years as a solicitor and spending time in-house on secondment, she has an excellent understanding of the demands on clients.

Kendrah is an accredited mediator and also sits as an arbitrator.

Privacy Policy

Click here for a **Privacy Policy** for Kendrah Potts.

Transparency Statement

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Areas of Expertise

Commercial Litigation

‘Brilliant both with drafting and advocacy, very hands-on and easy to work with, very easy to communicate with and always prompt to respond.’ – *Legal 500, 2022 (UK Bar: Commercial Litigation)*

‘Brilliant both in terms of her drafting and advocacy, she communicates very well and is always prompt in her responses.’ – *Chambers & Partners, 2022 (UK Bar: Commercial Disputes Resolution)*

‘Very responsive, succinct and commercial in her approach, she is an excellent pair of hands on any commercial, fraud or sports related dispute.’ – *Legal 500, 2021 (UK Bar: Commercial Litigation)*

Kendrah has a broad commercial disputes practice. Having worked as a commercial litigator for many years (including at Freshfields and Mishcon de Reya (qualifying at Freshfields in 2006)), Kendrah’s commercial litigation experience is significantly beyond her year of call.

Kendrah advises (led and as sole counsel) on matters ranging from complex, multi-million pound disputes to smaller commercial disputes. She advises on interim applications as well as on the enforcement of judgments and arbitration awards.

As a partner and senior associate Kendrah led on high-value, complex cases across different industries, representing international companies, financial institutions and governments. She advised on a wide range of commercial disputes in the Court of Appeal, High Court and County Courts, including acting on the successful defence of the claims in the high profile OCENSA Pipeline Group Litigation.

Many of Kendrah’s cases have an international element (her language skills have been particularly helpful in this regard) and she is experienced advising on conflicts of laws issues and dealing with foreign law.

Recent cases include:

- Sole counsel representing the Defendant in its defence of a \$25 million breach of contract claim concerning international broadcast rights (arbitration).
- Advising on the defence of a breach of contract claim for £20 million arising out of a SPA, including successfully defending a summary judgment application turning on matters of contractual interpretation (*Damoco (Bermuda) Limited and Others v Atlanta Bidco Limited [2020] EWHC 501 (Comm)*). (Led by Graham Chapman QC.)
- Instructed for the First Defendant in the matter of *Public Institution for Social Security v Al Rajaan & Others*. The case, involving claims for over \$800 million and 38 defendants, arises out of alleged fraudulent schemes involving payments of secret commissions. (Led by Tom Weisselberg QC.)
- Sole counsel representing the Defendant in its defence of a £10 million breach of contract claim and a counterclaim for misrepresentation and mistake (arbitration).
- Acting for several Claimants on claims in the High Court for damages (in excess of £50 million) for misrepresentation and breach of contract and/or statutory duties arising out of a series of investments. (Led by Daniel Saoul QC.)
- Sole counsel acting for the Defendant in a breach of contract claim in the High Court (involving claims and counterclaims for approximately £3 million) relating to the supply of electric screens.
- Advising on potential multi-million pound disputes as a result of disruption caused by Covid-19.
- Sole counsel for the successful Claimant in a claim for fraudulent misrepresentation and breach of contract arising out of investments (culminating in 5-day trial).
- Sole counsel advising the Claimant on claims for breaches of an SPA and disputes relating to a joint venture and licences in the energy industry.
- Sole counsel advising an international entertainment agency on a multi-million pound contract dispute arising out of a joint

venture and involving alleged breaches of licence, service and shareholder agreements.

- Acting for a Claimant in three separate proceedings in the High Court involving allegations of conspiracy, deceit, breach of contract and fiduciary duties and unjust enrichment arising out of similar fraudulent transactions (led by Jeff Chapman QC).
- Sole counsel advising on a \$100 million breach of contract dispute relating to broadcasting rights (LCIA arbitration).
- Sole counsel instructed on a challenge to an arbitration award pursuant to sections 67 and 68 of the Arbitration Act.
- Sole counsel advising a US event promoter on enforcement proceedings (in respect of a judgment for \$100million) in the UK.
- Sole counsel advising on the enforcement of a foreign arbitration award and related enforcement proceedings in the Commercial Court.
- Representing a major betting operator in a number of contract disputes.

Civil Fraud

‘Experienced beyond her years of call – reliable and user-friendly, she will be a go to for fraud cases going forward.’ – *Legal 500, 2022 (UK Bar: Fraud: Civil)*

Kendrah represents clients in a range of civil fraud and asset recovery claims both in the courts and arbitration.

Recent cases include:

- Instructed for the First Defendant in the matter of Public Institution for Social Security v Al Rajaan & Others. The case, involving claims for over \$800 million and 38 defendants, arises out of alleged fraudulent schemes involving payments of secret commissions. (Led by Tom Weisselberg QC.)
- Acting for several Claimants on claims in the High Court for damages (in excess of £50 million) for fraudulent misrepresentation and breach of contract and/or statutory duties arising out of a series of investments. (Led by Daniel Saoul QC.)
- Sole counsel representing the Defendant in its defence of a \$25 million breach of contract claim concerning international broadcast rights, involving allegations of fraud (arbitration).
- Sole advocate representing the Defendant in its defence of a £10 million breach of contract claim and a counterclaim for fraudulent misrepresentation and mistake (arbitration).
- Sole advocate acting for a successful claimant in a claim for damages for fraudulent misrepresentation arising out of investments (culminating in a five-day trial).
- Sole counsel for the Claimants in claims for fraudulent misrepresentation, breach of contract, breach of fiduciary duties and conspiracy arising out of a property development.
- Acting for an individual in his successful defence of claims brought in the High Court, including claims in deceit, unjust enrichment, knowing receipt, resulting trust and breach of warranty (led by Daniel Saoul). (*Barley v Muir* [2018] EWHC 619 (QB))
- Acting for a Claimant in three separate proceedings in the High Court involving allegations of conspiracy, deceit, breach of contract and fiduciary duties and unjust enrichment arising out of similar fraudulent transactions (led by Jeff Chapman QC).
- Sole counsel acting for an individual in his defence of allegations of bribery arising in the context of an election for president of an international organisation.
- Acting on a dispute in the High Court arising out of alleged fraudulent conduct by a financial advisor.
- Instructed on a group litigation claim arising out of alleged mortgage fraud. (Led by Patrick Lawrence QC.)

International Arbitration

Prior to joining the Bar, Kendrah advised clients on a range of commercial disputes before arbitral bodies, including in the sports industry (please see the “Sports” link for further information on Kendrah’s sports arbitration work). For details of Kendrah’s commercial disputes experience, please see the “Commercial Litigation” section above. Kendrah has worked in Paris, Barcelona and Switzerland and is also able to work in French and Spanish.

Sports

‘She is formidably intelligent, diligent and sharp.’ – *Chambers & Partners, 2022 (UK Bar: Sports)*

A superstar; searingly intelligent, brilliant judgement, great client handling and a superb team player. – *Legal 500, 2022 (UK Bar: Sports)*

‘She has a really good knowledge of sports and is punchy and to the point.’ **“Kendrah is sensational.”** – *Chambers & Partners, 2021 (UK Bar: Sports)*

‘Has a depth of knowledge of the law, sports regulations and the sports industry that belies her year of call. Is both concise and comprehensive in her written and oral advice, is exceptional with clients, is quietly persuasive and passionate in her representation of clients.’ – *Legal 500, 2021 (UK Bar: Sports)*

“Kendrah may be new to the Bar but her talent is unquestionable. She understands sports law issues with ease and grasps the fundamentals quickly. She’s always a pleasure to work with.” – *Chambers & Partners, 2020 (UK Bar: Sports)*

Kendrah represents athletes, sports governing bodies, agents and clubs before a range of domestic and international tribunals and courts, including the Court of Arbitration for Sport and Sports Resolutions. She advises on all sports-related matters, including contract disputes, anti-doping rule violations, match-fixing charges, selection disputes, disciplinary matters, governance and corruption. Kendrah has acted on a number of cases involving challenges to decisions of sport governing bodies brought on the basis of the sports supervisory review jurisdiction or breaches of competition law. She also takes instructions in non-contentious matters, such as drafting and advising on regulations and governance issues.

Kendrah is on the arbitral and mediation panels of Sport Resolutions and sits on the Union Cycliste Internationale’s Arbitral and Disciplinary Panel, the World Association of Kickboxing Organizations disciplinary and arbitral panels and the British Equestrian Federation’s Anti-Doping Panel.

Kendrah was appointed to the Challenge Panel advising the UK Government on its review of UK Anti-Doping in 2017.

Kendrah was Legal Counsel to the international commission established by the Union Cycliste Internationale to investigate doping and related allegations of corruption and mismanagement in cycling. She also undertook a secondment to the London Organising Committee of the Olympic Games and Paralympic Games where she was the lead lawyer on sports integrity and anti-doping.

She is an editor for LawInSport and regularly speaks at conferences and publishes articles. Kendrah co-authored a new chapter on Misconduct in the Fourth Edition of *Sport: Law and Practice* published in March 2021.

Kendrah is currently instructed on a number of cases before CAS and first instance sport governing body tribunals, as well as on various player, club and agent disputes in Rule K arbitrations.

Recent cases include:

- Acting for Kieran Trippier in his defence of charges under The FA Betting Regulations.
- Advising a Premier League footballer on a contract dispute with his club.
- Advising a governing body on contract disputes arising out of the Covid-19 pandemic.
- Representing the RFU in the prosecution of charges against Sale Sharks, Rohan Janse van Rensburg and an agent arising out of the transfer of the player to Sale Sharks.
- Representing England cricketer Joe Clarke in respect of disciplinary charges brought by the ECB for bringing cricket into disrepute.
- Acting for Daniel Sturridge in his defence of charges under The FA Betting Regulations.
- Acting for Birmingham City FC in its defence of a misconduct charge relating to the EFL financial fair play regulations.
- Acting for Alex Hales in respect of disciplinary charges brought by the ECB for bringing the game into disrepute.
- Representing the RFU in the prosecution of Nathan Hughes for bringing the game into disrepute.
- Representing Kalkaba Malboum in proceedings before CAS in the successful defence of disciplinary charges, including (the first case of) infringing the autonomy of sport, brought by the Association of National Olympic Committees of Africa.

- Regularly representing the Governing Bodies of Tennis in respect of charges brought under the Tennis Anti-Corruption Program at first instance and before CAS. Cases include representing the Governing Bodies in the successful prosecution of charges brought against Nicolas Kicker (match-fixing and failing to cooperate with an investigation), Peng Shuai (relating to the draw at Wimbledon in 2017), Federico Coria (failing to report a corrupt approach and tampering with evidence), Patricio Heras (match-fixing and failing to report corrupt approaches).
- Acting for a former Premier League footballer in a contract dispute with an agent (Rule K arbitration).
- Acting for an English club in a dispute with a Serie A club arising out of the transfer of a player (before CAS).
- Acting for an agent and international football player in CAS proceedings regarding contract disputes with another agent.
- Acting for an international rugby player on a commercial contract dispute.
- Advising an international sports rights-holder on a multi million pound contract dispute arising out of an international broadcasting agreement.
- Advising a Premier League club on claims for breach of contract and fraud relating to player transfers.
- Acting for an agent in a contract dispute with an international and former Premier League footballer (Rule K arbitration).
- Acting for an agent in Rule K proceedings arising out of the transfer of a player to a Premier League club.
- Advising Nigel Levine on his response to an anti-doping rule violation charge.
- Acting for an agent in a contract dispute with a UFC fighter.
- Acting for Nesta Carter in his defence of doping charges (before CAS, led by Kate Gallafent QC, and as sole advocate in separate proceedings before the IAAF).
- Acting for the Rugby Football Union on the prosecution of various doping cases.
- Advising a governing body on its defence arising out of a selection dispute.
- Advising a tennis club on a claim in the courts arising out of a dispute with a member.
- Advising the ITF on disciplinary proceedings against an official.
- Advising a foreign football club on a potential appeal to the Swiss Federal Tribunal to challenge a CAS decision.

Mediation / Arbitrator

Kendrah is a CEDR accredited mediator and is on the Sport Resolutions Mediation Panel. In acting as mediator Kendrah draws on her experiences as a solicitor in private practice and in-house, which provided her with a particularly good understanding of the commercial realities in which parties operate and which is often crucial to facilitating settlement.

Kendrah also sits as an arbitrator. In respect of commercial disputes, Kendrah is on the panel for the London Chamber of Arbitration and Mediation.

In respect of sports disputes, Kendrah is on the following panels: Sport Resolutions Panel of Arbitrators and Mediators; Union Cycliste Internationale Arbitral Board; World Association of Kickboxing Organisations Arbitral Committee; and British Equestrian Federation.

Qualifications & Memberships

BA in Law with French Law, Oxford University (third year at the Université Panthéon-Assas, Paris II).

MA (Oxon).

Panel member for the London Chamber of Arbitration and Mediation.

Panel member for Sport Resolutions (Legal Arbitrator and Mediator).

Kendrah is a CEDR accredited mediator.

Kendrah also works in French and Spanish.

Member of COMBAR.

Insights



GDPR and Sport: make sure that you're on the ball!

11 May 2018

Richard Liddell, Kendrah Potts and William Harman look at some of the principal enforcement risks facing sporting bodies under the new regime described by the ICO as a “game-changer” and consider how the GDPR might feed into existing facets of sports dispute resolution.