

# John McKendrick KC

**Year of Call:** 1999  
**Year of Silk:** 2016  
**Direct Access:** Yes

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John practises in **public** and **commercial** law.

After taking silk in his late thirties, he has led teams before the Supreme Court, Court of Appeal, the Queen’s Bench Division, Chancery Division, Family Division, the Commercial Court, the Court of Protection, the Eastern Caribbean Supreme Court, the Privy Council, the Scottish courts and in many arbitrations. The hallmark of his written and oral advocacy is precision and clarity, making the complicated straightforward. He provides his clients with pragmatic, commercially orientated advice. Over the course of his practice he has led in over 100 reported cases and in six cases that have been litigated before the Supreme Court.

He has been involved in many high profile cases. He represented the Hospital Trusts in the much discussed public law case of *Bell v Tavistock and Portman NHS Trust* [2021] EWCA Civ 1361, represented the Official Solicitor in a landmark case concerning capacity before the Supreme Court in *A Local Authority v JB* [2021] UKSC 52 and acted for the Hinduja family in long running proceedings which culminated in the Court of Appeal case of *Hinduja v Hinduja* [2022] EWCA Civ 1658. He has more recently been heavily involved in a number of sanctions matters and has provided advice to law enforcement officials in a offshore jurisdiction which led to the seizure of billions of assets and has advised banks and individuals on the implication of UK sanctions.

John has a strong **international** element to his practice. He was the Attorney General of the British Overseas Territory of Anguilla for two years and continues to have strong connections in the Caribbean and appears before the Anguilla and BVI courts. A fluent Spanish speaker he has long standing connections in Latin America and has worked in Mexico, Colombia, Nicaragua and Panama. He is the author of the Latin American and Caribbean chapter of *Lissack and Horlick on Bribery*. He also works as a consultant on legal projects for the World Bank, the InterAmerican Development Bank, the EU and others. He is a Vice Chair of the Bar Council’s International Committee.

The directories have described him in multiple areas of law as: *“a brilliant and persuasive advocate”*; *“one of the best practitioners in the country”*; *“a ferocious, skilled, efficient advocate, with a wide-ranging practice”* and *“he ...is very persuasive and articulate, and first rate with clients. Exceptionally bright, he can just take instructions and come up with a plan the next morning. He’s a bit of a magician in that way, and he’s brilliant to work with”*.

He sits as a Deputy High Court Judge, a Recorder, a judge of the Court of Protection and a panel Deemster in the Isle of Man. He previously spent 5 years as a Tribunal judge and arbitrates, adjudicates and mediates in a wide range of disputes. He is also a sanctions appeals officer to the Caribbean Development Bank.

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John is a Master Bencher of the Honourable Society of the Inner Temple.

## Areas of Expertise

### Public Law

John has an extensive public, administrative and medical law practice. He regularly appears before the Administrative Court, Court of Protection, Family Division and the full range of the Tribunal system. Before taking silk he was a member of the Attorney General's Panel of counsel and was appointed standing junior to the Advocate General in Scotland. He was the only counsel to represent the British Government before the English and Scottish courts. He is experienced in the fields of mental capacity, mental health, financial services, prisons, procurement, regulatory and education law. He has an extensive practice before the Court of Protection, where he has been involved in many of the landmark cases determining capacity, deprivation of liberty and serious medical treatment.

### Notable Public Law cases

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[Re G \(Court of Protection: Injunction\) \[2022\] EWCA Civ 1312](#)

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[Hinduja v Hinduja \[2022\] EWCA Civ 1492](#)

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[Hinduja v Hinduja \[2022\] EW COP 36](#)

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[S v Birmingham Women's and Children's NHS Trust \[2022\] EW COP 10](#)

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[A Local Authority v JB \[2021\] UKSC 52](#)

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[Bell v Tavistock and Portman NHS Trust \[2021\] EWCA Civ 1361](#)

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[London Borough of Southwark v P \[2021\] EW COP 46](#)

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[AB v CD \[2021\] EWHC 741 \(Fam\)](#)

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[HD v A County Council \[2021\] EW COP 15](#)

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[RD \(Anorexia: compulsory Treatment\) \[2021\] EW COP 35](#)

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[AA \(Court of Protection: Capacity to Consent to Sexual Practices\) \[2020\] EW COP 66](#)

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[ND \(Court of Protection: Costs and Declarations\) \[2020\] EW COP 42](#)

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[R \(ota British Medical Association\) v Northamptonshire County Council \[2020\] EWHC 1664 \(Admin\)](#)

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[A \(A Child\) \[2020\] EWCA Civ 731](#)

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[R \(ota EG\) v Parole Board \[2020\] EWHC 1457 \(Admin\)](#)

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A CCG v AF [2020] EWCOP 16

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JK v A Local Health Board [2019] ewhc 67 (Fam)

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Re AB (Termination) [2019] EWCA Civ 1215

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Harding v Attorney General of Anguilla (Anguilla) [2018] UKPC 22 (30 July 2018)

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DM v Fife Council [2016] ScotCS CSIH\_17 (11 March 2016)

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AA, R (on the application of) v Secretary of State for the Home Department & Anor [2016] EWHC 1453 (Admin) (20 June 2016)

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Lee-Hirons v Secretary of State for Justice [2016] UKSC 46 (27 July 2016)

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TY (Sri Lanka) v The Secretary of State for the Home Department [2015] EWCA Civ 1233 (01 December 2015)

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Kings College Hospital NHS Foundation Trust v C & Anor [2015] EWCOP 80 (30 November 2015)

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The Secretary of State for the Home Department v ZP (India) [2015] EWCA Civ 1197 (24 November 2015)

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JM (A Child), Re [2015] EWHC 2832 (Fam) (07 October 2015)

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NRA & Ors, Re [2015] EWCOP 59 (25 September 2015)

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Bhatt, R (On the Application Of) v The Secretary of State for the Home Department [2015] EWHC 1724 (Admin) (18 June 2015)

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HH v The Secretary of State for the Home Department [2015] ScotCS CSIH\_33 (05 May 2015)

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## Commercial Litigation

John is involved in domestic and international commercial litigation and advisory work. He has advised and litigated in the context of disputes relating to international organisation, multilateral development banks and international sanctions.

He has been involved in complex litigation related to off-shore banks and complex creditors and has a growing practice in Fintech. He is currently working with the World Bank to draft Mongolia's Virtual Assets Law and recently completed a piece of work with the People's Bank of China to improve their FATF regulatory approach to beneficial ownership.

Recent work includes:

- Representing an ultra-high net worth family in complex litigation (heard in private) involving the validity of powers of attorney which controlled a worldwide business assets, including a bank and other assets in multiple jurisdictions.
- Advising a large Trinidad and Tobago corporate on e-payment licensing obligations and compliance and due diligence requirements to evolve the business into Fintech.
- As part of a consultancy team, advising the Government of a Caribbean Territory to reform laws to enhance e-commerce.

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- Advising an association of claims management companies in a commercial judicial review of a regulatory body's decision to bring a fees cap into force for financial services claims.
- Advising a group of tax payers in a British Overseas Territory to challenge taxation legislation.
- Advising a large commercial fishery in proceedings before the courts and regulatory bodies of a British Overseas Territory.
- Successfully defending two section 68 Arbitration Act 1996 applications to set aside arbitration awards in the Commercial Court. The claim involved a multi-lateral development bank and its attempts to set aside arbitral awards.
- Advising a Central American corporation on the enforcement of an arbitration awards, service out of the jurisdiction and contempt.
- Advising in respect of defence contracts and arbitration before the ADCCAC.
- Representing a businessman before the Chancery Division to defend alleged breaches of worldwide freezing order, complex insolvency matters and the procedure related to contempt of court.
- Acting for an ultra-high net worth Middle Eastern family in respect of a family dispute over the estate of the incapacitated father and tracing assets around the world.
- Acting in the BVI on behalf of a Russian businessman to set aside findings of contempt for breach of worldwide freezing orders.

## Notable Commercial Litigation cases

[Algeilani v El Samawi \[2021\] EWCA Civ 997](#)

[Tropical Distributors Company Ltd v Permanent Secretary, Min of Finance](#)

[Elmoalis Ltd v AG, Anguilla](#)

[Re. Pesqueras Echebaster S.A. Indian Ocean Tuna, Adjudication, Seychelles 2018](#)

[Re. PNA Tuna – Adjudication, New York, 2018](#)

[DC Accountancy Services v Education Development International PLC \[2013\] EWHC 3378 \(QB\)](#)

## International Arbitration and Adjudication

John acts as counsel, arbitrator and adjudicator in International Arbitration with a significant market knowledge and understanding of disputes arising from and seated throughout Latin America and Caribbean. He worked for a leading Panamanian law firm for several years and worked extensively in LatAm, working in Spanish with large corporations and wealthy individuals in a range of complex disputes. He has experience of cases under LCIA, ICC, ADCCAC and Adhoc rules in disputes ranging from general commercial contracts, hotel management disputes, financial services, energy and natural resources, defence contracting and disputes involving indemnities and guarantees.

Recent work includes:

- Successfully acting for the respondent in a \$ 125 million LCIA arbitration involving guarantees given in respect of offtake contracts for natural gas. The arbitration took place by way of a remote hearing. The claim was resolved in part through John's effective cross-examination.

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- Adjudicated a variety of disputes at oral hearings related to environmental regulatory matters related to food labelling, Copenhagen 2019, Oslo 2019.
- [Pesqueras Echebstar S.A. Indian Ocean Tuna, Adjudication, Seychelles 2018](#)
- [PNA Tuna – Adjudication, New York, 2018](#)

## International Law

John is called to the Bar of two Caribbean jurisdictions and has litigated extensively before the Eastern Caribbean Supreme Court in a range of commercial, contractual and public law disputes. He has carried out significant advisory work in the region and has worked and advised a number of Governments, the Inter-American Development Bank and major commercial organisations. He carries out a significant amount of transparency, integrity, anti-bribery, anti-AML and compliance work in Latin America and the Caribbean. He is the Latin American contributor for Lissack and Horlick on Bribery. He has worked in Mexico, Colombia, Panama, Costa Rica, Guatemala, Honduras, Peru, Brazil, Dominican Republic, Trinidad and Tobago, Guyana, Jamaica, Mongolia, China with the EU, British Government, IDB, FATF and others.

John regularly advises and represents those impacted by UK [sanctions](#). He has advised and represented designated individuals, banks and corporates impacted by sanctions designation and law enforcement officials both in the UK and overseas.

## Memberships

- Attorney General, Anguilla, 2016-2018
- Tribunal Judge, 2010-2015
- Independent Adjudicator, [Marine Stewardship Council](#), 2017
- Member of the Anguilla, BVI and Scottish Bars.
- Executive Council Member, [Commonwealth Lawyers Association](#)
- [COMBAR](#)
- [ALBA](#)
- [FLBA](#)
- [CPBA](#)

## Languages

- Spanish

## Awards

- Shortlisted for The Lawyer, Barrister of the Year, 2016
- Times Lawyer of the Week, July 2019 and September 2013

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## Recommendations



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