BRICK COURT
CHAMBERS

**Brick Court Chambers**
7-8 Essex Street, London WC2R 3LD
**DX** 302 London Chancery Lane

# Joshua Pemberton

**YEAR OF CALL**: ENGLAND AND WALES: 2021; NEW ZEALAND: 2015

*"Josh is extremely smart... He tears apart difficult legal questions with real flair, and drafts with clarity and force."; "A delight to work with - clever, dedicated and hugely personable"*

Legal 500 2025

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



## Practice Overview

Josh practices in commercial, competition, international arbitration and sports law. He is instructed in some of the leading commercial and competition cases of the day and has appeared in the Supreme Court twice, including in *Evans v Barclays Bank*, the Court's 2025 decision concerning the collective proceedings regime and one of The Lawyer's Top 10 Appeals for 2025. In addition to led work, Josh also has a significant unled practice, including the conduct of multi-day trials and various interlocutory proceedings. Josh's recognition in the directories includes being named one of the 'Rising Stars' of the UK competition bar in Legal 500's 2025 rankings at just four years' call.

Current and recent notable instructions include:

- ***Rusal v Whiteleave, Potanin, Crispian, and Abramovich***: ongoing Commercial Court civil fraud proceedings concerning the management of Nornickel, the world's largest producer of refined nickel (acting for Whiteleave and Mr Potanin, in a team led by Tim Lord KC and Craig Morrison KC). The fourteen-week trial is scheduled to commence in April 2027.
- ***Evans v Barclays Bank***: acting for the class representative in proposed collective proceedings brought in the Competition Appeals Tribunal against a number of major banks in relation to the FX cartel, including in the banks' appeal to the Supreme Court ([2025] UKSC 48) (in a team led by Victoria Wakefield KC).
- Representing the Premier League in Manchester City's challenge to the lawfulness of the PL's Associated Party Transaction Rules (in a team led by Marie Demetriou KC and Daniel Piccinin KC) and advising the PL on various aspects of its Rules regulating Clubs' spending more broadly, including the new "Squad Cost Ratio" regime introduced in 2025 (with, variously, Helen Davies KC, Danny Jowell KC and Richard Blakeley KC).
- ***Belron v Renault***: acting for Renault in Commercial Court proceedings in which the claimant alleges abuses of dominance and breaches of EU regulations in relation to the aftermarket

for ADAS recalibrations (led by Victoria Wakefield KC).
- ***Beneathco v RJ O'Brien Ltd***: acted for the defendant in successfully resisting a claim in the Commercial Court for payment on the basis that the payment would involve a breach of US sanctions law (in a team led by Maya Lester KC and Fred Hobson KC): [2025] EWHC 3079 (Comm).

Josh qualified as a barrister and solicitor in New Zealand in 2015. His work before coming to the English bar included working as a judicial assistant at the Supreme Court of New Zealand in 2015-2016.

Josh graduated with an LLB (First Class Honours) and BA (Politics, Philosophy and Economics) from the University of Otago, New Zealand in 2014, and with an LLM from Harvard Law School in 2017. Josh graduated top of his year in law at Otago and was awarded multiple scholarships and top-of-class prizes at Otago and Harvard.

## Commercial

Josh accepts instructions across all areas of commercial law, including in cases concerning civil fraud and giving rise to sanctions issues. His current and recent commercial instructions include:

- *Rusal v Whiteleave, Potanin, Crispian, and Abramovich*: Ongoing Commercial Court civil fraud proceedings concerning the management of Nornickel, the world's largest producer of refined nickel (acting for Whiteleave and Mr Potanin, in a team led by Tim Lord KC and Craig Morrison KC).
- Jersey trust claim: advising HNWIs in relation to possible proceedings in Jersey for breach of trust (led by Mark Howard KC).
- *JBR Capital Ltd v Gorbunenko*: acting for Mr Gorbunenko in resisting claims for payment and delivery up of goods on the basis that the relief sought would involve a breach of UK sanctions law (unled).
- *Beneathco v RJ O'Brien Ltd*: acted for the defendant in successfully resisting a claim in the Commercial Court for payment on the basis that the payment would involve a breach of US sanctions law (in a team led by Maya Lester KC and Fred Hobson KC): [2025] EWHC 3079 (Comm).
- LCIA arbitration: acting for the defendant in a London-seated arbitration under LCIA Rules, concerning a €50m claim for breach of contract relating to the operation of major European port (led by Richard Blakeley KC).
- SIAC shipping arbitration: acted in a Singapore-seated arbitration under SIAC rules concerning a shipping dispute (led Fred Hobson KC)

- *Design Consultancy Building Services Ltd v Honeywell*: acted (unled, in a three-day trial) for the defendant in successfully defending a breach of contract claim arising from the construction of AstraZeneca's new headquarters in Cambridge.
- *Barnes v Royal Institution of Chartered Surveyors*: acted in a breach of contract claim arising from a sanctions decision taken by RICS (led by Malcolm Birdling KC), including appearing unled at interlocutory hearings.

## Competition

Josh has represented claimants and defendants in standalone and follow-on claims, including in collective proceedings, consumer claims and business-to-business claims. Josh has a particular interest and experience in claims in the tech and sports industries. His current and recent competition instructions include:

- *Evans v Barclays Bank*: acting for the class representative in proposed collective proceedings against a number of major banks in relation to the FX cartel, including in the banks' appeal to the Supreme Court ([2025] UKSC 48) (in a team led by Victoria Wakefield KC).
- *Belron v Renault*: acting for Renault in a standalone competition claim in which the claimant alleges abuses of dominance and breaches of EU regulations in relation to the aftermarket for ADAS recalibrations (led by Victoria Wakefield KC).
- *Euro Garages Ltd v Visa and Euro Garages Ltd v Mastercard*: acting for a retailer in the merchant interchange fee umbrella proceedings against Visa and Mastercard (led by Jemima Stratford KC).
- *Manchester City v Premier League*: acted for the Premier League in defending Manchester City's challenge to the lawfulness of the Premier League's Rules governing Associated Party Transactions (in a team led by Marie Demetriou KC and Daniel Piccinin KC).
- Premier League advice: advising the Premier League in relation to various aspects of its rules regulating clubs' spending (with, various, Helen Davies KC, Danny Jowell KC, and Richard Blakeley KC).
- *Coll v Google*: acted for the class representative on behalf of estimated classes of c. 20m claimants who have made payments to Google in the Play store, alleging abuses of dominance (in a team led by Mark Hoskins KC);
- *Kent v Apple*: acted for class representatives on behalf of estimated classes of c. 20m claimants who have made payments to Apple in the App store, alleging abuses of dominance (in a team led by Mark Hoskins KC);
- *Road Haulage v Man SE & Ors:* acted for the class representative in a collective proceeding relating to the trucks cartel, including in the Court of Appeal challenge to certification (in a

team led by James Flynn KC).

- *OT Computers v Micron*: acted for the defendant in damages claim arising from the DRAM cartel (with Danny Jowell KC).
- Acted for the respondent in *Poulter & Ors v PGA European Tour*, an appeal to a Sports Resolutions Appeal Panel against sanctions decisions taken by the PGAET (in a team led by Marie Demetriou KC).
- Acted for the claimants in *CAA Base Limited & Ors v The Football Association and FIFA*, an arbitration under the FA Rules concerning the lawfulness of the FA's FIFA-mandated cap on agents' fees (in a team led by Marie Demetriou KC).
- Advised a manufacturer of building and homeware products on the competition law aspects of its proposed acquisition of a competitor's assets (unled).

## International Arbitration

Josh has acted in a range of arbitral proceedings concerning both commercial and sports disputes:

- LCIA arbitration: acting for the defendant in a London-seated arbitration under LCIA Rules, concerning a €50m claim for breach of contract relating to the operation of major European port (led by Richard Blakeley KC).
- SIAC shipping arbitration: acted in a Singapore-seated arbitration under SIAC rules concerning a shipping dispute (led Fred Hobson KC)
- *Manchester City v Premier League*: acted for the Premier League in defending Manchester City's challenge to the lawfulness of the PL's Rules governing Associated Party Transactions, in arbitral proceedings under the PL's Rules.
- Acted for the claimants in *CAA Base Limited & Ors v The Football Association and FIFA*, an arbitration under the FA Rules concerning the lawfulness of the FA's FIFA-mandated cap on agents' fees (in a team led by Marie Demetriou KC).

## Public Law

Josh accepts instructions across all areas of public law. His recent experience includes:

- *AAA & Ors v SSHD*: acted for the UNHCR, intervening in the successful challenge to the removal of asylum seekers to Rwanda (in the Supreme Court and Court of Appeal, in a team led by Angus McCullough KC);
- *CWJ v Director of Legal Aid Casework*: acted for the defendant in a judicial review claim concerning entitlements to legal aid at school exclusion appeals (led by Malcolm Birdling KC):

[2025] EWHC 306 (Admin).

- *Lawstop v Legal Aid Agency*: acted in a judicial review concerning the circumstances in which legal aid providers can commence separate "matter starts" (led by Malcolm Birdling KC): [2023] EWHC 2398 (Admin).
- *Rooks v Legal Aid Agency*: acted in judicial review concerning the treatment of arrears benefits payments in the legal aid regime (led by Malcolm Birdling KC).
- Instructed in *Camelot UK Lotteries Limited v The Gambling Commission*, a procurement challenge to the Gambling Commission's decision to award a National Lottery licence to Allwyn Entertainment Ltd.
- Advised an imprisoned individual in relation to a claim against the Commissioner of Police for misfeasance in public office and malicious prosecution (unled).

Prior to coming to the bar, Josh worked on human rights litigation in a range of domestic and international fora while at the Open Society Foundations, including cases in the European Court of Human Rights and the Economic Community of West African States Court of Justice, and complaints to the UN Human Rights Committee.

Josh is a member of the Asylum Support Appeals Project's Duty Scheme, and in this capacity frequently represents asylum seekers in the First Tier Tribunal (Asylum Support) on a pro bono basis.

## Sanctions

Josh's current and recent experience in sanctions law includes:

- *Beneathco v RJ O'Brien Ltd*: acted for the defendant in successfully resisting a claim for payment on the basis that the payment would involve a breach of US sanctions law (in a team led by Maya Lester KC and Fred Hobson KC): [2025] EWHC 3079 (Comm).
- *JBR Capital Ltd v Gorbunenko*: acting for Mr Gorbunenko in resisting claims for payment and delivery up of goods on the basis that the relief sought would involve a breach of UK sanctions law (unled).
- *Assaad v Council of the European Union*: an application, in the General Court of European Union, to annul a European sanctions listing (as a pupil, assisting Maya Lester KC and Malcolm Birdling KC).
- *R (Youssef) v Secretary of State for Foreign, Commonwealth and Development Affairs* [2021].
- EWHC 3188 (Admin): a challenge to the lawfulness of the domestic regime by which the assets of persons listed by the UN Sanctions Committee are frozen (as a pupil, assisting

Malcolm Birdling KC).

- Advice to a charity regarding the Secretary of State's refusal to grant a humanitarian licence to permit the charity to provide aid into a jurisdiction subject to UK sanctions (as a pupil, assisting Malcolm Birdling KC).

## Sports Law

Josh accepts instructions across all areas of sports law. He was ranked as a Leading Junior for Sport in Legal 500's 2026 rankings. His recent experience includes:

- *Manchester City v Premier League*: acted for the Premier League in defending Manchester City's challenge to the lawfulness of the Premier League's Rules governing Associated Party Transactions (in a team led by Marie Demetriou KC)
- Premier League advice: advising the Premier League in relation to various aspects of its rules regulating clubs' spending (with, various, Helen Davies KC, Danny Jowell KC, and Richard Blakeley KC).
- Acted for the respondent in *Poulter & Ors v PGA European Tour*, an appeal to a Sports Resolutions Appeal Panel against sanctions decisions taken by the PGAET (in a team led by Marie Demetriou KC).
- Acted for the claimants in *CAA Base Limited & Ors v The Football Association and FIFA*, an arbitration under the FA Rules concerning the lawfulness of the FA's FIFA-mandated cap on agents' fees (in a team led by Marie Demetriou KC).

## EDUCATION & QUALIFICATIONS

### Professional qualifications

- Called to the bar (England and Wales), 2021
- Qualified as a solicitor (England and Wales), 2019
- Admitted as a barrister and solicitor (New Zealand), 2015

### Education

- Master of Laws (LLM), Harvard Law School, 2017
- Bachelor of Laws (LLB) with First Class Honours, University of Otago, New Zealand, 2014
- Bachelor of Arts (BA) (Politics, Philosophy and Economics), University of Otago, New Zealand, 2014

**Prizes and Scholarships**

Josh initially enrolled to study physics and mathematics at the University of Otago. He won the Gordon Jupp Memorial Prize as the university's top first-year physics student and was admitted to the University's Honours programmes in both mathematics and physics before switching to study law and PPE.

Josh went on to win the Otago District Law Society Prize as the top graduating student in his year in law at Otago. He was awarded numerous scholarships and won various top-of-class prizes at Otago and Harvard, including in: Property Law, Competition Law, Advanced Public Law; European Union Law; Law and Society; Environmental Economics and Behavioural Economics (Otago) and International Human Rights Law and Law and Economic Development (Harvard)

Josh won various national, university-wide and regional competitions in mooting and legal negotiation in New Zealand, and coached mooting and legal negotiation teams at the University of Otago.

## EXPERIENCE

**Professional experience:**

- 2017-2021: Presidential Fellow in Law (2017-2018) and Senior Strategy Analyst (2018-2021), Open Society Foundations (New York/London)
- 2015-2016: Judge's clerk (judicial assistant) to Justice William Young at the New Zealand Supreme Court.
- 2011-2012: Summer associate, litigation and public law teams. Russell McVeagh, Wellington, New Zealand.

**Teaching and academic experience:**

- Guest Teacher, London School of Economics and Political Science (Contract law), 2020
- Teaching Fellow, SOAS University of London (International Human Rights Law), 2019-2020
- Research affiliate, University of Otago Faculty of Law (with research project funding from the New Zealand Law Society), 2016
- Tutor, University of Otago Faculty of Law, 2011-2013 (including as the Faculty's Head Tutor in 2013)
- Tutor, courses in first-year law, physics and economics, Selwyn College, University of Otago, 2010-2012.

**Select pro bono and civil society experience**

- Duty Scheme representative, Asylum Support Appeals Project (2021-present)
- Free Representation Unit, voluntary representative (2019)
- Student Clinician, Harvard Law School International Human Rights Clinic (project on refugees' rights to documents proving identity and status) (2017)
- Project Officer, Justice Base, Yangon, Myanmar (led project to investigate and report on public access to Yangon's courts) (2016)

## PUBLICATIONS

Podcast: Opt-in / opt-out collective proceedings following Evans v Barclays bank (with Colin West KC)

*Socio-Economic Rights in Constitution Aotearoa New Zealand,* New Zealand Universities Law Review, 2017

*Recognising Nairobi's Refugees: The Challenges and Significance of Documentation Proving Identity and Status*, (contributing author), Harvard International Human Rights Clinic, 2017

*Myanmar's courts must be open to the public*, Frontier Myanmar, 2017

*Behind Closed Doors: Obstacles and Opportunities for Public Access to Myanmar's Courts* , Justice Base, 2017

*Cross-Border Climate Change Related Displacement: Mexico and Central America* (co-author), paper presented at the Harvard Law School Climate Change Displacement conference, 2016

*Informational problems in the market for graduate legal jobs*, New Zealand Law Journal, 2016

*First Steps: The Experiences and Retention of New Zealand's Junior Lawyers* , New Zealand Law Foundation, 2016

*The Judicial Approach to Privative Provisions in New Zealand*, New Zealand Law Review, 2015

*Value and Natural Capital: Examining the Economist's Perspective* , Motu Economic and Public Policy Research, 2013

## directory quotes

"Josh has a close eye for technical detail, sharp drafting, and is a really smart barrister." Legal 500 2027

"Josh is an up-and-coming competition junior who has been instructed in some of the key cases. He is a delight to work with - clever, dedicated and hugely personable." Legal 500 2026

"Josh is extremely smart. He gets quickly into the meat of a case, analysing evidence and tearing apart difficult legal questions with real flair, and drafts with clarity and force. He's also an excellent team player and a real pleasure to work with." Legal 500 2025