

Robert Steele

YEAR OF CALL: 2023

Clerk's Email: TonysClerkingTeam@brickcourt.co.uk



Practice Overview

Robert practises across commercial, competition, public/human rights and international law. His recent or current instructions include:

- Acting for a Cayman fund in proceedings regarding the sufficiency of AML information provided by members, raising issues of the proper exercise of contractual discretions and good faith (led by Vernon Flynn KC, Paul Bowen KC and Tim Johnston).
- *NHS v Servier* - acting for a Part 20 Defendant in the long running "pay for delay" competition damages claim (led by Sarah Love).
- Substantial advice to a " *UK recognised investment exchange*", within the meaning of the Financial Services and Markets Act 2000, raising various issues in private and public law, and the interpretation and application of financial services regulation (with James McClelland KC).
- Ongoing advice to a BVI fund in relation to the "owned or controlled" test under Reg 7 of the Russia (Sanctions) (EU Exit) Regulations 2019 (with Fergus Randolph KC).
- Acting for a victim of rape in prospective judicial review proceedings regarding the police's failure to give proper reasons in their decision not to refer the matter to the CPS (led by Jennifer MacLeod).

Prior to joining Brick Court, Robert was the Judicial Assistant to Lord Sales and Lord Richards (in the United Kingdom Supreme Court and the Judicial Committee of the Privy Council) and to Mr Justice Chamberlain (now Judge in Charge of the Administrative Court). Robert also practised as a solicitor in the Litigation and Investigations team of a Magic Circle law firm for a number of years. He trained at the same firm, in London and Dubai.

Robert studied law at the University of Oxford (Jesus College), where he graduated with a BA in Jurisprudence (First Class) and the BCL (Distinction). He won a number of prizes during his

studies, including the Law Faculty Prize in European Human Rights Law, for coming top of the year in that subject.

Commercial

Robert accepts instructions across all areas of commercial litigation and arbitration. His recent experience includes:

- Acting for a Cayman fund in proceedings regarding the sufficiency of AML information provided by members, raising issues of the proper exercise of contractual discretions and good faith (led by Vernon Flynn KC, Paul Bowen KC and Tim Johnston).
- Ongoing advice to a BVI fund in relation to the “owned or controlled” test under Reg 7 of the Russia (Sanctions) (EU Exit) Regulations 2019 (with Fergus Randolph KC).
- Advising a lender regarding potential liability arising from the Court of Appeal’s decision in *Johnson v Firstrand Bank Limited* [2024] EWCA Civ 1282, regarding “secret commissions” (with Tim Johnston).
- Advising a private individual regarding the recovery of valuable watches in claims for breach of contract and conversion (as a pupil, assisting Ben Woolgar).
- Drafting an appeal skeleton argument in relation to the scope of the Cayman Islands courts’ power to award interim relief in relation to foreign arbitration (as a pupil, assisting Ben Woolgar).
- *Re Compound Photonics Group Limited* [2021] EWHC 787 (Ch) and [2022] EWCA Civ 1371 – acting for the Respondents in an unfair prejudice petition in an optical technology company. The Court of Appeal judgment is now the leading appellate authority on the scope of the express duty of good faith (as a solicitor).
- *Kinled Investments Ltd v Zopa Group Ltd* [2022] EWHC 1194 (Comm) – acting for the Defendant in claims for breach of contract or restitution of an introducer’s fee (as a solicitor).
- *Jinxin Inc v Aser Media Pte Ltd and others* – acting for two defendants in claims alleging deceit and unlawful means conspiracy following the sale of shares in a global sports agency, relating to the sale of media rights in Serie A football matches and to the 2022 and 2026 FIFA World Cups (as a solicitor).
- *Confidential insurance arbitration* – acting for the policyholder in LCIA arbitration concerning claims under a W&I insurance policy (as a solicitor).

Public Law/Human Rights

Robert accepts instructions across all areas of public/human rights law. He gained particular experience in these areas as Judicial Assistant to Lord Sales in the United Kingdom Supreme Court, as well as to Mr Justice Chamberlain (now Judge in Charge of the Administrative Court). He also won the prize for coming top of the year in European Human Rights Law whilst at University.

His recent experience includes:

- Substantial advice to a “ *UK recognised investment exchange*”, within the meaning of the Financial Services and Markets Act 2000, raising various issues in private and public law, and the interpretation and application of financial services regulation (with James McClelland KC).
- Acting for a victim of rape in prospective judicial review proceedings regarding the police’s failure to give proper reasons in their decision not to refer the matter to the CPS (led by Jennifer MacLeod).
- Advising an energy company in relation to its regulatory and licensing position, including the prospects of injunctive relief against a regulator (with James McClelland KC and Emily MacKenzie).
- *C.O.C.G. v Lithuania* (European Court of Human Rights) – acting for four asylum seekers in claims relating to alleged “pushbacks” at the Belarussian/Lithuanian border. The applicants allege breaches of Articles 2, 3, 5 and Art 4 of Protocol No. 4 of the ECHR (led by Ali Al-Karim).
- Acting for an individual seeking judicial review of the police’s decision not to investigate allegations of rape which occurred abroad, including in relation to the State’s obligations under Article 3 (as a pupil, assisting Jennifer MacLeod).
- Advising the Department of Education in relation to a decision to ban a headmaster from school management as a result of suspected terrorist affiliations (as a pupil, assisting Jennifer MacLeod).
- *In re Dalton* [2023] UKSC 36 – appeal concerning the extent to which positive obligation on public authorities to investigate an individual’s death under Article 2 extends to deaths before the Human Rights Act 1998 came into force (as a Judicial Assistant, assisting Lord Sales).
- *R (Maguire) v Senior Coroner for Blackpool & Fylde* [2023] UKSC 20 – appeal concerning the application of Article 2 to the conduct of an inquest (as a Judicial Assistant, assisting Lord Sales).
- *Maharaj v The Cabinet of the Republic of Trinidad and Tobago* [2023] UKPC 17 – appeal concerning local government elections in Trinidad and Tobago (as a Judicial Assistant, assisting Lord Richards).
- *Reference by the Lord Advocate of Devolution Issues under the Scotland Act 1998* [2022] UKSC 31 – devolution reference of the question of whether the Scottish Parliament has legislative competence to legislate for a second independence referendum (as a Judicial Assistant, assisting Lord Sales).

International

Robert accepts instructions across all areas of international law. His recent experience includes:

- *C.O.C.G. v Lithuania* (European Court of Human Rights) – acting for four asylum seekers in

claims relating to alleged “pushbacks” at the Belarussian/Lithuanian border. The applicants allege breaches of Articles 2, 3, 5 and Art 4 of Protocol No. 4 of the ECHR (led by Ali Al-Karim).

- *Rohr v Russia* (United Nations Human Rights Committee) – acting for the applicant, an indigenous rights activist, following his expulsion from Russia in December 2018. Mr Rohr alleges violations of Articles 13, 17 and 19 ICCPR (led by Ben Juratowitch KC and Jennifer MacLeod).
- *Coppin v Ireland* (United Nations Committee on the Convention against Torture) advising Elizabeth Coppin in her claim against Ireland for internment and mistreatment in Ireland’s Magdalene Laundries (as a pupil, assisting Jennifer MacLeod).
- *Zubaydah v FCDO* [2023] UKSC 50 – appeal concerning the law applicable to torts alleged to have been committed by the UK Security and Intelligence Services to a current Guantanamo Bay detainee in CIA “black sites” (as a Judicial Assistant, assisting Lord Sales).
- *Deutsche Bank v Central Bank of Venezuela* – acting for the Claimant in relation to sums owed to the Central Bank of Venezuela under a gold swap contract, ultimately raising issues concerning the recognition of a foreign head of state and the foreign act of state doctrine (as a solicitor).

Competition

Robert accepts instructions in competition law. His recent experience includes:

- *NHS v Servier* – acting for a Part 20 Defendant in the long running “pay for delay” competition damages claim (led by Sarah Love).
- *GLOBAL-365 v Paypoint* – acting for the Claimant in proceedings in the Competition Appeal Tribunal alleging abuse of dominance in the UK smart meter market (as a pupil, assisting Colin West KC).
- *Cabo Concepts v MGA Entertainment* – acting for the Defendant in claims alleging abuse of dominance in the toy sector (as a pupil, assisting Jennifer MacLeod).
- Advising litigation funders regarding the prospects of success of various proposed claims (as a pupil, assisting Colin West KC).
- *PACCAR v CAT* [2023] UKSC 28 – appeal concerning whether certain standalone litigation funding agreements constitute “damages-based agreements” for the purposes of section 58AA(3) of the Courts and Legal Services Act 1990 (as a Judicial Assistant, assisting Lord Sales).
- *Trucks Cartel Litigation* – acting for Scania in UK litigation arising from the Commission’s decisions relating to the alleged trucks cartel (as a solicitor).

EDUCATION & QUALIFICATIONS

Professional experience:

2024-present: Tenant, Brick Court Chambers

2023-2024: Pupillage, Brick Court Chambers

2023: Called to the Bar of England and Wales (Lincoln's Inn)

2022-2023: Judicial Assistant to Lord Sales and Lord Richards, United Kingdom Supreme Court and Judicial Committee of the Privy Council

2020-2022: Associate (Litigation and Investigations), Allen & Overy LLP (now A&O Shearman LLP)

2021: Judicial Assistant to Mr Justice Chamberlain, High Court (Administrative Court)

2018-2020: Trainee Solicitor, Allen & Overy LLP (London and Dubai)

Education:

2017-2018: LLM, Commercial Legal Practice, BPP University (Distinction)

2016-2017: BCL, University of Oxford, Jesus College (Distinction)

2012-2015: BA in Jurisprudence, University of Oxford, Jesus College (First Class)

Scholarships and Prizes:

Sir John and Lady Sophie Laws Scholarship (Bar European Group), 2024

Pegasus Scholarship, US Supreme Court (Inner Temple), 2023

Viscount Sankey Award (Jesus College, University of Oxford), 2017

Law Faculty Prize in European Human Rights Law (Law Faculty, University of Oxford), 2015

S R Welson Prize for meritorious work in law (Jesus College, University of Oxford), 2015

Various College and Book Prizes (Jesus College, University of Oxford), 2015-2017