

Inside the world of football's high-power, high-price lawyers: 'I've got a KC, who have you got?'

Jacob Whitehead Dec 8, 2023

In late November, a lunch took place in the private dining room of The Delaunay, a restaurant in the Covent Garden district of central London. The minimum spend was set at £2,500 and the menu included poached halibut, petit fours and port. It was a client lunch held by Blackstone Chambers, the leading 'set' of barristers in the sports law field. At the long table was a who's who of King's Counsels (KCs), the elite of the legal world.

"All legends of the game," one sports lawyer from a different firm described the guests.

Six days earlier, Everton's 10-point deduction, the largest in Premier League history, had been decided by an independent commission. Barristers from Blackstone represented all three interested parties — the Premier League, Everton and five clubs seeking compensation. That representation will continue, with arbitration ongoing, Everton having submitted an appeal, and the other clubs pursuing a nine-figure claim.

The dinner at The Delaunay was organised before the deduction was announced, but it morphed into an event marking the case's significance for the chambers.

Adam Lewis KC, who represented the Premier League, acted as an informal host, while lawyers involved in the dispute took turns to rise and give speeches about some of the case's key points, including a history of football's financial fair play (FFP) rules and the ability of clubs to sue each other.

The dinner illustrated that the futures of football clubs are no longer only decided on the pitch or in the boardroom. In a sporting landscape that is increasingly contested and litigious, the courts have become another stage. And with only a handful of elite practitioners, this is a world where razor-sharp precision and tactical acumen are vital when it comes to a client's fortunes — whether a football club, a league or an individual.

"This isn't somewhere you can fake it," says one solicitor who has instructed barristers on behalf of several Premier League clubs and, like others in this piece, was speaking anonymously to protect relationships. "Everyone sees what you do. If you didn't have serious expert skills, you just would not survive in this space. It is too adversarial, it is too public. Errors you might see publicly from politicians — these guys just don't do that. They don't slip up."



Blackstone Chambers in Temple, central London (Jacob Whitehead/*The Athletic*

As high-profile lawsuits unfold across the sport, including those involving the Premier League champions, betting bans and compensation claims, *The Athletic* spoke to many of the lawyers involved.

These are the secrets of those who are privy to the secrets — the people who shape football with their words rather than their feet.

Strictly speaking, sports law does not exist.

"It's an artificial creation," says one lawyer. "What it really means is a commercial or regulatory lawyer with a real knowledge of the sports industry."

That has not stopped the specialism from becoming big business.

There are separate arbitrations ongoing between the Premier League and three of its shareholder clubs — Manchester City, Chelsea, and Everton. Dozens of high-profile figures seek representation each season amid disciplinary disputes with the Football Association, the English game's governing body. On top of this, routine work is spiralling — transfers, contracts, commercial deals. When midfielder Kevin De Bruyne negotiated his most recent Manchester City contract, his closest advisors were a data analyst and a sports lawyer rather than a traditional agent.

Generally, lawyers are in the background, but they are increasingly visible in football. <u>Patrick Stewart</u> became acting chief executive of <u>Manchester United</u> last month. Tim Lewis is highly influential at <u>Arsenal</u>. Both men are corporate lawyers by trade.

Lord Pannick KC, who is defending <u>Manchester City against 115</u> <u>Premier League charges</u>, had his name displayed by the club's fans at a game on a giant banner inspired by a hit song from local band The Smiths: "Pannick on the streets of London".

"There have always been barristers who have taken on celebrity status," says one lawyer. "It goes right back to Edward Marshall Hall in the 17th century (nicknamed 'The Great Defender' during a string of high-profile cases). That's always been an attraction to advocates."

One example is Nick De Marco KC, a member of Blackstone Chambers and a guest at November's dinner, who has represented more than 45 Premier League and English Football League clubs and became famous on social media when he worked on behalf of Newcastle United during their takeover battle with the Premier League.

"Why are there more sports lawyers? Why are they more high profile?" asks Blackstone's Michael Beloff KC. "The answer is one word: money."

Back when Beloff, nicknamed 'The Godfather Of Sports Law', began his career, players were receiving just £100 per week in wages. The 81-year-old has been involved in a string of major cases as an advocate and arbitrator and Pannick is one of his former juniors.

Beloff represented British track-and-field athlete Christine Ohuruogu in her successful bid to overturn the British Olympic Association's (BOA) lifetime ban from competing at the Olympic Games after she was suspended for missing three drug tests in 18 months. She went on to win gold in the 400m at the Beijing Olympics in 2008 and then silver in the same event at the next <u>Olympics</u> four years later in London.

Beloff also chaired the International Cricket Council panel that banned four Pakistani players for match-fixing in 2010 and acted for George Best in 1979 when the Manchester United legend wanted to leave Fulham to play for U.S. side Fort Lauderdale Strikers.

"It was an extraordinary case," Beloff says of Best. "The funny thing about it was that the opponent who was representing the Football League was also doing a murder (trial) at the Old Bailey (the UK's highest court), so he kept popping in and out of court every few days."

Beloff came to prominence again in 2021 when Newcastle attempted to remove him as an arbitrator — one of three judges — when they sought Premier League approval for a proposed takeover by <u>Saudi Arabia</u>'s state Public Investment Fund (PIF). They argued that his previous work for the Premier League amounted to bias — but the bid

failed, with the judgment ruling that the world of sports law was too small to rule out arbitrators on such grounds.

"You could hardly have had a more distinguished panel with two Supreme Court justices," says Beloff. "I was challenged on a whole series of grounds, none of which in the end succeeded. It just shows how sensitive the issue of independence has become."



Michael Beloff, right, at a cricket-related trial in 2011 (AFP via Getty Images)

In the Everton points deduction case, the club's fans were unhappy with the independent commission including a former <u>West Ham</u> <u>United</u> finance director and a KC who is a member of the FA judicial panel. But this is not seen as a problem within the industry.

"Any club allegiances — supporting Arsenal or whatever — are not going to influence decisions," says a lawyer who has been an arbitrator. "Lawyers take their professional obligations quite seriously. If anything — and it wouldn't, but if anything — it probably gets in the way, with people trying not to be biased."

But it highlights just how small the field is.

Legal guides such as Legal500 and Chambers UK rate barristers and chambers in each field and although dozens of lawyers specialise in sport, very few are qualified to take on the most high-profile cases.

Just a handful of KCs who specialise in sports are top-rated, the majority are London-based, and they are spread between a handful of chambers — just three, according to one barrister. "There's a very small pool — possibly just three, four, maybe five individuals I'd use," says one solicitor. "You also know which of three or four the other side is going to use."

"You can't ask (for the biggest names) in all your cases because you've got to pick your battles wisely," says another. "There's only a handful I'd class as absolute experts and they're the ones I'll go to for the big, big cases."

Lord Pannick is the perfect example.

Known as one of the most expensive barristers in the country, charging a rumoured £5,000 per hour, the 67-year-old has represented clients including former UK Prime Minister Boris Johnson, Brexit campaigner Gina Miller (against Johnson's government), and former Islamic State member Shamima Begum.

"I remember watching Lord Pannick appear in front of the Supreme Court in the second Gina Miller trial," says one barrister. "He rose for his closing statement and began with, 'I have eight points...'. He then just made the whole thing appear so easy. That's the mark of great advocates — going through a mass of matter and making it perfectly clear, making it appear so simple that it must be right."

Generally, the top-ranked sports barristers specialise in the field, but Pannick — known for human rights and public law — is an exception. "Maybe he's not just a sports lawyer, but he has done that work," says one solicitor. "He's incredibly strong on his feet. His ability to argue is so high."

Internally, Pannick's appointment to represent City against their charges — all of which they strongly deny — is regarded by some at the club as a coup. The severity of Everton's punishment for a single charge shows the stakes. According to one source with knowledge of the proceedings, which could still be more than a year away from any resolution, Pannick and City have "contested matters every step of the way".



"When you look at what Manchester City are potentially exposed to, it's not surprising that they regard the fact he's representing them as they have somehow managed to attract <u>Lionel Messi</u> to play for the team," says one KC unconnected to the case.

City's legal team is unusual in employing two leading names. Alongside Pannick, it includes Paul Harris KC, best known for being taken by the Mercedes F1 team to the final race of the 2021 season in Abu Dhabi, where he represented Sir Lewis Hamilton in the ignominious and controversial ending to that year's championship. He previously acted for City when they <u>overturned a two-year UEFA ban from the Champions League</u>.

"I'd prefer to arbitrate rather than be against him," a fellow KC says of Harris. "He's very tough, an ex-competition lawyer, a very aggressive guy. That's not a bad thing. Very good for your client, no doubt; very difficult if you're against."

"We instructed him not that long ago and would do so again," says a solicitor. "He's bullish and aggressive, but well-regarded."

Barristers tend to split down lines: those who represent governing bodies and those who represent clubs and players. "If you've worked for the Premier League, you can't work for any Premier League club half of the time," says one leading silk — the nickname for KCs owing to the gowns they wear in court. "They're worried about their secrets getting out."

The Premier League's go-to lawyer is Adam Lewis, who represented it in the Everton and Manchester City cases. He no longer acts for clubs. In his sixties, Lewis co-wrote the field's major textbook. "His reputation precedes him; nice, charming, disarming guy, obviously sharp," says one solicitor. "Very sharp."



Lewis, second from right, at a cycling-related case in 2011 (Fabrice Coffrini/AFP via Getty Images)

Lewis and De Marco often find themselves in opposition. De Marco, previously a director at west London-based <u>EFL</u> club <u>Queens Park</u> <u>Rangers</u>, has represented footballers including <u>Ivan Toney</u>, <u>Cristiano Ronaldo</u>, <u>Harry Kane</u> and <u>Jordan Henderson</u>. While Lewis has barely any public profile, De Marco is a prolific user of social media, displaying his photography and paintings.

"Nick is probably the most well-known (sports barrister) because he does a lot of work in terms of promoting himself," says one solicitor. "And I don't say that as a criticism, but as an observation. He's a nice guy, but he promotes the s**t out of himself, so literally everyone in the sector knows him. And if you're uninitiated to how litigation in sports works and your first case pops up — the first person you're going to think about is Nick De Marco."

"It's a reflection of his talents," says a rival KC. "He can maintain a lucrative practice on the basis of quite a definite specialism — it shows how well regarded he is."

"Despite what you see online, he's quiet and methodical in court," adds another. "He's very tactical in his approach."

Other big names include John Mehrzad KC, who has represented football managers Carlo Ancelotti and Antonio Conte; James Segan KC, who acted for Everton in their FFP case, and Ian Mill KC, working for Mikel Arteta when the Arsenal manager had a disciplinary proceeding against the FA. "Ian is a brilliant cross-examiner," says one KC. "You wouldn't want to be on the wrong side of him."

The top is a male-dominated field — while just under 40 per cent of total barristers are female, this number falls to fewer than 20 per cent of KCs. Sports law is no different — though Jane Mulcahy KC, cohead of Blackstone, is one notable exception. She represented players Kieran Trippier and Daniel Sturridge in betting cases against the FA, while she also wrote the Mulcahy Report into allegations of sexual abuse by youth coach Barry Bennell at Manchester City. However, there are signs this could change — according to Legal500, four of the five top-rated junior barristers in sports law are women.

With relatively few names right at the top, the battle to secure representation is fierce. At any given time, a Premier League football club is just as likely to be after a top lawyer as a player.

"You want to give yourself a sense of security that you've got the top barrister fighting your case," says one lawyer. "It's a show of teeth: 'I've got a KC, who have you got?'. The judge might be more swayed

by their arguments than someone who's slightly more junior, even if you're saying essentially the same thing."

"I once had a big falling out with one club because two clubs I usually acted for ended up suing each other," says one silk. "I had to pick a side — and it wasn't theirs. For about two or three years, officials at this club who I'd worked with very closely wouldn't speak to me."



Lord Pannick, pictured at a Brexit hearing in 2016, is now representing Manchester City (Dan Kitwood via Getty Images)

To tackle the issue of lawyers within the same chambers representing different parties, a system known as an 'information barrier' is used.

"When you get American clients, they just can't understand it," says one lawyer. The system has a long tradition and is common practice, with issues rarely reported. "It is fairly regular for me to get notified by my clerk that an information barrier has gone up," says a KC. "We can only discuss case matters with specific clerks and they can't speak to certain other people.

"Anything that needs to be printed off will be physically handdelivered to our rooms. There's no possibility for instructions to us to inadvertently be seen by the other side. We might not even necessarily know who's on the other side — except that they're in chambers."

But though there are no questions about impartiality, matters can be anything but sedate. "If I'm against someone from my chambers, nine times out of 10, I think they'll be a far better opponent than anyone else," says one KC. "We'll both be trying harder to beat each other. You have more respect, more competition for cases, and more competition to win cases. You raise your level rather than it being cosy."

With a small pool of elite talent, some people attempt to preclude certain KCs from being involved for the other side. "I was sounded out in relation to a Premier League matter which has just happened," says a KC, "to give a short piece of advice and that means I'm conflicted on ever doing anything on the matter ever again. It's a matter of who is in the market — can you send them work to ensure the competition can't use them?"

It is the equivalent of giving an 18-year-old player an international cap to prevent them from representing another country in the future.

The firms spoken to by *The Athletic* all denied they had used the practice themselves, pointing out the risk of angering the barrister in question, though recognised it does exist. To combat it, the very top KCs charge 'reading fees' — a hefty payment for simply opening the papers of a case, which serve as a disincentive.



When it comes to who gets which cases, there is a 'cab rank' rule — if a barrister has the expertise and time and is offered a fair fee, they act for the first client to approach them. There are ways around that — "No one knows how busy you are," says one barrister — but there are no rules against barristers seeking or creating work.

"To be frank, there will be times when I look through updated regulations, look at a particular clause, and think that this is totally unenforceable, or totally contrary to a case," says one silk. "I'll just drop a message to a potential client: 'By the way, have you seen this...' If it blows up or becomes properly contentious, I'll be in a very good position to be instructed."

For example, after former Manchester City defender Benjamin Mendy was this summer found not guilty of rape charges made against him, several KCs realised he may have cause for a claim against the club for "unauthorised deduction of wages" and pursued the case. De Marco ended up winning the right to represent him, with a claim now filed.

It is also an open secret within the industry that De Marco, along with a solicitor, brought together the clubs seeking compensation from Everton after their FFP breaches — <u>Leeds United</u>, <u>Nottingham</u>

<u>Forest</u>, <u>Southampton</u>, <u>Leicester City</u> and <u>Burnley</u> — due to his relationships with some of them.

At some point, the cost of all this legal advice and representation bites for clubs, however — and those legal costs count towards FFP. "Everything at a football club, in my experience, is about the best results on the pitch," says one lawyer. "The general position on legal spend is that, inevitably, clubs try to limit it as much as possible because it takes away from what they can spend progressing the club."

As a result, clubs are now employing in-house legal teams for the majority of routine work rather than outsourcing.

Ten years ago, a minority of Premier League clubs had their own full-time counsel, now it is the norm. The majority of Championship clubs are the same. The traditional 'Big Six' are regarded as having the best in-house teams, with interim Manchester United CEO Stewart particularly praised. "He's a top-level lawyer with a good team underneath him," says one solicitor who has worked with the majority of Premier League clubs.

Looking to the future, lawyers are anticipating more work in historic and contemporary safeguarding, the disruption of investment from Gulf nations, multi-club ownership, and the rise of player commercial power. The Premier League's in-house legal team has undergone a rapid expansion in recent seasons, readying for its own regulatory arbitrations.

In a secretive and lucrative world, there are many more cases below water than those currently above water.

and friendship - what could go wrong?