

Max Shephard

Year of Call: 2013

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Practice Summary

Max is regularly instructed in regulatory, commercial, employment, and sports 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, regulators, high net worth individuals, and professional athletes. He has also been instructed in cases both for and against the interests of governments. Max was instructed by the Department For Exiting the European Union on Brexit-related issues and separately was instructed by the Government Legal Department in the well publicised Cyprus Emergency Litigation.

Max is also instructed at early stages in investigations in a wide array of cases be they employment, sports, or financial regulation.

Commercial

Max's commercial experience often includes claims arising from fraud and he has been instructed on behalf of, and against, well-known banks. Max has appeared in the High Court on cases relating to property freezing orders, worldwide freezing orders, relief from sanctions applications, and directors disqualification proceedings.

Max has been involved in a wide variety of commercial fraud cases over the years including a breach of contract case concerning purported failed investments across three continents and deceit claims following the collapse of a hotel chain where the losses were alleged to be in excess of £30m. The latter involved a worldwide freezing order and director disqualification proceedings brought by the Department Business Innovation and Skills. Max also has extensive experience of contempt proceedings arising out of breaches of injunctions and is well placed to advise in this area.

A highlight of the cases Max has been involved in are as follows:

- Director of Public Prosecutions v Patrick Tristram Bijou (AKA His Excellency Sir Dr Patrick Tristam Bijou) [2022] EWHC (Admin)
- North Warwickshire Council v Charlesworth [2022] EWHC 1464 (QB)
- Sharif v Associated News Limited [2021] EWHC (QB)
- 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 (Ch)
- ICICI Bank UK v Mihir Mehta & Ors [2017] EWHC 1030 (Comm)

Investigations and Resolutions

Max is often instructed at the early stages in a wide range of investigations. He has a breadth of experience in financial regulation and has been instructed in cases relating to money laundering, bribery and corruption, skilled person reviews, and unauthorised business. Max has also been instructed as independent privilege counsel on significant cases by the Serious Fraud Office ("SFO") (one of which resulted in one of the biggest financial settlements in a deferred prosecution ever).

Max was seconded to the Enforcement and Market Oversight Division of the Financial Conduct Authority ("FCA") for approximately two years and has advised on significant and multifaceted financial investigations. He has also been instructed in complex offshore regulatory investigations and dual investigations conducted by multiple regulators.

His highlights in this area include:

- SFO v Rolls-Royce PLC and Rolls-Royce Energy Systems Inc U20170036
- Assisting the enforcement division of the FCA on multiple confidential financial regulatory matters.
- Instructed in confidential offshore financial regulatory investigations.
- Developing and executing strategy for regulatory remediation.
- Preparing and conducting compelled interviews.

Professional Disciplinary & Regulatory

Max is also well placed to advise on non-financial misconduct and has previously advised large regulators such as the Nursing & Midwifery Council ("NMC"), the General Dental Council ("GDC"), and the UK Council for Psychotherapy ("UKCP"). He has also acted for registrants in matters before Tribunals at the Health & Care Professionals Council ("HCPC"), Social Work England ("SWE"), and at the NMC.

Max has advised and acted in multiple cases alleging dishonesty, sexual misconduct, and even cases where a medical professional is alleged to be responsible for the death of the patient. He has extensive tribunal advocacy and experience advising both Regulators and Registrants. He is ranked as a leading barrister by the Legal 500 in this area.

Please see below a selection of his professional disciplinary cases:

- Frequently instructed to sit as a Legal Advisor in disciplinary proceedings for a major political party.
- SWE v F: Instructed by the Registrant in a case alleging sexual misconduct and intimidation and/or influence of a witness into changing their account. The latter charge was dismissed at half time following submissions.
- M v GDC: Successfully resisted an appeal by the registrant following erasure from the register.
- NMC v B: Acting for the NMC 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.
- Currently instructed in multiple cases by the UK Council for Psychotherapy ("UKCP").

Employment

Max undertakes work in all areas of employment law and is instructed by both Claimants and Respondents at all stages of proceedings. He is often instructed at the investigatory stages and his cases frequently involve sensitive issues such as those with potential regulatory implications.

Max is regularly instructed in complex multi-day and multi-party disputes which sometimes span years requiring extensive case management and interlocutory hearings. He has advised Claimants and Respondents on appeal to the Employment Appeal Tribunal and has appeared in his own right there.

Highlights include:

- Currently instructed in multiple cases alleging breaches of the Equality Act 2010.
- Successfully defended claims for whistleblowing, race discrimination, and breach of contract, on behalf of a well-known public transport company.
- Advised a Claimant in discrimination proceedings against a large private asset management firm. (Matter settled)
- Advised a law firm on liability, quantum, and settlement in relation to allegations of discrimination. (Matter settled)
- Instructed by various government organisations in discrimination claims.

Sports, Media and Entertainment

Sports law 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. Max is ranked as a leading barrister by the Legal 500 in this area.

Max has been instructed by national and international federations, clubs, and players. He has advised professional football players about overlapping criminal and civil liability, injunctive relief, and appeared on their behalf at preliminary hearings and trial. He advises at first instance and on appeal cases, be they to the National Anti-Doping Panel or the Court of Arbitration of Sport.

Max is a member of the Sport Resolution Pro Bono Panel, the Sport Resolutions Case Management Programme (dealing with safeguarding issues in sport), and is the Chairman of the International Mixed Martial Arts Federation Anti-Doping Committee. Max has also conducted seminars for other sports lawyers and organisations including some of the best sports lawyers in the country.

His most recent cases include advising on jurisdiction, player contract disputes, a significant appeal against the Rugby Football Union before the National Anti-Doping Panel, and a well-publicised tampering and doping case.

A highlight of his sports experience includes:

> X v Y: Successfully contested jurisdiction on behalf of the athlete before the National Anti-Doping Panel.
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> Goodfellow v Rugby Football Union: Successfully appealed a semi-professional rugby player’s sanction against the Rugby Football Union following an anti-doping rule violation involving an S1 prohibited substance.
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> Rugby Football Union v Z: Successfully defended a client for breach of Rule 5.12 and 9.12 (conduct prejudicial to the interest of the game and verbal abuse of a player). The case involved allegations of racial abuse.
>
> Fedorciow v British Weightlifting Federation: Advised and represented a British Weightlifter against UK Anti-Doping at first instance and subsequently on appeal. The athlete’s actions were deemed not intentional.
>
> Instructed by a football club in relation to player contract disputes during the coronavirus pandemic.

Direct Access

- Yes

Appointments

- Panel Counsel - Government of the Virgin Islands (2023)
- Rights of Audience - AIFC (Kazakhstan) (2021)

Affiliations

- IMMAF – Chairman of the Anti-doping Committee

Languages

- Spanish
- Italian

Education

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

Articles

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

Areas of Expertise

- Commercial
- Employment
- Investigations And Resolutions
- Professional Discipline And Regulatory
- Sport Media And Entertainment
- Business Crime