

Robin Somerville (2012) BA(Hons), LLB, LLM

General Information

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Robin's commercial background before qualifying as a lawyer makes him a barrister with a difference.

Prior to becoming a barrister he was a money market trader in the City of London before he set up, grew and successfully sold three technology start-ups. As well as practising law, Robin has been the Chair of one board and a non-exec for a number of others. For over 13 years he was an equity holding director of the UK's leading online price comparison sites.

His background has given Robin particular expertise in general commercial and insolvency, technology, professional and general regulation, employment, road traffic and aviation. Robin assists by advising and representing parties, helping them settle their differences consensually or by deciding the outcome for them. As a barrister, arbitrator, mediator, ombudsman, investigator, regulatory panel chair and tribunal panel member of various kinds he has been involved in over 1,000 cases spanning more than 19 years.

Robin's inclusive professional style focuses on problem solving, finding solutions to issues and disputes by consensus wherever possible to avoid court-based determination unless no practical alternative remains to enforce parties' rights.

Robin is at his best at times of crisis and change where clients benefit from his judgement, strategic and analytical focus and calm approach.

General commercial, shareholder, board and contract disputes

As described above, Robin has extensive experience of coal face commercial experience of running a range of businesses over 15 years. He was also involved with his third-generation family construction business that entered voluntary administration in the 2009 financial crisis. He is therefore in a unique position at the Bar to understand the coal face causes, effects and considerations of insolvency and to offer practical and effective strategic and legal advice both to those in financial difficulty and also to creditors. This commercial experience meant extensive resolution and negotiation of shareholder, board, contract and commercial disputes and balancing competing interests and can advise in:

- Commercial/economic torts, including conspiracy and misfeasance
- Company disputes, shareholder rights and remedies
- Contract disputes
- Corporate and organisational insolvency, receivership and administration
- Debt and disputed debt claims and counterclaims
- Defrauding creditors and shareholders
- Derivative actions against directors
- Directors' duties, misfeasance and disqualification
- Injunctions and other interim relief
- Insolvency
- Restitution/unjust enrichment
- Sale and supply of goods and services
- Transactions at under or over value
- Winding up petitions
- Wrongful and fraudulent trading

Robin can be instructed by businesses, shareholders and individuals direct under the public access scheme, or via a solicitor.

Technology Disputes

Robin's commercial technology experience centres around his three start-ups. The first was an internet solution provider specialising in online content management systems, the second a specialist on/offline distributor and the third an online price comparison site and sales aggregator which generated annual sales and leads of over £50m for a network of 50 nationwide partners. Robin was an equity holding non-exec director for a UK's leading property sector aggregator for over 13 years.

Robin is a specialist Online Dispute Resolution (ODR) consultant for Mishcon de Reya. He has given presentations on ODR and Online Courts to the Law Society of Scotland LegalTech conference, to BACFI and the Arbitration Club, IT branch. Professor Richard Susskind said that Robin has "*a remarkable set of experiences ... all leading up to ODR, in my view!*". Robin was invited to participate in the International Online Courts Forum. Robin is an Adjudicator for the Society of Computers and Law, mediator and arbitrator for World Intellectual Property Organisation (WIPO) for technology and domain name disputes and a was a Chartered IT Professional of the British Computer Society (2014-17).

Robin is able to advise customers, suppliers and sub-contractors involved in online, IT or telecoms projects in distress or those that have ended in dispute. He is also able to advise on dispute resolution systems architecture and strategic considerations and non-contentious planning.

Robin can be instructed by businesses and organisations direct under the public access scheme, or via a solicitor.

Professional Regulation, Conduct and Discipline

Robin leads Clerksroom's Professional Regulation Practise Group. He has represented professionals facing allegations of sexual misconduct, dishonesty, clinical and language competency before tribunals of first instance, appeals and at the High Court.

He has over 13 years experience having chaired, sat on or case presented fitness to practice hearings for regulators including the Chartered Institute of Management Accountants, Construction Industry Council, Nursing and Midwifery Council, Medical Practitioners Tribunal Service (General Medical Council) and others. One decision Robin was involved in was unsuccessfully judicially reviewed and subsequently unsuccessfully appealed to the Court of Appeal before the Master of the Rolls who delivered favourable comments. Written appraisal includes "exceeds competency... across all competency areas", "Outstanding" and "...exemplary."

Robin runs the regulatory community resource website www.fitnessstopractise.net and has produced a professional regulatory 'Periodic Table'.

Robin has delivered board and panel training to a number of leading regulators and regulated commercial organisations in the UK and abroad and has re-written of a number of codes of conduct including for statutory regimes requiring approval by the relevant Secretary of State.

Robin is available to advise or represent registrants, act as case presenter or legal assessor in respect of any of the following:

- Response to investigations
- Interim orders hearings
- Substantive misconduct, conviction and health cases
- Substantive order reviews
- Registration appeals
- Appeals against panel findings

Robin is a member of the Association for Regulatory and Disciplinary Lawyers. He can be instructed by professionals and

regulators direct under the public access scheme, or via a solicitor.

General Regulatory

Robin has over 16 years experience in being involved with general regulatory hearings (in addition to professional regulatory work). He is available to act for local authorities, specialist prosecuting agencies and for businesses and individuals facing allegations in respect of:

- Trading standards
- Licensing
- Planning enforcement
- Health and Safety
- Street trading
- Housing breaches such as houses in multiple occupation (HMOs)
- Fly tipping
- Blue badge fraud
- Fire
- Environmental

Robin can be instructed by business owners, individuals, organisations and local authorities direct under the public access scheme, or via a solicitor.

Employment

As well as being an advocate and sitting on disciplinary panels and appeals, Robin has conducted complex, challenging and sensitive workplace investigations. These have included allegations of exposing an organisation to multimillion pound litigation risk, risking the loss of 25% of business unit income, sexual misconduct, obscene imagery of sexual violence, witchcraft, putting curses on colleagues, whistle blowing, refusal to comply with reasonable requests, running a business from employer's premises, mental health, addictions, race discrimination, inappropriate social media posts and unauthorised leaks to the press.

Robin is able to act for employers and employees either on a direct access basis or through solicitors before Employment Tribunals and the Employment Appeal Tribunal. He has also experience of assisting clients negotiate settlement agreements and of acting as a mediator for ongoing relationships.

Road traffic

Robin is a RoSPA (Royal Society for Prevention of Accidents) Gold advanced driver and volunteer instructor and a member of IAM (Institute of Advanced Motorists). He is also a Venue Controller for the Under 17 Car Club. He has been involved in cases relating to motoring offences for over 16 years.

Robin is able to act for drivers facing prosecution at Magistrates and Crown Courts for offences including:

- Speeding
- Careless and dangerous driving
- Driving with excess alcohol or drugs
- No Insurance
- Licence offences
- Driving whilst disqualified
- Use of a mobile phone while driving
- "Totting" where drivers are at risk of being disqualified by having accumulated 12 or more points over time through a number of separate speeding or other offences

Robin also represents claimants, defendants and insurers after road traffic incidents including disputes in respect of 'credit hire' agreements.

Robin can be instructed by drivers direct under the public access scheme, or via a solicitor.

Aviation

Robin is a current holder of a private pilot's licence. He also went on to gain both night and IMC (Instrument Meteorological Conditions) ratings. He has flown a wider range of types including complex and retractable SEPs.

During his legal training, Robin researched aviation law, including the Air Navigation Order 2016 and the Rules of the Air Regulations 2016. He has since conducted analysis on Civil Aviation Authority prosecutions.

Robin can advise and provide representation to pilots, airfields, air operators and aircraft owners in respect of prosecutions, investigations and operational matters before the CAA, Airprox Board, Air Accidents Investigation Branch and in respect of general commercial, operations and disputes:

- Airfield operations
- Airspace infringements
- Air accidents and AAIB investigations
- Airprox
- Air worthiness offences
- Causing dangerous goods to be delivered for carriage
- Drone and unmanned operations
- Flying passengers without commercial or air travel organisers licences
- Flying without insurance
- Group disputes
- Insolvency
- Licence offences including flying without a valid licence
- Low flying
- Medical offences including false declarations
- Negligently causing an aircraft to endanger a person
- Personal injury and insurance claims as a result of aircraft incidents
- Using a false instrument

Robin can be instructed by pilots and operators direct under the public access scheme, or via a solicitor.

Alternative Dispute Resolution

Robin is an accredited mediator and a Fellow of the Chartered Institute of Arbitrators. He has a Masters in Law (LLM) in Dispute Resolution from Queen Mary University of London. He is an active Arbitrator and has previously acted as an Ombudsman for the Financial Ombudsman Service and as an Adjudicator for other organisations.

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