

Emmanuel Sheppard

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Year Of Call: **2013**



Emmanuel's practice spans commercial, regulatory and public law.

His commercial practice covers international arbitration and litigation, concentrating on civil fraud, banking, and financial services. His cases often involve issues of private international law, including jurisdiction and conflict of laws. His notable cases include acting for a group of defendants in the £1.5bn fraud claim brought by the Danish authority SKAT (2020).

Emmanuel's public law practice includes highly sensitive national security and extremism matters (see *HMAG v BBC* [2022] EWHC 380 (QB) and the Inquests arising from the Fishmongers' Hall Terrorist Attack (2021, instructed by GLD)).

His financial regulatory practice encompasses actions for and against the main regulators and agencies. He is currently on the Serious Fraud Office (SFO) B Panel and acts regularly in enforcement actions brought by the Financial Conduct Authority (FCA). He acted unled for the applicant on a pro bono basis in the recent significant case of *Frensham v The Financial Conduct Authority* [2021] UKUT 0222 (TCC) concerning the topical question of regulatory action for conduct outside the professional sphere.

In 2015/16, Emmanuel was a Judicial Assistant to the Supreme Court (to Lords Toulson and Hughes) where he worked on high profile cases, including:

- *Belhaj and another v Straw and others* [2017] 2 W.L.R. 456 concerning the ambit of the foreign act of state doctrine in the context of alleged breaches of international law.
- *Patel v Mirza* [2016] 3 W.L.R. 399 which restated the test for the illegality defence.

Emmanuel has an active pro-bono practice and was nominated by Advocate for Young Pro Bono Barrister of the Year at the Bar Pro Bono Awards 2019. He acted unled for the successful claimant in *Ms F Gabe v The United Reformed Church* [2017] UKET 2204367/2012 about whether a trainee minister of the United Reform Church was an employee under its contractual arrangements.

Directory Quotes

3 Verulam Buildings is 'one of the premier banking sets', with 'superb coverage of all banking and finance matters'.

Legal 500 UK 2014

‘All members are bright and down to earth’, ‘combining legal acumen with user friendliness’.

Legal 500 UK 2014

Expertise

International Arbitration

Emmanuel acts in commercial arbitrations and arbitration related court applications as well as advising on investor-state claims.

Emmanuel’s arbitration experience includes:

- Junior counsel in a dispute concerning breach of warranty under an SPA (2022-)
- Junior counsel in an arbitration under LCIA rules concerning allegations revenue suppression by a hotel operator in a long running dispute with the franchise owner (2021).
- Junior counsel in a three-day arbitration under LCIA rules to determine whether the claimant could imply a termination right into a series of long-running hotel franchise contracts (2019).
- Junior counsel for the claimant in a £33.7m claim for breach of contract - four day hearing under LCIA rules (2019).
- Junior counsel in a one-day preliminary hearing to determine the contractual rights of a party seeking to terminate under LCIA rules (2019).
- Advising on options for resisting enforcement of an investment treaty arbitral award allegedly obtained by fraud.
- Providing public international law advice for an environmentalist group in a West African state which was challenging a large infrastructure project on environmental grounds.
- Advising in several anti-suit injunctions.
- Advising on prospects in relation to investor state arbitrations.

In 2018, Emmanuel was seconded to the litigation funder Augusta Ventures where he advised on claim prospects, ranging from oil and gas disputes to bilateral investment treaty claims.

Commercial Litigation

Emmanuel’s litigation practice includes:

- *Skatteforvaltningen v Solo Capital Partners* (2020) - acting for a group of parties defending a £1.5bn claim brought by Danish authority, Skatteforvaltningen (‘SKAT’), against 38 defendants in the Commercial Court.
- Advising on the issue of legal privilege in regulatory investigations in the *Vincent Tchenguiz & Ors v Grant Thornton* litigation (2018).
- *The Libyan Investment Authority v Société Générale & Ors* (2017) - as a junior on the main counsel team led by Adrian Beltrami QC acting for Société Générale in one of The Lawyer’s

'Top 10 Cases of 2017'. The Libyan sovereign wealth fund alleged that investments in structured products totalling circa USD 2bn were procured by bribery and the exertion of undue influence on its executives in Gaddafi-era Libya. The claim was settled in the first week of an eleven-week trial in the Commercial Court.

- Acting for the appellant in the Appeal of *AHAB v SICL* (Cayman Islands) regarding the first instance application of the illegality defence to the allegations of fraud post-*Patel v Mirza*.
- Instructed by Slaughter and May on the counsel team to the skeleton argument in a billion-dollar commercial dispute involving allegations of defamation, conspiracy and fraud.
- Assisting in an appeal to the Supreme Court in a PPI and consumer credit matter concerning undisclosed commission.

As a Judicial Assistant to the Supreme Court, Emmanuel worked on the following commercial law cases:

- *Patel v Mirza* [2016] 3 W.L.R. 399 which restated the test for the illegality defence.
- *Willers v Joyce* [2016] 3 W.L.R. 477 on the liability for maliciously prosecuting a civil claim.
- *Versloot Deredfging v HDI Gerling Industrie Versicherung AG* [2016] 3 W.L.R. 543 on the application of the fraudulent claim rule to a fraudulent device in an insurance claim.

Fraud and Financial Services

Emmanuel acts in financial regulatory matters. He is on the SFO's B Panel and was seconded to the PRA's enforcement and litigation division in the Bank of England (2019) where he focused on various matters from money laundering and bribery regulations to regulatory reporting. He worked on the investigation which resulted in the PRA fining Citigroup Inc's UK operations £44m for regulatory reporting failures.

His regulatory and financial services work includes:

- Acting for the FCA and PRA in a large enforcement action concerning conduct which took place in the run up to the 2008 financial crisis (2022-).
- *Frensham v The Financial Conduct Authority* [2021] UKUT 0222 (TCC) concerning the topical question of regulatory action for conduct outside the professional sphere.
- Advising the Bank of England on the impact of Brexit on aspects of financial service regulations.
- Acting for the Insolvency Service in seeking to maintain the confidentiality of parts of a judgment and witness statement which cited an Investigation conducted by BIS under s447 of the Companies Act 2005.
- Assisting in an appeal to the Supreme Court in a PPI and consumer credit matter concerning undisclosed commission.

Public Law

Emmanuel acts for claimants and defendants in human rights and public law matters. He is a member of the Attorney General's C-Panel where his work covers national security and extremism:

- *HMAG v BBC* [2022] EWHC 380 (QB) - junior for the claimant in seeking an injunction for breach of confidence in a national security/ extremism context and to protect the rights of an

individual under Articles 2, 3 and 8 of the European Convention on Human Rights (instructed by GLD).

- Acting for the Home Office and Ministry of Justice in the Inquests arising out of the Fishmongers Hall Terrorist Attack (2021).
- Acting for the National Probation Service in the Inquests arising out of the Streatham High Street Terrorist Attack (2021).
- Acting for the Insolvency Service in seeking to maintain the confidentiality of parts of a judgment and witness statement which cited an Investigation conducted by BIS under s447 of the Companies Act 2005.
- *Pal v Commissioner of Police of the Metropolis* [2018] EWHC 2988 (QB) - acting on an appeal for the claimant in a dispute concerning the lawfulness of her arrest for harassment for online speech in light of Article 10 of the ECHR.
- Acting for GLD on the Lord Harris Review concerning self-inflicted deaths in prison.
- Visiting Richmond Hill Prison in Grenada as part of a pro bono project with Chambers' partners Advocates for International Development (A4ID), the Global Alliance for Legal Aid (GALA) and the Grenada Human Rights Organisation (GHRO).
- Providing public international law advice for an environmentalist group in a West African state who were challenging a large infrastructure project on environmental grounds.

As a Judicial Assistant to the Supreme Court, Emmanuel worked on the following public law cases:

- *Belhaj and another v Straw and others* [2017] 2 W.L.R. 456 concerning the ambit of the foreign act of state doctrine and indirect impleader in state immunity.
- *Al-Waheed v Ministry of Defence* [2017] UKSC 2 about the application of art. 5(1) of the ECHR to a power of detention in a non-international armed conflict.
- *Rahmatullah v Ministry of Defence and another* [2017] 2 W.L.R. 287 concerning the doctrine of Crown act of state.

Emmanuel is also instructed by GLD in employment related matters.

Academic Achievements

- Oxford, BA (Hons), Classics, First Class
- Cambridge, BA (Hons), Senior Status Law, accelerated course, (Top 10 First in Part I; 2.1 in Part II)
- BPTC, College of Law
- Regent's Park Prize, Oxford (for Classics, performance in Finals)
- Wolfson Prize, Cambridge (for Law, performance in Part I)
- Lord Denning Scholarship, Lincolns Inn