Andrew Smith



Call: 2008

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Andrew practises in the fields of employment and discrimination law, sports law and commercial law.

His employment practice encompasses complex and high value disputes in the Employment Tribunal, EAT, High Court and Court of Appeal. He is regularly instructed to appear in lengthy whistleblowing discrimination and whistleblowing trials, as well as commercial employment disputes. He has appeared in the Court of Appeal in the high profile employment cases of *Smith v Pimlico Plumbers*, *Kong v Gulf International Bank* and *Mackenzie v AA*.

Andrew's domestic sports law practice includes arbitrations, disciplinary proceedings and appearing before the Professional Football Compensation Committee. In addition to his work as an advocate, Andrew has experience of sitting as an arbitrator, an appeal board member and an independent investigator. In terms of his international practice, Andrew has worked on several cases in the Court of Arbitration for Sport and the Basketball Arbitral Tribunal.

> ***An excellent junior who is brilliant on his feet.***
>
> LEGAL 500, 2018

Andrew is ranked by the legal directories as a leading junior barrister in both employment and sports law. He is described as someone who *"immediately inspires confidence and puts the client at ease"*, *"quickly gets to grips with large and complex cases"*, and is a *"very strong courtroom advocate"* and *"brilliant"*. Other recommendations may be viewed below.

Expertise

Employment

Andrew appears regularly in the ET, EAT and High Court in complex and high value employment claims. He has previously been shortlisted by Legal 500 for employment junior of the year.

The cases in which Andrew is instructed commonly involve claims of discrimination and/or whistleblowing. He has substantial experience of appearing as the sole advocate in lengthy ET hearings. Andrew also has particular expertise in disputes concerning employment status, TUPE, agency workers and holiday pay (amongst others).

Andrew's High Court practice encompasses a broad range of employment-related litigation, including 'team move' cases and disputes concerning restrictive covenants, bonus payments, obligations of confidence and fiduciary duties.

> ***He has great legal ingenuity, he has flawless judgement, he expresses himself beautifully and he is totally on top of every detail.***
>
> CHAMBERS & PARTNERS, 2022

Smith v Pimlico Plumbers

[2022] IRLR 347

concerning the nature and extent of 'carry over' rights in respect of annual leave

Kong v Gulf International Bank

[2022] IRLR 854

concerning the 'separability principle' and its application to claims of automatically unfair dismissal because of whistleblowing

Mackenzie v AA

[2022] IRLR 985

concerning the application of the 'least burdensome' performance rule in assessing damages for wrongful dismissal.

Sport

Andrew is regularly instructed to act in sports arbitrations, disciplinary and other proceedings (including before the PFCC), acting for a wide range of clients including players, athletes, managers, officials, clubs, intermediaries / agents and governing bodies.

In addition to his work as an advocate, Andrew has been appointed to sit as a Rule K arbitrator and as a member of an EFL arbitration appeal panel.

Andrew was appointed by a major sports governing body to conduct an independent grievance investigation arising out of a contested selection decision for the Olympic Games, and as an arbitrator to determine a dispute concerning an athlete's de-selection from a World Class Performance Programme.

In terms of international work, Andrew has been involved in several cases before the Court of Arbitration for Sport, as well as claims in the Basketball Arbitral Tribunal. Andrew's CAS experience includes being appointed as an *ad hoc* clerk in the high-profile doping appeals brought by 39 Russian athletes in connection with the Sochi Winter Olympics.

Andrew is a long-established member of the LawInSport editorial board, has written many articles for the website, and acts as a Judge in the annual Sports Law Arbitration Moot competition.

Andrew also co-authored three chapters of 'Football and the Law' (Bloomsbury Professional), covering the topics of (i) football institutions, (ii) ownership issues, and (iii) arbitration in football.

> ***Very bright, pragmatic and user-friendly. He provides clients with the advice they need and cuts to the chase in a way that some other practitioners do not.***
>
> LEGAL 500, 2021

Commercial Litigation

Andrew's civil litigation practice involves him representing and advising clients on a broad range of commercial matters, often with an employment element. His commercial arbitration experience includes complex disputes concerning agency fees/commission payments, joint venture arrangements and start-up businesses. As well as LCIA arbitrations, Andrew has experience of proceedings in the International Court of Arbitration, in which he acted for a foreign government in its defence of a high value commercial claim.

Andrew is an ADR Group Accredited Civil & Commercial Mediator.

Achievements

Education and Qualifications

LLB, University of Sheffield (First Class)

Bar Vocational Course, Manchester Metropolitan University (Outstanding)

Scholarships and Awards

Lincoln's Inn:

- Lord Denning Scholarship
- Hardwicke Entrance Award
- Phoenicia Scholarship
- Buchanan Prize

University of Sheffield:

- Sir Basil Blackwell Award
- Tort and Contract Law Module Prizes
- Dibb Lupton Alsop Award
- Taylor-Emmett Award
- Sweet & Maxwell Law Prize (for obtaining the highest overall mark in the year)

Publications

Andrew writes widely on the topic of sports law and a selection of his articles may be accessed from the LawInSport website.

Andrew co-authored three chapters for the book 'Football and the Law' (Bloomsbury Professional) on the following topics:

- Football Institutions
- Ownership Issues and the Fit and Proper Person / Owners' and Directors' Test
- Arbitration in Football

> ***Extremely intelligent and diligent; open to discussing difficult points in detail.***
>
> LEGAL 500, 2018

> ***A rising star.***
>
> CHAMBERS & PARTNERS, 2019

> ***He was great at finding the strength and weaknesses in our case.***
>
> CHAMBERS & PARTNERS, 2019

A dedicated junior who continues to attract attention from the market for the instructions he secures in sports-related employment law. He is active in a range of sports matters and often acts for athletes in disciplinary cases. He has recently been involved in a number of Rule K arbitrations and doping disputes.

CHAMBERS & PARTNERS, 2020

His knowledge is remarkable.

CHAMBERS & PARTNERS, 2021

He is a good technical lawyer, and his craft of the law is impressive.

CHAMBERS & PARTNERS, 2022

Andrew is extremely bright and has great attention to detail.

LEGAL 500, 2022

A great tactician and always calm.

LEGAL 500, 2020

Andrew has a commercial understanding of sport.

CHAMBERS & PARTNERS, 2023