



Samuel Cuthbert

Year of Call: 2018

Direct Access: No

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Samuel has a broad practice with specialisms in [Sports Law](#), [Personal Injury & Clinical Negligence](#), [Product Liability](#), Private International Law, Commercial Law, [Professional Negligence](#), Information Law, and [Employment Law](#).

Samuel is frequently instructed both as led junior counsel, and in his own right. Samuel has expertise in Sports Law, regularly acting on behalf of both athletes and national governing bodies. Samuel undertakes complex personal injury disputes, and he is currently junior counsel in an important High Court dispute relating to the victims of modern slavery and human trafficking. Samuel's commercial practice has taken him to the High Court on appeal and he has acted in several high value debt recovery actions.

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.

Areas of Expertise

London (Main Office)

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Sports Law

Samuel acts for athletes, clubs and national governing bodies. His practice encompasses sports regulation, safeguarding, disciplinary cases, anti-doping cases, and commercial sports matters.

Samuel is also regularly instructed in sports related inquests, and acts in sports injury disputes. He has a particular specialism litigating head injuries in sport.

Samuel is appointed to the Sports Resolutions Pro Bono Panel. He regularly speaks at events and conferences on legal issues arising in a sporting context.

Notable Sports Law cases

Acting for an international athlete in a multi-day disciplinary and safeguarding arbitration;

Acting for an international ice hockey player in anti-doping proceedings;

Appearing in an ongoing high-profile motorsports inquest;

Advising on the construction of an insurance contract for a professional footballer who incurred a career ending injury;

Acting for the employee of a major sporting body resisting a provisional suspension;

Resisting the suspension of a professional fencing athlete for accidental injury caused during a training camp;

Acting for a spectator in a significant claim against a major international football stadium;

Representing a child gymnast for serious injuries incurred as a result of inadequate supervision;

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Advising in a claim relating to a catastrophically injured cyclist.

Personal Injury & Clinical Negligence

Samuel accepts instructions in all areas of personal injury litigation, but has a particular focus on employers' liability, public liability, occupiers' liability and industrial disease. Samuel has secured findings of fundamental dishonesty on multiple occasions.

Samuel also has a broad clinical negligence practice. He has worked on a number of fatal claims involving missed diagnoses of meningitis and gastro-intestinal gangrene. His recent work includes securing an early admission of liability in a fatal claim following sepsis from pressure sores.

Notable Personal Injury & Clinical Negligence cases

Instruction as led 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 significant mesothelioma claim;

Drafting pleadings, schedules and advices in mesothelioma, asbestosis, lung cancer, and pleural thickening claims;

Assisting leading counsel in a living a mesothelioma claim by drafting schedules of loss and advising on quantum;

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.

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Product Liability

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 led to fires and large losses. Samuel's expertise in industrial disease also sees him frequently instructed in cases related to asbestos products.

Private International Law

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

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.

Notable Private International Law cases

Advising on applicable law and jurisdictional issues;

Bringing an action for the recovery of a 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 under the Fatal Accidents Act 1976 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;

Acting for and advising both claimants and defendants in claims arising out of accidents abroad.

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Commercial

Samuel has experience in a variety of commercial disputes. His recent work in this field includes:

Notable Commercial cases

Advising and drafting pleadings in a debt recovery action valued at more than £1m;

Acting for a claimant in a complex conversion dispute;

Appearing in a High Court appeal against leading counsel <https://www.bailii.org/ew/cases/EWHC/Ch/2022/2414.htm>;

Advising and drafting particulars in a misrepresentation claim;

Advising in relation to the application and construction of an insurance policy in environmental litigation;

Assisting leading counsel in a complex MIB indemnity dispute.

Professional Negligence

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

Notable Professional Negligence cases

Advising a firm of solicitors following a claim alleging a negligently executed property conveyance;

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Drafting particulars of claim in a matter relating to the negligent provision of veterinary care;

Advising in relation to a claim brought against an architect for alleged structural weaknesses in a domestic property.

Information Law

Samuel practices across 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.

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.

Notable Employment & Discrimination cases

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

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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
- Sports Resolutions Pro Bono Panel

Publications

- "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

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