



MARK AFEEVA

MAIN AREAS OF PRACTICE:
Commercial and Corporate Law
Discrimination and Equality
Employment
Sports Law

Called to the Bar 1997

CONTACT:
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Alison Scanes, Senior Practice
Manager
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Mark has a strong junior practice across the fields of sports, discrimination, employment and media/entertainment law. He has been ranked for many years in the legal directories as a leading junior in both sports law and employment law. The 2011 edition of the Legal 500 stated that, according to clients, "Mark remains very calm under pressure and is always unfazed by whatever is thrown at him." The 2012 edition of Chambers & Partners stated that "sources appreciate Mark Afeeva's calm and level-headed manner, particularly in difficult situations." "Sources also praise his ability to offer strong client support."

SPORTS DISPUTES

Mark's instructions in the field of sports law include cases concerning disputes arising between sportsmen/women and their clubs or agents, as well as sports-related personal injury actions. He regularly advises and acts for members of the Professional Footballers' Association, which represents all professional footballers in England and Wales. He is an FA Registered Lawyer and is therefore entitled to conduct transfer negotiations on behalf of professional footballers. Mark is believed to be the first barrister instructed by a footballer to negotiate his transfer to a Premiership club and he has represented a number of professional footballers at clubs such as West Ham FC, Bolton Wanderers FC and Crystal Palace FC.

Mark has appeared in contract disputes involving numerous players, such as Sol Campbell, Jermain Defoe and Jay Bothroyd. He acted for Tim Don, the World Triathlon Champion, in doping offence disciplinary proceedings brought by the British Triathlon Association. Mark also appeared in proceedings before the Court of Arbitration for Sport in Gibraltar *Badminton Federation v The International Badminton Federation*. He is an appointed Arbitrator (Specialist Members' List) for Sport Resolutions, the independent dispute resolution service for sport in the UK.

DISCRIMINATION AND EMPLOYMENT CLAIMS

In the employment sphere, Mark has developed a practice covering unfair and wrongful dismissal claims, which often overlap with the sex, race and disability discrimination actions that form the cornerstone of his discrimination law practice. He has particular experience of discrimination claims brought against academic institutions that have been commenced by both teaching staff and pupils/students. He appeared as sole Counsel in the 50-day employment tribunal hearing of *Anyanwu v South Bank University*.

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY:

Recommended for sporting contractual disputes (Legal 500 2016, Sport)

Brings his expertise in employment, discrimination and media law to bear on sports matters. He acts for clubs, sportsmen and women and agents from a wide variety of sports. (Chambers & Partners 2015, Sport)

Recommended for disputes between sportsmen and their clubs or agents, and personal injury related cases. (Legal 500 2014, Sport)

Mark Afeeva remains "very calm under pressure and is always unfazed by whatever is thrown at him." (Legal 500 2011, Employment)

Mark Afeeva offers "strong client support." (Legal 500 2011, Media, Entertainment & Sport)

"valued by sources for his excellent legal mind and his calming influence in tense situations." (Chambers & Partners 2011, Employment)

Mark Afeeva has "masses of stamina and is punching well above his weight." Sources praise his responsiveness and client-handling skills, and declare him "very good at mastering the details of complex cases." (Chambers & Partners 2010, Employment)

Mark was also instructed in *Ben-Hassine v Birmingham University*, the first religious discrimination claim brought by a student against a University. Similarly, he is well-versed in dismissal and discrimination claims brought by employees against investment banks (such as Barclays Capital and Merrill Lynch) and other large financial institutions (e.g. Zurich Insurance). He appeared as junior Counsel for the Applicant in *Kamlesh Bahl v The Law Society*. Mark also acted for the Claimant in *Ali Dizaei v Commissioner of Police for the Metropolis*.

MEDIA & ENTERTAINMENT WORK

Mark has advised a number of recording artists on the terms of both their recording and management contracts and has also acted for recording artists in their actions for copyright infringement and passing off. He has acted in a number of cases involving defamation, malicious falsehood, the law of confidence and privacy. Mark formerly worked as a Libel Reader for The Independent, Mirror Group Newspapers and Associated Newspapers and he has advised as the pre-publication reviewer of a number of film and book manuscripts.

SPORTS CASES

Re: Base Soccer Agency v Jay Bothroyd (2011) Mark acted for the Defendant, the QPR and England striker, in his defence of a breach of contract claim brought by his former agents

Re: Frank Nouble (2009) Mark negotiated the transfer of the England under-19 international striker from Chelsea FC to West Ham FC

Sky Andrew v Jermain Defoe (2009) FA Arbitration and High Court breach of contract proceedings brought by a football agent against his former client, the Spurs and England international striker

SoI Campbell v Notts County FC (2009) Football League breach of contract arbitration proceedings between the former England captain and his former club

SoI Campbell v Portsmouth FC (2009) Breach of contract claim following the club's failure to observe the player's contractual entitlements in respect of payment for his image rights

The FA v Enoch Showunmi (2008) FA disciplinary proceedings brought against the Leeds United striker, concerning the BBC's Panorama programme on corruption in football and the use of unlicensed agents

The FA v Sky Andrew & Luton Town FC (2008) FA disciplinary proceedings brought against a number of football agents relating to improper payments made by LTFC

British Triathlon Association v Tim Don (2006) WADA-related disciplinary proceedings brought by the BTA concerning the World Triathlon Champion, in respect of missed doping tests

Re: Sam Sodje (2005) Believed to be the first ever instruction of counsel by a Premiership footballer to negotiate the terms of his transfer (from Brentford FC to Reading FC)

The Gibraltar Badminton Federation v The International Badminton Association (2001) The Court of Arbitration for Sport considered the activities of the Appellant's players during the Respondent's world championship held in Spain

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Watson & Bradford City FC v Gray & Huddersfield Town FC (1998) High Court football personal injury action concerning a career-threatening tackle by the Defendant on the Claimant (The Times, 26 November 1998)

EMPLOYMENT & DISCRIMINATION CASES

Re: Nicholson v Grainger plc (2010) Claim brought by the Claimant on the grounds that he had been unfairly dismissed and treated less favourably, pursuant to the 2003 Religious Belief Regulations, due to his philosophical belief in climate change

Abegaze v Shrewsbury College (2007) - UKEAT/0176/07/ZT - EAT Appeal on whether a 6-year delay between a liability and remedy hearing justified a finding that a fair remedy hearing was impossible

Levenes Solicitors v Dalley (2007) Court of Appeal unfair dismissal appeal on whether a dismissal can be procedurally and substantively fair, and yet unfair due to inconsistent treatment

Ben-Hassine v Birmingham University (2005) First religious discrimination claim brought by students against a University

Hill v Clacton Family Trust (2005) - [2005] EWCA Civ 1456 CA appeal on the interaction between the Disability Living Allowance and the DDA disability definition

Williams v The Home Office (2004) - [2005] EWCA Civ 1648 Race discrimination claim brought by employee against the Respondent's Head of Diversity in the Immigration Nationality Directorate, which was successful before the Employment Tribunal. Subsequent appeals to the EAT and the Court of Appeal

Dizaei v Commissioner of Police for the Metropolis (2003) A high-ranking ethnic minority police officer brought a race discrimination action against the Commissioner of Police for the Metropolis

Anyanwu v South Bank University (2002) - EAT 0279/03/ZT The Employment Appeal Tribunal considered the scope of aiding an act of discrimination and the defence of frustration of the contract of employment in discrimination claims. The case consisted of a 10-week Tribunal hearing and a 4-day EAT hearing

Kamlesh Bahl v The Law Society (2001) Race discrimination claim brought by the Respondent's former Vice-President; two month tribunal hearing

MEDIA AND ENTERTAINMENT CASES

Sophocleous v Enfield Town Football Club (2003) High Court libel action brought by football club chairman against rival team

Joe Kinnear v Associated Newspapers (2002) Libel action brought by Football League manager

Imutran v Uncaged Campaigns (2001) Application of public interest and Art.10 (of the HRA) defences in a copyright infringement claim

Richards v JetStar Phonographics (2001) Passing off and breach of contract claim by music producer against record label

Pre-publication reviewer of the scripts of (a) the film "Blackball" (2002); (b) "All Things Must Pass - The Life of George Harrison" (2002); and (c) "Man in the Mirror: the Michael Jackson Story"

Glatt v Central Television, Roger Cook & Prof Robert Winston (2000) Malicious falsehood action

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ADDITIONAL EXPERIENCE

Formerly a Consultant to Team Sports Management Ltd (sports & music management company) and the First Artist player management agency

Formerly a Libel Reader for The Independent, Mirror Group Newspapers and Associated Newspapers

Formerly a Development Programme Chairman of the Sports Dispute Resolution Panel's National Anti-Doping Panel

Mark is regulated by the Bar Standards Board and accepts instruction under Standard Contractual Terms. To find out more information on this and the way we work at Matrix, including our fee transparency statement, please see our [service standards](#).