



Max Shephard

Year of call: 2013

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Practice Summary

Max is regularly instructed in employment, regulatory, sports, and commercial cases. He appears in a range of courts and tribunals including County Courts, the Employment Appeal Tribunal, the High Court, and the Court of Appeal. Max is frequently instructed to advise on settlement in complex disputes.

Max has advised blue-chip companies, high net worth individuals, and professional athletes. He was also instructed by the Government Legal Department in a significant international case.

Affiliations

- IMMAF – Anti-doping Committee
- Member of the Association of Regulatory and Disciplinary Lawyers
- Free Representation Unit

Languages

- Spanish
- Italian

Education

- BA Hons, University College, London
 - Graduate Diploma Law (BPP)
 - Bar Professional Training Course (BPP)
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Articles

- Contaminated Supplements; Lessons on Product Comparison and Route of Ingestion from the Joanna Blair Case
 - Freezing Orders and Assets: A 2017 update
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Employment

Max's Employment experience includes advice and representation of Claimants and Respondents in all types of hearings. He has advised Claimants and Respondents on appeal to the Employment Appeal Tribunal and has appeared in his own right there. He is frequently instructed in complex matters and his advice is commercial and client-focused.

Recent instructions include:

- Successfully defended claims for whistleblowing, race discrimination, and breach of contract, on behalf of a well-known public transport company.
 - Successfully defended claims of discrimination and unfair dismissal on behalf of a well-known public transport company.
 - Successfully represented a client (following a 3-week liability hearing) in a matter against the Police Commissioner of the Metropolis for race and disability discrimination.
 - Advised and successfully represented a client in a claim for unfair dismissal against a non- departmental public body following allegations of being under the influence at work. Max also advised on the concurrent regulatory referral to the HCPC in respect of this matter.
 - Instructed by the headmaster of a school in an unfair dismissal claim following allegations of gross misconduct. This matter had concurrent and independent High Court proceedings. (Matter settled)
 - Advised and represented a client in respect of pregnancy discrimination claims. This case dealt with allegations of illicitly obtained documents. (Matter settled).
 - Advised a client in an unfair dismissal claim in respect of allegations of fraud. (Matter settled)
 - Advised and acted in an unfair dismissal and disability discrimination claim against a national company. (Matter settled)
 - Currently instructed by the Claimant in a long running discrimination claim against a public organisation.
 - Successfully persuaded the Tribunal it had jurisdiction to hear a case that had been presented out of time.
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Regulatory & Disciplinary

Max has extensive tribunal advocacy experience advising both Regulators and Registrants. He has previously

advised the NMC, GDC, and those before HCPC. Max is currently seconded to the Financial Conduct Authority.

Max also undertook a 6-month secondment at the General Dental Council assisting the Information Governance team in preparation for the GDPR and frequently advises on information law overlaps in ongoing litigation. He has previously advised the General Dental Council on an ad hoc basis in relation to the Data Protection Act 1998 and Legal Professional Privilege.

A selection of his cases in regulatory law are as follows:

- Regularly appeared on behalf of the NMC in applications of Interim Orders and Substantive Order Reviews.
- NMC v I: Acting for the Nursing Midwifery Council in a substantive hearing where a nurse was accused of performing an invasive procedure on a patient without the patient's consent. All charges found proved.
- NMC v B: Acting for the Nursing Midwifery Council in a substantive hearing where a nurse was accused of causing the death of a patient by incorrectly administering a drug. All charges found proved.
- NMC v S: Acting for the Nursing Midwifery Council in a complex substantive hearing comprising 27 charges where all charges were found proved.
- NMC v O: Acting for the Nursing Midwifery Council in a substantive hearing where there were allegations of dishonesty. All dishonesty charges found proved. At the conclusion of closing submissions, the case of Ivey v Genting Casinos 2017 UKSC 67 was published. As a consequence, subsequent submissions were made in line with the new authority.
- NMC v R: Acting for the Nursing Midwifery Council in a substantive hearing where there were multiple clinical failings. Charges admitted on the day of the substantive hearing. Misconduct and impairment found.
- NMC v A: Instructed by the Nursing Midwifery Council in a sensitive substantive hearing where there were allegations of a sexual nature.
- NMC v M: Instructed by the Nursing Midwifery Council in a lack of competence case where there were approximately 50 charges.

Sport

Sports law work forms an increasingly prominent part of Max's practice and he accepts instructions in all areas of sports law, be they contractual, regulatory or governance.

Recent cases include:

- Currently instructed by a professional athlete in anti-doping allegations which have received media attention.
- Advised and represented a British Weightlifter before the National Anti-Doping Panel at first instance and subsequently on appeal.
- Appointed to the International Mixed Martial Arts Federation anti-doping committee and decided on the first ever anti-doping case in the Federation.
- Advised professional football players about overlapping criminal and civil liability, injunctive relief, and appeared on their behalf at preliminary hearings and trial.

Commercial

Max's commercial experience typically includes contractual disputes, matters arising from fraud, and international investigations.

Recent cases include:

- Assisting the defence to lift a worldwide freezing injunction in ICICI Bank UK v

Mihir Mehta & Ors [2017] EWHC 1030 (Comm).

- Junior assisting the defence in Clydesdale Bank plc v (1) Stoke Place Hotel Ltd (In administration) (2) Novtej Singh Dhillon (3) Sarina Thiara Dhillon (4) Andrew Paul Seavers [2017] EWHC 181 (Ch).
 - Instructed as independent privilege Counsel in the largest deferred prosecution ever (SFO v Rolls-Royce PLC and Rolls-Royce Energy Systems Inc U20170036).
 - Advised on privilege in a £400m banking claim: Wall v Royal Bank of Scotland Plc [2016] EWHC (Comm).
 - Advised on privilege in a £multi-million construction claim.
 - Instructed by the defence to assist in international investigations in respect of hidden assets allegations. This instruction required travel to Spain to liaise with Spanish lawyers about the case.
 - Advised and appeared in cash forfeiture proceedings where there were attempts to remove a large quantity of cash from the jurisdiction.
 - Advised in cash forfeiture proceedings following successful acquittal of money laundering allegations.
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