



MICHAEL MCPARLAND QC

Year called 1983

Silk 2017

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“A standout silk and a fantastic advocate.”

Legal 500, 2021

“His knowledge is frankly unrivalled in matters of jurisdiction and applicable law. His skill as an advocate is outstanding.”

Legal 500, 2021

“He is a fantastic advocate to have on your side and, conversely, an opponent you would not want to face.”

Legal 500, 2021

“He is...fantastic in trial.”

Chambers, 2019

“He is a fantastic litigator, a highly impressive advocate in court and really fights for the client.”

Legal 500, 2018

“Michael has unrivalled knowledge of international law issues and is a ferocious advocate... never afraid of a fight and incredibly incisive during cross-examinations.”

Chambers, 2018

“A bulldozer in court that demolishes the opposition.”

Legal 500, 2017

Michael McParland QC is a commercial silk with 35 years' experience of trial and appellate advocacy in domestic and international civil and commercial litigation, arbitration and cross-border insolvency proceedings. He is recognised as a leading expert in cross-border disputes and acts for a wide range of UK and international clients. He is highly regarded by his clients for his knowledge of international law and his trial advocacy skills in complex, heavy cases: skills he developed in chambers with the late George Carman QC. Michael joined 39 Essex Chambers on 5 November 2018 after practising for nearly 19 years at Quadrant Chambers.

Michael is the author of ***The Rome I Regulation on the Law Applicable to Contractual Obligations*** (Oxford University Press, 2015), a leading conflict of laws textbook that has been cited as authoritative by judges in the Commercial Court and by the Advocate-General in the European Court of Justice. Professor Adrian Briggs QC's review of the book said: *"This is a marvellous book, an absolute must for anyone who is seriously concerned with the private international law of what we once called contracts..."*. The book is *"... a magnificent achievement, for which all serious commercial lawyers will be in the author's debt"*: LMCLQ, 2015, p. 597. In Germany, Michael's book was reviewed as being *"in the best tradition of English textbooks...the praise heaped upon the work so far is well deserved..."*: Zeitschrift für das Privatrecht der Europäischen Union, GPR 5/ 2015, p. 259 (Prof. Mankowski). In his foreword, The Hon. Mr Justice Teare describes it as *"... a book which will be an essential addition to the library of the advisor, the advocate and the academic in their respective searches for the true meaning and effect of the Regulation..."*.

Michael is licensed to practise as an Attorney-at-Law, by the State Bar of California, and as a barrister in the British Virgin Islands. He has also appeared in Gibraltar courts and before the Gibraltar Financial Services Authority.

He is also a Member of the Institute of Chartered Arbitrators who profiled his work in March 2017: <http://www.ciarb.org/membership/member-profiles/michael-mcparland>. Michael appears as an arbitration advocate in LMAA, LCIA, CAS, ICC, and other tribunals. He also accepts instructions as an arbitrator. Michael has taught courses on international arbitration and international dispute resolution to lawyers and judges at Pepperdine University, California,

Michael is perhaps best known to the general public for his work as a legal commentator for televised US trials for Sky News, The BBC, ITV and other TV and radio stations, which he has done regularly since the trial of Louise Woodward in 1997, for which he won *The Daily Mail's* television critic's "Star of the Year" for 1997.

BARRISTERS · ARBITRATORS · MEDIATORS

PRACTICE AREAS

- Commercial
- Jurisdictional Disputes and Conflicts of Law
- International Arbitration
- International Litigation
- Civil Fraud

SECTORS

- Aviation & Aerospace
- Travel
- Sport
- Shipping & Commodities

PRACTICE AREAS

COMMERCIAL

“His grasp of complicated matters is second to none and he has an impressive ability to make the complicated incredibly simple... He is incredibly knowledgeable and a tremendous advocate, who is a very powerful person to have on your side”... (Chambers, UK Bar).

“Pulls no punches and gives it 100%; he is good with clients and in court” (Legal 500).

“He has real commercial intelligence and an easy client manner” (Legal 500).

Michael is recommended in the Legal 500 (2018) for his commercial litigation work. Michael has particular expertise in:

- Insurance and reinsurance
- Aviation
- Joint venture and shareholder disputes
- Duties of directors and fiduciaries
- Civil fraud
- Commodities

- Indemnity and warranty claims
- Distribution and franchise contract claims
- Private international law, both EU and common law, including disputes over jurisdiction, choice of law and the recognition and enforcement of judgments and arbitral awards and cross-border injunctive relief
- Public international law, including international sanctions, the immunity of sovereign States and state entities, international anti-corruption and bribery laws, and rights and obligations under international anti-corruption laws

Examples include:

- Representing 20 reinsurers in the Commercial Court who are resisting the recognition and enforcement of three multi-million dollar Russian judgments arising out of a crash of a Sukhoi Superjet SSJ100 in Indonesia (2018).
- Advising in two Hong Kong actions, involving (a) injunctive relief in a company law dispute, and (b) an aircraft leasing dispute concerning an aircraft currently arrested in Europe (2018).
- Acting for marine insurers in claims relating to the loss of a vessel in Latin American waters, with related proceedings in Latin America and Scandinavia (2018).
- Representing a Mauritius investment company in proceedings in the British Virgin Islands, Commercial Court in a company law dispute involving a Kazakhstan based, London Stock-Exchange Listed oil-services company, including obtaining injunctive relief to stop capital raising by a share sale on the LSE (2018).
- Advising in two separate actions on the recognition and enforcement in the UK of two multi-billion dollar EU judgments (2018);
- Advising on the recognition and enforcement of a multi-million pound judgment under the Lugano II Convention (2018);
- Obtaining a multi-million Euro judgment for the claimant in a joint venture dispute over hotels in Morocco (2017).

JURISDICTIONAL DISPUTES AND CONFLICTS OF LAW

"He has an incredibly broad knowledge of cross-border and jurisdictional issues" (Legal 500, 2018);

"Michael has an unrivalled knowledge of international law issues and is a ferocious advocate... He is very straightforward, never afraid of a fight and incredibly incisive during cross-examinations... His advice is very easy to read, well- structured and practical" (Chambers UK Bar, 2018)

"His encyclopaedic knowledge of EU legislation clearly impresses judges" (Legal 500, 2016)

Michael is widely recognised as a leading expert in cross-border matters and has acted in a number of leading cases in the field. Michael's cases are often governed by foreign laws. He has long experience in

- jurisdiction and *forum non conveniens* challenges
- choice of law disputes

- anti-suit, asset-freezing and arbitration injunctions
- the recognition and enforcement of foreign judgments and orders and arbitral awards in England and English judgments abroad
- obtaining injunctions in support of foreign proceedings.

Michael's book, "**The Rome I Regulation on the Law Applicable to Contractual Obligations**" (Oxford University Press, 2015), a leading textbook in this field. Michael was the co-author (with Lord Justice Haddon-Cave) of the chapter on *Stays, Forum Non Conveniens and Anti-Suit Injunctions* in **Butterworths Commercial Court & Arbitration Pleadings** (2005). Michael was also a contributing author to COMBAR's Brexit study.

In addition to cases listed under Michael's Commercial, other examples of his work in this field include:

- Advising in the appeal of **Thum v. Thum** [2018] EWCA Civ 624 in a jurisdiction challenge brought by the German respondent under the Brussels II (a) Regulation (2201/2003);
- Representing the defendant in **La Presidenza Del Consiglio Dei Ministri of the Italian Republic v. Mills** (QBD, 2017) in an appeal against the registration of a judgment of the Italian Supreme Court of Cassation under the provisions of the Brussels I Regulation (44/2001);
- Acting as an expert witness on English insolvency and company law in the Tribunale Ordinario di Venezia in Case C-54/16 **Vinyls Italia SpA (In Liquidation) v. Mediterranea di Navigazione SpA**, ECLI: EU: C: 2017: 433 (CJEU, 8 June 2017), the leading case on the claw-back provisions under the EU Insolvency Regulation;
- Advising European ship owners in respect of claims in relating to the shipment of chemicals from Saudi Arabia to Korea, involving issues of English law and Korean conflicts of law under the Korean Conflicts of Law Act 2001;
- Obtaining anti-suit injunctions against a Pakistani company restraining them from continuing proceedings in Pakistan: **Tradhol Internacional SA Sociedad Unipersonal v Shakarganji Limited & Others** (Commercial Court);
- **Winkler v Shamoon** [2016] EWHC 217 (Ch), 18 International Trusts and Estates Law Reports, 818. (Acting for Swiss defendant in their successful jurisdiction challenge to claims relating to the ownership of shares in BVI companies held by the Israeli administrators of a deceased Israeli billionaire);
- **La Ferme Amizmiz SARL v Lyle** [2016] EWHC 3195 (Ch), successfully resisting an appeal by a Moroccan company who claimed they had not been properly served with proceedings under Moroccan law;
- **Re Pan Ocean Co Ltd** [2015] EWHC 1500 (Ch) (A dispute over the effect of English arbitration clauses and the operation of the Cross-Border Insolvency Regulations arising out the insolvency of a Korean shipping line);
- Acting for 13 Tanzanian villagers in **Kesabo v African Barrick Gold Plc & North Mara Gold Mine Limited** (2013, QBD), and successfully obtaining anti-suit injunctions to prevent the defendants from pursuing proceedings in Tanzania that sought rulings to exonerate themselves from any liability for the local police shooting and wounding villagers at their gold mine under Tanzanian law;
- **DSG International Sourcing Ltd v. Universal Media Corp (Slovakia) SRO** [2011] EWHC 1116 (Comm),

[2011] I.L.Pr. 33. (Jurisdiction challenge over the sale of own brand televisions from Slovakia);

- **Harding v Wealands**[2007] 2 A C 1 (HL), acting for the successful appellant in the landmark decision on the assessment of damages in tort in cross-border injury cases;
- **Catlin Syndicate Ltd et al v. Adams Land & Cattle Co** [2007] Lloyd's Rep. I.R. 96. (Acting for US defendants in their successful *forum non conveniens* challenge in favour of the courts of Nebraska in respect of a claim brought under a Lloyd's non-marine policy for surplus lines insurance for losses incurred in the US);
- **O.T. Africa Line Limited v. Magic Sportswear Corporation** [2005] EWCA Civ 710; [2005] 2 Lloyd's Rep. 170. (Anti-suit injunction against Canadian shippers and insurers who had issued proceedings permitted under Canadian maritime law in breach of English jurisdiction clauses in bills of lading);
- **Bhatia Shipping & Agencies Pvt Ltd v Alcobex Metals Ltd** [2005] 2 Lloyd's Rep. 336 (Successfully obtained jurisdiction and judgment in a multi-modal transport of aluminium from India to the UK);
- **XS Racing -v- Sunseeker Europe AG** [2005] EWHC 3023 (QB) (Acting on behalf of the defendant, a German powerboat builder in their successful challenge to English jurisdiction in a £17 million damage claim);
- **American Motorists Insurance Co (AMICO) v Cellstar Corporation**[2003] Lloyd's Rep. IR 291 (CA); the leading case on choice of law in a global transport insurance contract under the provisions of Second Non-Life Directive and the Rome Convention. The case was referred to the European Court of Justice;
- **Peoples Insurance Co of China (Hebei Branch) v Vysanathi Shipping Co Ltd (The Joanna V)**[2003] 2 Lloyd's Rep. 617 (Judgment of Chinese maritime court in conflict with English arbitration award).
- **Rayner v Davies** [2002] EWCA Civ 1880; [2003] 1 All E.R. (Comm) (CA). (Conflict of laws- consumer contract jurisdiction provisions of the 1968 Brussels Convention);
- **The Ivan Zagubanski** [2001] 1 Lloyd's Rep. 106 (whether the Commercial Court had jurisdiction to issue anti-suit injunctions in support of English arbitration against EU defendants);
- **The Kribi** [2001] 1 Lloyd's Rep. 76 (Whether the Commercial Court had jurisdiction to issue anti-suit injunctions in support of an English jurisdiction clause against EU defendants);
- **Banque Indosuez v. Ferromet**[1993] BCLC 112 (Ch). (Obtaining the first successful discharge of a freezing injunction on the basis that it had been obtained in breach of the mandatory stay under the US Bankruptcy Code.

INTERNATIONAL ARBITRATION

"An advocate with gravitas" (The Legal 500, 2017);

"Incredibly bright and hardworking, a real team player" (The Legal 500, 2014).

Michael acts for clients before a wide-range of arbitral tribunals, including the LMAA, ICC, LCIA, CAS, as well as *ad hoc* tribunals. Michael has also appeared before the UEFA Appeals Body, as well as the FA and Football League tribunals. He has long experience of applications to the High Court to seek injunctive orders in support of arbitration.

Michael is a Member of the Institute of Chartered Arbitrators and was profiled for his work by the Institute in March 2017: <http://www.ciarb.org/membership/member-profiles/michael-mcparland>

Michael has taught courses on international arbitration and international dispute resolution to lawyers and judges at Pepperdine University, California.

He accepts instructions to act as an arbitrator.

Recent examples of his work in this area include:

- Representing a European ship owner in a 2018 LMAA Arbitration over a number of claims for damages against a European charterer of the claimant's vessel in relation to the shipment of scrap metal from Belgium to Morocco.
- Representing a respondent in a 2018 LCIA arbitration brought by a BVI company in a case involving allegations of fraud and duress in relation to loan transactions.
- Representing an Egyptian defendant in the Commercial Court resisting the recognition and enforcement under s.103 of the Arbitration Act 1996 of an arbitration award from the Cairo International Arbitration Centre. The case involves detailed issues arising under the Egyptian Arbitration Act (Law No. 27 of 1994) and Egyptian civil law and procedure.
- Acting for Canadian cargo interests in a LMAA arbitration concerning the proper exercise of maritime liens;
- Obtaining anti-suit injunctions in the Commercial Court against a Pakistani company and its directors restraining them from continuing proceedings in Pakistan in breach of a London arbitration agreement in a commodities contract.
- Acting for a Chilean metals trader respondent to an ICC arbitration in a dispute over joint venture involving supply metals to China.
- Acting in ICC arbitration governed by Swiss law and the law of Pennsylvania concerning the sale of nutraceutical supplements in the United States and Canada, involving brand / trademark, marketing, and sales expertise, where Michael led a team of English, Swiss and US lawyers.
- Acting on behalf of British Paralympic Association in a CAS arbitration seeking to overturn a decision at the London 2012 games which deprived a British sailing team of a bronze medal at that games.
- *Ad hoc* arbitrations concerning the effect of a gas pipeline on crop production and funding of an aviation business.
- Obtaining anti-suit injunctions in the Commercial Court to restrain Chinese proceedings in breach of English jurisdiction and arbitration clauses in respect of the shipment of fresh produce.

INTERNATIONAL LITIGATION

"Very good with clients, and is a very clear thinker who can think strategically" (Chambers, 2018)

"Michael has an unrivalled knowledge of international law issues and is a ferocious advocate..." (Chambers UK Bar, 2018)

Michael has been licensed as an active Member of the State Bar of California since 1990, and regularly acts and advises in Anglo-US disputes.

Michael has been admitted since 2008 to practice in the British Virgin Islands ("BVI") and appears in the Eastern Caribbean Supreme Court and Court of Appeal on civil, commercial, company and insolvency related disputes.

Examples include:

- Representing a Mauritius investment company in proceedings in the British Virgin Islands, Commercial Court in a company law dispute involving a Kazakhstan based, London Stock-Exchange Listed oil-services company, including obtaining injunctive relief to stop capital raising by a share sale on the LSE (2018).
- Representing a Saudi prince in a case in the BVI Commercial Court, which was the first decision on the proper valuation of minority shareholdings in circumstances where there is a forced redemption of minority shareholdings under Part IX of the BVI Business Companies Act 2004);
- Acting in the BVI Commercial Court for a UK company against a South African airline, in unfair prejudice and winding up applications, and about the proper role of the court in relation to the findings of an expert share valuation made under a compromise agreement.
- Acting for an oil exploration company in the BVI Commercial Court, as to the proper operation of the discretionary powers to set aside statutory demands served on corporations of Part V of the BVI Insolvency Act 2003.
- Successfully obtaining a mandatory injunction in the Commercial Court requiring a South African company to permit access to their HQ in order to disclose information to a shareholder under the terms of a subscription agreement.

Michael has also appeared before the Gibraltar Courts (and first instance and on appeal) in civil and commercial litigation and before the Gibraltar Financial Services Authority in relation to alleged breaches of regulation.

Michael has acted as an independent adjudicator for the High Court of Singapore in relation to a scheme of compromise and arrangement in relation to various maritime claims relating to an insolvent Singaporean shipping line

Michael has given expert evidence on English and EU law in a number of US State and Federal Courts in the USA, as well as commercial courts in France & Italy.

CIVIL FRAUD

"Clients were full of praise for him... He's a really powerful operator. I would dread being opposite him as he has complete control over the facts of a case. He really thinks about things and then steamrollers the opposition" (Legal 500, 2014).

Michael has extensive experience in civil fraud and asset recovery cases, involving breaches of fiduciary duty tracing, restitution and constructive trust claims and emergency injunctive relief. Examples include:

- Representing the successful claimant at trial in ***Khan v. RDK International LLC & Others***(December 2016, Chancery Division) in a two action disputes involving extensive evidential fraud during the course of the litigation.
- ***Global Family Partners Ltd v Alegro Capital LLP & Others***(2015), acting for an American defendant accused of fraud who had been made subject to asset freezing and proprietary injunctions and disclosure relief and successfully obtaining the discharge of those injunctions with costs awarded against the claimant.
- ***Knowlden v Simin Nafis Tehrani***[2008] EWHC 54 (Chancery Division), acting for the

successful claimant in what was described by Henderson J. as an “*extraordinary case*”, where the claimant who had been defrauded out of several valuable properties and other assets by a defendant using an offshore trust as a vehicle and fraudulent multiple declarations of trust.

- **Newcastle International Airport v Parkin & Friis**(2008) (claim by an airport to recover multi-million bonuses paid to directors in alleged breach of fiduciary duty).
- **Breyer Group Plc v Austine & Saunders**(2007) (Chancery Division), where Michael acted for the defendant director at trial in alleged fraud (which had been purportedly admitted by a co-defendant in a pre-trial settlement) and breach of fiduciary duty relating to bribes to obtain confidential information for tendering in the construction industry. After Michael’s cross-examination undermined their case, the claimant discontinued at closing and agreed to pay Michael’s client’s costs on the indemnity basis.
- **Crystal Palace FC (2000) Ltd v Dowie**[2007] EWHC 1392 (QB); [2007] I.R.L.R. 682 (fraudulent misrepresentation, deceit).
- **Primlake Ltd (In Liquidation) v Matthews Associates**[2006] EWHC 1227 (Ch); [2007] 1 B.C.L.C. 666 (Constructive trustees; Directors; Fees; Fiduciary duty; Money had and received; Offshore companies; Payments; Unjust enrichment).
- **Downie v Coe** (The Times, 28 November 1997, CA) (privilege against self-incrimination in asset freezing case).

SECTORS

AVIATION & AEROSPACE

“Highly experienced barrister who garners particular recognition for his expertise in private international law at the English Bar. His multifaceted practice within aviation spans commercial disputes and claims following major air accidents resulting in personal injury and death. “He’s a big name and has been doing aviation work for many years” (Chambers, UK Bar, 2019).

“He is a fantastic litigator, a highly impressive advocate in court and really fights for the client” (Legal 500, Aviation, 2018)

Michael is recommended for his expertise in the aviation field in Chambers & Partners UK Bar (2019) and the Legal 500 (2018).

Examples of his work include:

- Representing 20 reinsurer defendants resisting the recognition and enforcement on the grounds, *inter alia*, of fraud of 3 multi-million dollar Siberian arbitrazh court judgments in favour of a Russian insurer that followed the crash of a Sukhoi Superjet SSJ100 in Indonesia. The case involves detailed consideration of Russian aviation rules, insurance and reinsurance law, and civil procedure.
- Advising in a Hong Kong aircraft leasing action involving an aircraft under arrest in Europe.
- **Peires v Bickerton’s Aerodromes Ltd**[2016] EWCA Civ 1019 (Court of Appeal). (Successfully obtaining a stay of an injunction preventing flight training at an aerodrome pending a full appeal to the Court of Appeal).

- Acting in corporate disputes relating to the operation of airlines and airports and aircraft lease disputes.
- The recognition and enforcement of judgments and arbitral awards against airlines AND their insurers, and anti-suit injunctions on behalf of aviation underwriters.

TRAVEL

"Has an excellent reputation for international personal injury work, where he regularly handles claims arising from RTAs and aviation and marine accidents. He is highlighted for his top-quality advice on comparative law and conflicts of law matters. "He is very compassionate with clients and very empathetic, as well as being fast to turn work around and able to tackle complex issues with a lot of clarity and insight. He is also fantastic in trial."
(Chambers, UK Bar, 2019)

"...He is intimidating to the opposition but very good with clients" (Legal 500, 2018).

Michael is recommended for his expertise in *Travel Law, including Jurisdictional Issues* (by the Legal 500 2018), and *Travel: International Personal Injury* by Chambers UK Bar (2019). Michael's practice include major international injuries occurred abroad, which often include complex foreign law or conflicts of law issues.

Examples of his work in this field include:

- ***Stormharbour Securities LLP v Dusek and others***[2016] EWCA Civ 604, Court of Appeal. (Successfully resisting the defendant employer's appeal from a liability judgment in favour of a widow and her children relating to the death of an employee in a helicopter crash in Peru (***Dusek v Stormharbour Securities LLP*** [2015] EWHC 37 (QB) (Hamblen J).
- Acting for a seafarer who was critically injured on a Cayman Islands flagged superyacht, managed from Monaco, while in port in Spain, with parallel criminal proceedings in Spain;
- Acting for a trainee mechanic who suffered serious injuries on-board a Bahamian flagged seismic research and survey vessel, owned by a Norwegian company with no employees and operated by a Dubai based company, a subsidiary of a Cayman Islands company (2016).
- Acting for an English victim injured in a RTA in Portugal against the Portuguese insurers of the defendant, where an English judgment obtained in the claimant's favour exceeded the limits of the Portuguese law governed insurance policy (2015).
- Acting for the insurers in respect of claim, governed by Scots Law, arising out of the death of a diver;
- Representing a Canadian family who had been attacked by an elephant in Zambia;
- Representing a client who suffered a spinal cord injury during a quad bike excursion in Iceland;
- Acting for a spinal injury victim in respect of an RTA in Western Australia;
- Acting for the family of a deceased Spanish banker who died on board a Lebanese operated aircraft while returning to Turkey;
- Acting for the successful claimant at trial in ***Moore v Hotelplan Ltd (t/a Ingham Travel)***[2010] EWHC 276 (QB), where the claimant was paralysed in a ski-doo excursion in Italy.
- Acting for the successful appellant in ***Harding v Wealands***[2007] 2 A.C. 1 (House of Lords) in respect of a catastrophic injury in New South Wales. This is the leading case on choice of law in tort under the

Private International Law (Miscellaneous Provisions) Act 1995.

- **Hickey, Petschi and Shaw v Granger Telecom**(The Times, 4th June 2003), where he successfully acted against former employers for families of British Telecom workers who had been sent to Chechnya, kidnapped, held hostage and beheaded.
- **Sunil Eappen v Louise Woodward**, US Federal District Court Massachusetts, 1999, Michael acted for the defendant in the civil action arising out of the Boston shaken-baby murder trial.

Michael has given expert evidence in the United States proceedings in actions against Boeing in relation to the crash of BA 038 at Heathrow and regarding areotoxic poisoning on a flight from the UK to Florida.

Michael also acts in professional negligence actions arising out of the conduct of Warsaw Convention cases, (such as the aftermath of the dismissal of the claimant's case in **Phillips v Air New Zealand Ltd** [2002] 2 Lloyd's Rep. 408 for failing to comply with the Warsaw Convention limitation period).

SPORT

Described by *The Sun's* football writers as "soccer legal-eagle Michael McParland", Michael has an extensive sports law practice, with particular expertise in the football field where he has acted for a number of Premier League and Championship football clubs, managers, players and officials, but also acts in other sports, including Formula One, yachting, rugby and cycling.

Michael has appeared before the UEFA Appeals Body in Switzerland, and acted in Court of Arbitration for Sport proceedings, as well as appearing before FA and Football League Tribunals, and in sports related court and arbitration proceedings. These proceedings include employment, contract, tort and regulatory disputes in court and employment tribunals as well as in proceedings before sports bodies or appointed arbitral tribunals.

Michael was standing counsel to the British Sailing teams in the 2012 Olympic and Paralympic Games.

Examples of his work include:

- Representing the family of the late Formula 1 driver, Jules Bianchi, who died 9 months after a collision with a mobile crane at the 2014 Japanese Grand Prix.
- Acting for the **British Paralympic Association v International Association for Disabled Sailing & Norwegian Olympic and Paralympic Committee**(CAS)
- Acting for insurers, in **Dean Ashton-v- Sean Wright-Phillips, the F.A. and Chelsea FC**: concerning the effectively career ending injuries sustained by Dean Ashton while training with the England squad.
- **Lister & Knocker v The Royal Yachting Association**– Acting for The Royal Yachting Association in a Sports Disputes Resolution Panel arbitration concerning a 5 year competitor bans from offshore powerboat racing after an incident of tampering with the fuel supply of a competitor's boat during a competition.
- **Crystal Palace v Dowie**[2007] EWHC 1392 (QB): Football manager alleged fraud to obtain release from his contract. Refusal to rescind the contract.
- **Charlton Athletic & Sankofa v the Football Association**[2007] EWHC 78 (Comm): The first court injunction challenge to the new Football Association "fast track" disciplinary procedure.
- **Matty Holmes v Wolverhampton Wanderers F.C and Kevin Muscat**(High Court, QBD, 2004). Acting for

Matty Holmes, the former West Ham, Blackburn and Charlton player in an action arising out of a foul tackle in a 4th Round F.A. Cup Replay that broke his leg and effectively ended his top-class playing career. The settlement reached at trial, including costs, made the challenge by Kevin Muscat at that time was described as “the second most expensive tackle in British legal and football history”.

- **Walker & Pond v The Football Association:** Acting for female professional footballers in appeals against lengthy suspensions for misconduct. Obtained lifting of the bans, resulting in both players being eligible to appear in the 2004 Ladies F.A. Cup final.
- **Barry Silkman v Newcastle United F.C.** (High Court, QBD). (Agent’s commission fees on player transfers, FIFA Agents Rules and equitable assignments of causes of action).
- **Charlton Athletic F.C. v Greenwich Borough Council.** (Sports ground safety. Acting for the Club in an appeal against a prohibition notice under the Safety of Sports Grounds Act 1975, in relation to limits on Manchester United away fans, and problems of persistent standing in seated areas).
- **Newcastle United F.C. & The Football Association -v- UEFA** (Acting on behalf of the Club and the Football Association before the UEFA Appeals Body in Geneva, and subsequently to the Court of Arbitration for Sport (“C.A.S”) in Lausanne concerning player eligibility for the UEFA Champions League).
- **Gardner & Beaumont v Newcastle United F.C.** (Footballers’ employment rights. Acting for Newcastle United on their successful appeal to F.A. Premier League relating to notices of termination of contracts that had been served by two England youth internationals).
- **Charlton Athletic v West Ham United** (Football Association Tribunal. Acting for Charlton Athletic in securing the then highest ever compensation for the training and development for a young player (Jermain Defoe, the future England international)).
- **Leicester City Football Club v Wolverhampton Wanderers Football Club** (Football League Arbitration. Acting for Leicester City and Martin O’Neill in recovering compensation for the abortive transfer of an Australian player (Zeljko Kalac, later AC Milan’s goalkeeper) to Wolves).

SHIPPING & COMMODITIES

Michael’s work covers a wide-ranging of shipping, transport and commodities / sale of goods issues. Examples of his work include:

- Representing a European ship owner in a 2018 LMAA Arbitration over a number of claims for damages against a European charterer of the claimant’s vessel in relation to the shipment of scrap metal from Belgium to Morocco;
- Acting for Canadian cargo interests in a LMAA arbitration concerning the proper exercise of maritime liens;
- Advising on the EU requirements for registration as a maritime classification agency;
- Metals trading: including incinerated scrap metal, and the metals trade with China, Manganese ore: **Westbrook Resources Ltd v Globe Metallurgical Inc** [2009] 2 Lloyd’s Rep. 224 (CA); [2009] 1 All. E.R. (Comm) 193, and aluminium (**Bhatia Shipping & Agencies Pvt Ltd v Alcobex Metals Ltd** [2005] 2 Lloyd’s Rep. 336 (multi-modal transport));
- Oil: **Totsa Total Oil Trading SA v Bharat Petroleum Corporation Ltd** [2005] EWHC 1641 (Comm);

- Televisions: **DSG International Sourcing Ltd v Universal Media Corp (Slovakia) SRO**[2011] I.L. Pr. 33;
- Medieval Burmese statutes: **Techarungreungkit v Gotz**[2003] EWHC 58 (QB);

Michael has particular knowledge of ship financing and security, and has given expert evidence in

- a California Federal District Court relating to the proper perfection of ship mortgages under English law in relation to a superyacht arrested in California: **Capital Bank PLC -v- The M/Y Birgitta**(2010), and
- in California state courts for bill of lading / insurance issues (**LT Leasing -v- NHA Hamburger Assekuranz-Agentur** (2014))

RECOMMENDATIONS

"A standout silk and a fantastic advocate." (Legal 500, 2021).

"His knowledge is frankly unrivalled in matters of jurisdiction and applicable law. His skill as an advocate is outstanding." (Legal 500, 2021).

"He is a fantastic advocate to have on your side and, conversely, an opponent you would not want to face." (Legal 500, 2021).

"He is very compassionate with clients and very empathetic, as well as being fast to turn work around and able to tackle complex issues with a lot of clarity and insight. He is also fantastic in trial." (Chambers, UK Bar, 2019).

"He is a fantastic litigator, a highly impressive advocate in court and really fights for the client" (Legal 500, 2018).

"Has an incredibly broad knowledge of cross-border and jurisdictional issues" (Legal 500, 2018).

"He richly deserved to take silk as he is intimidating to the opposition but very good with clients and judges" (Legal 500, 2018).

"Rated very highly on aviation and technical personal injury" (Who's Who, Legal, 2018).

"He is very good with clients, and is a very clear thinker who can think strategically" (Chambers, UK Bar, 2018).

"Michael has unrivalled knowledge of international law issues and is a ferocious advocate... He is very straightforward, never afraid of a fight and incredibly incisive during cross-examinations... His advice is very easy to read, well-structured and practical" (Chambers, UK Bar 2018).

"A bulldozer in court that demolishes the opposition" (Legal 500, 2017).

"An advocate with gravitas" (Legal 500, 2017).

"Pulls no punches and gives it 100%; he is good with clients and in court" (Legal 500, 2017).

"His encyclopaedic knowledge of EU legislation clearly impresses judges" (Legal 500, 2016)

"His grasp of complicated matters is second to none and he has an impressive ability to make the complicated incredibly simple... He is incredibly knowledgeable and a tremendous advocate, who is a very powerful person to

have on your side" (Chambers, UK Bar, 2015).

"Incredibly bright and hardworking, a real team player" (Legal 500, 2014);

"Clients were full of praise for him... He's a really powerful operator. I would dread being opposite him as he has complete control over the facts of a case. He really thinks about things and then steamrollers the opposition" (Legal 500, 2014).

"His grasp of complicated matters is second to none and he has an impressive ability to make the complicated incredibly simple... He is incredibly knowledgeable and a tremendous advocate, who is a very powerful person to have on your side"... (Chambers, UK Bar, 2014).

"The most difficult opponent to be up against in court because he does the most superb job for his client. A thorough, knowledgeable and intelligent advocate... [he gets] the best possible deal for his clients" (Chambers, UK Bar, 2013).

"He has real commercial intelligence and an easy client manner" (Legal 500, 2012).

MEMBERSHIPS

- Master of the Bench, the Honourable Society of the Inner Temple.
- COMBAR
- The Chancery Bar Association
- London Common Law and Commercial Bar Association (LCLCBA)
- Chartered Institute of Arbitrators (CIArb)
- The State Bar of California
- The British Institute of International and Comparative Law

QUALIFICATIONS

ACADEMIC

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OTHER QUALIFICATIONS

Attorney-at-Law, State Bar of California, since 1990.

Barrister of the Eastern Caribbean Supreme Court, British Virgin Islands, since 2008.

Member of the Institute of Chartered Arbitrators.

Admitted on a number of first instance cases in Gibraltar and before the Gibraltar Court of Appeals and the Gibraltar Financial Services Commission.

ADDITIONAL INFORMATION

PUBLICATIONS

The Rome I Regulation on the Law Applicable to Contractual Obligations (Oxford University Press, 2015).

Co-author of the chapter on *Stays, Forum Non Conveniens and Anti-Suit Injunctions* in **Butterworths Commercial Court & Arbitration Pleadings** (2005).

Various articles in major legal journals, including:

- **Will Brexit reduce London's dominance as a litigation centre?**(Counsel, June 2017).
- **Tacit contractual relationships and the special jurisdiction provisions of the Brussels I Regulation: Granarolo v Ambrosi**(2016) Lloyd's Maritime and Commercial Law Quarterly, pp. 500-515.
- **Bad loans, bad banks and cross-border mergers: choice of law questions for troubled times**(2016) 31 Butterworth's Journal of International Banking & Financial Law, p. 403.
- **No place to hide? Cross-border insolvency after Schmid v Hertel**(2014) Lloyd's List Insurance Day (30 January).
- **Arbitration anti-suit injunctions**(2013) 8 Construction Law International, p. 9.
- **Enforcing foreign insolvency judgments**(2012) 156 Solicitor's Journal, p. 14.
- **Novation of loan agreements: Goodridge v Macquarie Bank- Aussie rules or Aussie facts?** (2010) 26 Butterworth's Journal of International Banking & Financial Law, p. 339.

Recent Notes & Articles published on the Internet by Lexology etc.

- *Jurisdiction in Cross-Border Fraudulent Transfers of Assets under the Brussels I (Recast) Regulation* (3.7.2018).
- *Contractual Jurisdiction in Multimodal Transport and the Place of Performance of Obligations?* (11.4.2018).
- *Proprietary Rights & Assignments: Proposed New EU Conflicts of Laws Regulation* (20.3.2018).
- *Brexit & EU private international law- the "agreed" draft withdrawal agreement* (19.3.2018).
- *Jurisdiction Clauses in Standard Terms and Conditions referred to in Invoices* (13.3.2018).
- *Internal EU Bilateral Investment Treaties Arbitration Clauses declared incompatible with EU law* (9.3.2018).
- *Jurisdiction in passenger claims arising from problems with connecting flights* (8.3.2018)
- *"Fake Views"- internet falsehoods and European cross-border jurisdiction rules for tort claims* (7.11.2017).
- *"Weighing Anchors": assessing the merits of claims against "anchor defendants" after Sabbagh v Khoury [2017] EWCA Civ 1120?* (3.8.2017)
- *"English Jurisdiction Clauses in Insurance Policies and Direct Actions by EU Third Parties: The European*

Court strikes" (17.7.2017).

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