

OUR PEOPLE

Samuel Cuthbert

CALL 2018

LEGAL 500

“Samuel is a real star of the future. He is client-friendly, razor-sharp, hard-working, and is superb on his feet. He is a real asset both at the strategy phase of a dispute, and at the sharp end of a hearing. A fearsome negotiator.”



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Samuel has a broad practice across chambers' core areas, with particular specialisms in Commercial Law, and Sports Law.

Samuel has a strong High Court commercial practice, regularly appearing in complex trials, appeals and interim applications. He has acted in a number of multi-million pound contractual disputes, and regularly acts in injunction proceedings. As sole counsel, Samuel recently secured a freezing order over £55m of assets. Samuel has experience of highly technical contractual disputes and he has appeared in cases involving civil fraud, mis-selling, and associated committal applications. He has also acted in several High Court insolvency matters, insolvency being an area which often overlaps with his injunctions practice. Samuel was also recently instructed as junior counsel in a High Court dispute relating to the victims of modern slavery and human trafficking brought as a claim for unlawful means conspiracy. Samuel is equally comfortable being instructed both as led junior counsel and in his own right.

Samuel has expertise in Sports Law, in which he is described by Legal 500 as “*a real star of the future*”. Samuel regularly acts on behalf of athletes, clubs, and national governing bodies. Samuel is instructed in CAS proceedings, rule K arbitrations, and sporting appeals. Notably Samuel has appeared in front of FA Appeal Boards, and FIBA Appeal Boards. He is currently instructed in several ongoing anti-doping prosecutions, as well as in a number of high-profile safeguarding matters before arbitral panels and in the High Court. Samuel's commercial and sports practices frequently overlap and he is often instructed to advise sports clients, including both clubs and players in the premier league, in relation to commercial disputes.

Privacy Policy

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Expertise

Commercial Litigation

Samuel has experience in a variety of commercial disputes, and is regularly instructed in High Court disputes as sole counsel. Samuel is junior counsel in a claim valued at £55m brought by a company against its former directors for breach of fiduciary duties relating to the illicit tipping of hazardous waste, for which he secured a complex freezing order whilst acting unled. He has successfully appeared in Norwich Pharmacal applications, freezing injunction applications, and complex applications to vary associated orders. Samuel has acted in commercial disputes concerning racing syndicates and has advised in group claims relating to the self-seeing of betting pools. He is also instructed in High Court proceedings on behalf of a major football club in dispute with its key sponsor, and often acts in arbitrations born out of similar facts.

Other examples of recent commercial work includes:

- Advising and drafting pleadings in a debt recovery action for a HNW valued at more than £1m;
- Acting for the respondent in an application for a declaration pursuant to s237 Insolvency Act, with complex POCA considerations;
- Acting in a contractual property dispute valued at £500,000;
- Advising on the dissolution of a partnership;
- Acting in High Court proceedings for a commercial insurer in its contractual claim against a subcontractor;
- Acting for a claimant in a high-value conversion dispute;
- Advising and drafting particulars in a misrepresentation claim following the sale of a high-value property;
- Advising in relation to the application and construction of an insurance policy in environmental litigation;
- Appearing in commercial insolvency proceedings, including applications to set aside a statutory demand;

Samuel's commercial practice also encompasses all areas of information law. He regularly advises on data breaches, as well as making and responding to subject access requests. Samuel has experience of claims under the Data Protection Acts 1998 and 2018, the Law Enforcement Directive, and the General Data Protection Regulation, including in relation to data breaches. He also has experience in civil claims concerning misuse of private information, breach of Articles 8 and 10 ECHR, and issues surrounding confidentiality. He has recently worked on a number of cases involving serious psychiatric injury caused by the breach of personal data of a highly vulnerable individual. He is particularly experienced in claims for distress following data breaches, acting for both claimants and defendants in data breach claims in County Court and High Court proceedings.

Sports Law

Samuel acts for clubs, athletes, agencies, and national governing bodies. His practice encompasses sports regulation, safeguarding, disciplinary cases, anti-doping cases, and commercial sports matters. Samuel regularly appears in CAS proceedings, rule K arbitrations, and sporting appeals. Samuel is also instructed in sports related inquests, and is also experienced in litigating head injuries in sport. Samuel is currently instructed in High Court proceedings on behalf of a major football club in a multi million pound dispute with its key sponsor, and has previously acted in arbitrations born out of similar facts. He recently appeared before the International Basketball Federation (FIBA) Appeal Board in a matter for which the underlying claim was worth £5,000,000.

Samuel is equally comfortable in both regulatory and commercial sports work. He has acted for the FA in safeguarding appeals, and has appeared in the Court of Arbitration for Sport most recently in a dispute relating to the sale of media and advertising rights during an international football match. Samuel has excellent experience in Rule K arbitrations, and has acted for players and clubs in both the Premier League and the Championship. He frequently acts in multi-day hearings and arbitrations, which serves to indicate the complexity of the work he is undertaking in this area.

Samuel has also been variously instructed in anti-doping proceedings on behalf of athletes, governing bodies, and the regulator. His anti-doping work has covered a range of issues from athletes allegedly tampering with samples, to backdating bans, and protecting the anonymity of athletes.

Other examples of recent sports law experience includes:

- Advising a horse racing syndicate on matters of regulatory enforcement;
- Acting for a professional rugby player in anti-doping proceedings;
- Appearing for a National Governing Body in a regulatory prosecution of a coach and securing a lifetime ban from the sport;
- Appearing for Motorsport UK a high-profile motorsports inquest;
- Appearing for a number of National Governing Bodies in a joint regulatory prosecution of an international athlete;
- Acting in a high-profile safeguarding matter;
- Appearing for a National Governing Body in a complex Olympic programme selection dispute;
- Acting for a Paralympic triathlete in an Olympic programme selection dispute
- Acting for an international athlete in a multi-day disciplinary and safeguarding arbitration;
- Acting for an international ice hockey player in anti-doping proceedings;
- Advising on the construction of an insurance contract for a professional footballer who incurred a career ending injury;
- Regularly assisting a National Governing Body with its Olympics selection process;

Samuel is frequently published in LawInSport, and co-authored the 2022 annual review on betting and corruption. He is appointed to the Sports Resolutions Pro Bono Panel. Samuel has given interviews to [CNN relating to sports law issues](#), and is regularly asked for comment on sports law matters by media outlets and newspapers. Notably he has featured in the Guardian, the Athletic, and has assisted the Organised Crime and Corruption Reporting Project on their investigation into historic breaches of financial fair play rules. Samuel has recently appeared on several [football themed podcasts](#). Samuel frequently speaks at events and conferences on legal issues arising in a sporting context.

Professional Negligence

Through his professional negligence practice, Samuel has acted in proceedings against accountants, surveyors, legal professionals, and trustees-in-bankruptcy. He is currently junior counsel in a large professional negligence claim against a solicitors firm accused of mismanaging a book of property damage claims. Samuel also defended a firm of solicitors following a claim alleging a negligently executed property conveyance, the underlying claim alleging failure to register proprietary interests at the land registry whilst the property was subject to a freezing order.

Samuel recently acted successfully in High Court proceedings for a professional trustee in bankruptcy in a claim alleging negligent distribution of a bankrupt's estate, and he achieved a discontinuation of the claim against his client. He has similarly strong experience acting for veterinarians, and clinicians. Samuel is comfortable dealing with complex limitation arguments, and has been successful in strikeout applications premised on the same.

Civil Fraud

Samuel's fraud work is a key constituent of his commercial practice. Recently he has advised on the interaction between directors' fraud and breach of fiduciary duty. He has acted successfully for currency traders and large corporate entities in both bringing and defending allegations of fraudulent misrepresentation. Samuel has acted in a number of High Court committal applications. He has excellent experience in claims pleading unlawful means conspiracy, and has acted in three high profile claims in the High Court pertaining to modern slavery pleaded on that basis.

Regulatory & Disciplinary

Samuel's regulatory practice builds on his experience in sports law and commercial law. Samuel has experience in regulatory matters with international elements often concerning allegations of dishonesty. Samuel has excellent experience in contempt of court proceedings, which often comes to bear in criminal regulatory disputes.

Samuel has successfully acted for a number of sporting bodies in bringing regulatory prosecutions, and is accustomed to matters involving allegations of corruption. Samuel was a part of the legal team acting for the complainant in the "London Whale"

litigation concerning an FCA investigation. Samuel also regularly acts in disciplinary proceedings against regulated professionals.

Samuel has acted in a number of significant regulatory matters, including private prosecutions on behalf of major water companies and prosecutions for wilful neglect in care homes. Samuel has a particular interest in HSE and MCA prosecutions, and he was junior counsel in a prosecution for gross negligence manslaughter following a death at sea which attracted national media attention.

Private International Law

Samuel has a busy international practice. Samuel has a particular interest in the use of private international law in the context of climate change litigation, having written a number of articles on the topic. Samuel has also published articles on the post-Brexit landscape, and has provided training to leading law firms on procedural issues which typically arise in related cases. This has given him a strong understanding of the intricacies of bringing actions through the consumer gateway under s15B Civil Jurisdiction & Judgments Act 1982. Samuel also has a growing offshore practice, and he has appeared in private international disputes with the arbitral seat in Switzerland.

Samuel's private international law practice engages aspects of complex insurance and reinsurance law, for example when he advised a major insurance company of its financial obligations for holiday cancellations during the COVID-19 pandemic. Some further recent examples of Samuel's work include acting for the Claimant in a forum non conveniens dispute, bringing an action for the recovery of a significant foreign debt on behalf of a high net worth individual, and acting in a dependency claim following a fatal aviation crash.

Awards



Education

Philosophy BA (Hons) – Durham University, GDL – BPP University, BPTC – University of Law, LLM – UCL.

Awards

- Lord Brougham Scholarship, Lincoln's Inn
- Hardwicke Scholarship, Lincoln's Inn
- Lord Denning Scholarship, Lincoln's Inn
- Accommodation Award, Lincoln's Inn
- Scholarship, University of Law

Memberships

- BASL
 - Sports Resolutions Pro Bono Panel
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