

# Samuel Cuthbert

**Year of Call:** 2018

**Direct Access:** Yes

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Samuel has a broad practice with particular specialisms **Sports Law** and **Commercial Law**.

Samuel is frequently 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. He is currently acting in a number of high-profile safeguarding matters before arbitral panels and in the High Court.

Samuel has a strong High Court commercial practice, regularly appearing in complex trials, appeals and interim applications. He has appeared in several high value debt recovery actions and injunctions, and acting alone he recently secured a freezing order over £55m of assets. Samuel has experience of complex contractual disputes and he has appeared in cases involving civil fraud and misselling. Samuel is also currently junior counsel in an important High Court dispute relating to the victims of modern slavery and human trafficking. He is junior counsel in a number of fatal and catastrophic injury matters.

Before coming to the Bar, Samuel worked in Milan at an international law firm advising on private, commercial, and sports law matters. Samuel also worked at a leading boutique litigation firm handling high-profile commercial disputes, including the RBS Rights Issue Litigation.

Samuel studied philosophy at the University of Durham, during which time he spent a year studying at Paris Nanterre University. He completed the GDL at BPP University, funded by a Lord Brougham Scholarship and a Hardwicke Scholarship from Lincoln’s Inn. Samuel completed the BPTC at the University of Law during which he was the recipient of a Lord Denning Scholarship and an Accommodation Award from Lincoln’s Inn. Whilst at Bar School, Samuel mooted in the Supreme Court as a finalist in the Clyde & Co Insurance Law Moot, and was secretary of the Lincoln’s Inn Debating Society. Samuel also holds an LLM from University College London, his studies for which were also funded by a scholarship.

During his studies, Samuel was a caseworker at anti-trafficking charity Kalayaan focusing on modern slavery litigation. He also regularly appeared in the social security tribunal as a representative for the Free Representation Unit. He further worked as a legal researcher for a former Lord Justice of Appeal, and he was also the editor of the private law section of a major online law journal.

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## Areas of Expertise

### Sport

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's recent experience in this area include:

- Acting for a major football club in a debt recovery action for valued at approximately £1,000,000;
- Acting on behalf of a basketball club in a FIBA appeal; the underlying claim is worth £5,000,000;
- Acting for the FA in a safeguarding appeal;
- Acting for a media-rights holder in CAS proceedings for a dispute born out of an international football match;
- Acting in a rule K arbitration regarding a dispute between two agencies;
- Acting in a rule K arbitration on behalf of a player against their agent;
- 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;
- Advising a spectator in a significant claim against a major international football stadium;
- Representing a football player in respect of a mis-diagnosis of a career-ending injury;

Samuel is frequently published in LawInSport, and co-authored the 2022 annual review on betting and corruption. Samuel is appointed to the Sports Resolutions Pro Bono Panel. Samuel has give interviews on [CNN relating to sports law issues](#), and is regularly asked for comment on sports law matters by media outlets and newspapers. Samuel frequently speaks at events and conferences on legal issues arising in a sporting context.

### Commercial Law & Professional Negligence

Samuel has experience in a variety of commercial disputes, and is regularly instructed in High Court disputes as sole counsel. His recent work in this field includes:

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- Securing a freezing order over assets up to a value of £55m whilst appearing alone;
- Acting as junior counsel in a claim against two former company directors for permitting illicit dumping of waste on the company's land;
- Acting for a major football club in a debt recovery action for valued at approximately £1,000,000;
- Acting in a civil fraud trial on behalf of a trader;
- Defending a civil fraud claim on behalf of company directors;
- Acting in a shareholder dispute;
- 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;
- Drafting pleadings 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;
- **Appearing in a High Court appeal against leading counsel;**
- 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;
- Assisting leading counsel in a complex MIB indemnity dispute.

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 contempt proceedings. He has excellent experience in claims pleading unlawful means conspiracy, and is currently instructed in three high profile claims in the High Court pertaining to modern slavery pleaded on that basis

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. Samuel regularly acts for both claimants and defendants in data breach claims in County Court and High Court proceedings.

Samuel also has a broad experience in professional negligence matters. Samuel's recent work in this field includes:

- Appearing for a professional trustee in bankruptcy in a claim alleging negligent distribution of a bankrupt's estate
- Acting for a firm of solicitors following a claim alleging a negligently executed property conveyance;
- Drafting particulars of claim in a matter relating to the negligent provision of veterinary care;
- Representing a solicitors firm in a strikeout application. The underlying claim alleged failure to register property interests at the land registry whilst the property was subject to a freezing order
- Acting for a property conveyancer in a strikeout application premised on a complex limitation argument.

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## Business Crime and Regulatory Law

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 experience in contempt of court proceedings, which often comes to bear in criminal regulatory disputes.

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

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.

## Personal Injury & Clinical Negligence

Samuel accepts instructions in all areas of personal injury litigation, but has a particular focus on group claims and catastrophic injury litigation. Samuel has secured findings of fundamental dishonesty on multiple occasions. Samuel's recent experience includes:

- Acting as junior counsel in a catastrophic injury claim valued at over £30,000,000;
- Acting as junior counsel in a number of significant civil claims brought by the victims of modern slavery and human trafficking in the High Court;
- Instruction as led junior counsel in a fatal accident;
- Drafting schedules loss in catastrophic injury claims often in excess of £1,000,000;
- Instruction as led junior counsel in a significant mesothelioma claim involving exposure from the Claimant's partner's overalls;
- Drafting pleadings, schedules and advices in mesothelioma, asbestosis, lung cancer, and pleural thickening claims;
- Assisting leading counsel in advising a major insurer on avoiding a policy for breach of a condition precedent;
- Assisting leading counsel in a case concerning the contributory negligence of pillion passengers under the age of 16 who fail to wear helmets.

Samuel also has a broad clinical negligence practice. His recent work includes:

- Acting for a Claimant with haemophilia following a severe birth injury;
- Advising in a claim following a stillbirth and appearing at mediation;
- A fatal claim involving a missed diagnosis of meningitis;
- A missed diagnosis of gastro-intestinal gangrene;
- Securing an early admission of liability in a fatal claim following sepsis from pressure sores;
- Defending a claim against an ophthalmic surgeon alleging severe deterioration in vision following surgery.

Samuel's injury practice also engages product liability litigation. Samuel has advised on claims arising under the Consumer Rights Act 2015 for both claimants and defendants. Samuel has been involved in numerous cases in which defective goods have lead to fires and large losses. He is instructed in pharmaceutical product liability claims for both claimants and

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defendants. Samuel's expertise in industrial disease also sees him instructed in cases related to asbestos products.

## Private International

Samuel has a busy international practice. He accepts instructions from both claimants and defendants. Some recent examples of Samuel's work include:

- Bringing an action through the consumer gateway under s15B Civil Jurisdiction & Judgments Act 1982;
- Acting for the Claimant in an Athens Convention claim engaging appropriate forum issues;
- Advising on applicable law and jurisdictional issues post-Brexit;
- Bringing an action for the recovery of a significant foreign debt;
- Advising a major insurance company of its financial obligations under the Package Travel Regulations 2018 for holiday cancellations during the COVID-19 pandemic;
- Assisting with a dependency claim following an aviation crash;
- Acting for and advising both claimants and defendants in claims arising out of the Package Travel Regulations 2018 and EC Regulation 261/2004;

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 travel law landscape, and has provided training to leading law firms on procedural issues which typically arise in related cases.

## Employment & Discrimination

Samuel acts for Claimants and Respondents across all types of employment and discrimination disputes. Samuel is well-versed in claims relating to discrimination, whistleblowing, and unfair dismissal. Samuel's practice in this area regularly overlaps with his expertise in sports law, perfectly positioning him for employment-related sporting matters.

Samuel has significant experience in claims involving modern slavery, and his practice in this area is complimented by his work in complex employer's liability disputes. Samuel is committed to, and regularly undertakes pro bono, employment and discrimination work.

Samuel's recent work in this field includes:

- Acting for an employer in a restrictive covenant dispute;
- Advising in relation to a claim against an employer relating to allegations of human trafficking and modern slavery;
- A claim for breach of contract relating to a provision in the claimant's contract of employment that gave rise to a right for the claimant to be considered for ill-health retirement;
- Advising in relation to a claim for disability discrimination under the Equality Act 2010;
- Advising in relation to an unfair dismissal claim under the Employment Rights Act 1996.

## Appointments & Memberships

- PIBA

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- Sports Resolutions Pro Bono Panel

## Publications

- "Could this be one of the most significant actions by a group of players? The Rubiales – Spanish Women's World Cup case" (LawInSport 01 August 2023)
- "Will the Fit and Proper Custodians Test Improve English Football?" (LawInSport, 14 April 2023)
- "Sports Integrity: Betting and Corruption – Annual Review 2022/23" (LawInSport, 03 March 2023)
- "Diverging Jurisprudence Post Brexit" [2021] TLQ 73
- "CTE and Causation: The Key Medico-Legal Issues in Rugby Union's Concussion Litigation" (LawInSport, 9 July 2021)
- "To avoid climate-related litigation, organisations must ensure their house is in order" (Reuters Sustainable Business, 18 August 2021)
- "Enforcing Individuals' Rights with Climate Change Litigation" (Lawyer Monthly, 5 October 2021)

## 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

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