



ANDREW SMITH

MAIN AREAS OF PRACTICE:

Employment Law
Sports Law
Commercial Law
Discrimination and Equality
Arbitration
Mediation

Called to the Bar 2008

CONTACT:

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Alison Scanes, Senior Practice
Manager
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Andrew is a Barrister practising from Matrix Chambers in London. He is ranked by Chambers & Partners legal directory as a leading practitioner in the fields of employment and sports law.

EMPLOYMENT AND COMMERCIAL LAW

Andrew appears regularly in the Employment Tribunal, Employment Appeal Tribunal and High Court in complex employment claims. He is ranked as a leading barrister in this field by the legal directories Chambers & Partners, Legal 500 and Who's Who; published comments include:

"He is able to analyse complex cases, break down the legal issues and communicate them in simple and precise terms. His drafting is extremely concise yet detailed and his advocacy is second to none."

"Focuses his employment practice on tribunal representation, guiding clients through complex Employment Tribunal, EAT and High Court cases. He has notable expertise in bonus disputes and other contractual issues. Clients praise his fantastic advocacy and his innovative approach to his cases."

"He quickly condenses factually complicated issues and provides a thorough and prompt service."

"He gains a client's trust immediately with his interpersonal skills and his grasp of the key issues."

Andrew is regularly instructed to advise clients and to represent them at trial in high value and complicated employment disputes. He has considerable experience of Employment Tribunal claims involving discrimination and whistleblowing, as well as those relating to employment status, TUPE issues, agency workers, holiday pay and unfair dismissal. Andrew also has experience of representing a trade union in proceedings before the Certification Officer and Assistant Certification Officer. With regard to his High Court work, Andrew's practice includes disputes concerning bonus payments, restrictive covenants, obligations of confidence and fiduciary duties.

Andrew's civil litigation practice also involves him representing and advising clients on a broad range of commercial matters, often with an employment element. He has been led by James Laddie QC in a complex commercial arbitration, concerning a dispute over agency fees/commission. Andrew is

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PROFESSIONAL MEMBERSHIPS

Sports Resolutions Pro Bono Advocates' Panel
Employment Lawyers Association
Employment Law Bar Association
Bar Pro Bono Unit

currently acting as junior counsel to Antony White QC in arbitral proceedings in the International Court of Arbitration, representing a foreign government in a high value commercial dispute.

SPORTS LAW

Published comments from Chambers & Partners include the following:

"A dedicated junior who continues to attract attention from the [sports law] market due to his securing of instructions in employment-related matters. Those that seek his services include FIFPro, UEFA and other governing bodies."

"He is active in a range of sports matters and often acts for athletes in disciplinary cases."

"He is good on strategic issues and very tenacious on his feet." "He is very impressive and has a bright future in employment and sports law."

"Highlighted by peers for his growing football practice. He is an employment specialist who regularly acts for both managers and players in contractual disputes with clubs and governing bodies."

"He provides persuasive written submissions and fantastic advocacy skills. He is also very friendly and quick to respond to queries."

With regard to his sports law practice, Andrew's experience includes:

- Being instructed by UEFA and FIFPro in connection with their Joint Complaint to the European Commission on the issue of Third Party Ownership in football
- Conducting an independent grievance investigation on behalf of a governing body arising out of a selection decision for the 2016 Rio Olympics
- Acting for a Paralympic athlete in a funding dispute with her governing body
- Representing a cyclist in his appeal against a ban imposed by UK Anti-Doping, before the National Anti-Doping Panel
- Acting for agents / intermediaries in Rule K FA arbitrations
- Acting for a Championship football club in its defence of a High Court claim for breach of contract, arising from the termination of the Club's former manager and several members of the coaching staff
- Acting for the Senegalese international and Newcastle United forward Papiss Cissé in connection with his objection (on religious grounds) to wearing the team sponsor's logo on his shirt
- Acting for the football manager Iain Dowie in a claim for wrongful dismissal before the FA Premier League Managers Arbitration Tribunal
- Representing a Championship football club in an Employment Tribunal claim arising out of the termination of a coaching engagement

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- Being instructed on a dispute relating to membership of the Professional Speedway Elite League

Andrew has considerable experience of arbitral proceedings before the Court of Arbitration for Sport (the CAS), having assisted Philippe Sands QC (a CAS arbitrator) on several cases and being appointed as an *ad hoc* clerk in CAS proceedings.

Andrew also acts as an assistant to Raj Parker, Arbitrator to the Basketball Arbitral Tribunal (the BAT). In that role he has experience of contractual and agency disputes between basketball players, clubs and agents, arising in different jurisdictions.

Since 2015 Andrew has been a member of the Sports Resolutions Pro Bono Advocates' Panel.

Andrew is a regular contributor to the LawInSport website, as well as being a member of its editorial board, and has written or contributed to articles on the following topics:

- Sexual Orientation Discrimination in Sport
- The Financial Fair Play Regulations
- Financial Fair Play and the Striani Complaint – Where are we now?
- Fair of foul? Competition law and the regulation of football
- Whistleblowing in Sport: Maintaining Public Confidence in the Integrity of Sport
- Whistleblowing in Sport: Investigations and Disciplinary Proceedings
- Speak Up! WADA's recent reforms to its whistleblowing policies, procedures and systems
- How will Blatter and Platini challenge the decision of the FIFA Ethics Committee?
- The *Pechstein* Judgment and the Reaction of the Court of Arbitration for Sport
- A Guide to Training Compensation and Solidarity Payments in Football
- The funding and employment status of elite athletes – A comparison of the UK, USA and Germany
- A review of the updates to FIFA's Regulations on the Status and Transfer of Players
- Can football players unilaterally retire from international duty? The Joël Matip and Allan Nyom cases

Andrew has also recorded podcasts for CPDcast on the following topics:

- The FIFA and FA Regulations on Working with Intermediaries
- Whistleblowing in Sport
- Discrimination in Sport

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ACCREDITED MEDIATOR

In 2015 Andrew qualified as an ADR Group Accredited Civil & Commercial Mediator.

EDUCATION AND QUALIFICATIONS

Bar Vocational Course, Manchester Metropolitan University (Outstanding)
LLB, University of Sheffield (First Class)

SCHOLARSHIPS AND AWARDS

Lincoln's Inn:

- Lord Denning Scholarship
- Hardwicke Entrance Award
- Phoenicia Scholarship
- Buchanan Prize

University of Sheffield:

- Sir Basil Blackwell Award
- Tort and Contract Law Module Prizes
- Dibb Lupton Alsop Award
- Taylor-Emmett Award
- Sweet & Maxwell Law Prize (for obtaining the highest overall mark in the year)

Andrew accepts instructions under the Bar Council Standard Contractual Terms, details of which can be found on our website under Our Service.