



Barristers | Mediators | Arbitrators  
+44 (0)20 7421 8000  
4 Field Court, Grays Inn, London WC1R  
5EF



## John Yianni

**Call:** 2014

**Barrister LL.B (Hons)**

**Bar Professional Training Course, 'Outstanding' (BPP Law)**

**Inner Temple Exhibition Award**

**International Maritime Law Short Course, University of Southampton**

## Practice Profile

John has a specialist Commercial, Chancery and Corporate Practice.

Prior to commencing his legal career John established and operated his own businesses. It is his entrepreneurialism combined with a commercial work ethic that enables John to give Counsel to a diverse client group.

John has a wide-reaching and diversified domestic and international client base who choose to instruct him for his pragmatism and ability to apply his legal expertise within any given commercial scenario, however complex the problem might be.

John's commercial experience, versatility and inter-personal skills quickly and purposefully establish rapport and trust, whether the client is a corporate ship-owner, entrepreneur, or individual with small scale property interests.

The reputation John has gained, at least in part, stems from a fiercely meticulous and tactical approach towards any case he is involved in, whilst maintaining a sensible balance when commercially advising clients. When appropriate, John can simplify seemingly complicated issues and cut through the heart of a point when representing clients in court or on paper.

## Business, Corporate and Contract Law

## Areas of Experience

- Business Law
- Company and Partnership
- Contracts
- Property
- Shipping
- Arbitration
- Trusts
- Probate
- Insolvency
- Commercial Litigation

## Contact Clerks

Telephone: 020 7421 8051

Email: [clerks@36commercial.co.uk](mailto:clerks@36commercial.co.uk)

## Contact John

[jianni@36civil.co.uk](mailto:jianni@36civil.co.uk)

John has advised corporations and small business owners and has represented some of Europe's leading entrepreneurs in a wide variety of business matters. They include:

- Owners of famous professional football clubs in England, Italy and Greece in respect of internal and external disputes between shareholders, agents and financiers.
- Shareholders and Directors in both established and start-up businesses regarding either contentious or non-contentious matters. John often advises extensively in respect of Shareholder Agreements, Joint Ventures, Investor Agreements, Share Purchase Agreements and Asset Purchase Agreements.
- Michelin Star Chefs with branded restaurants and food businesses in respect of expansion, strategy and regulation.
- Serial entrepreneurs with a wide variety of business from mining operations seeking investment to property developers and investors with construction or portfolio disputes.
- Simple contract or debt disputes where multiple arguments such as enforceability, interpretation and breach are advanced.

## Sports Law

John has represented footballers, owners and chairmen of famous professional football clubs in England, Italy, Greece and Cyprus.

John provides Counsel and representation in respect of internal and external disputes between shareholders, agents and financiers.

Much of John's advice centres on contractual or regulation issues surrounding:

- Payments to intermediaries (agents).
- Breach of players' employment or sponsorship contract.
- Breach of Representation Agreement, as between players and intermediaries
- Disputes following transactions between clubs.
- Allegations of breach against the FA or FIFA Regulations.

## Commercial and Residential Property

Much of John's early practice centred around commercial and residential property, landlord and tenant disputes.

John has regularly represented landlords and tenants in commercial and residential disputes relating to:

- Interpretation as to the terms of occupation, having successfully argued that what appeared to be a Licence to Occupy was in fact a secured tenancy within the Landlord and Tenant Act 1954. The case was particularly important given the property was a piece of prime real estate in the heart of London's West End.
- s25 disputes, having successfully argued that the landlord's grounds for refusing a new lease were spurious and fabricated.
- Forfeiture and possession proceedings, often on both sides of the argument, successfully claiming Forfeiture and possession and in separate cases successfully applying for Relief against Forfeiture.
- Service Charge challenges, notably succeeding in removing Managing Agents due to the conduct of the management and unreasonable expenditure placed on maintaining large developments in North West London.
- Breach of Restrictive Covenants, where a tenant undertakes works or sub-lets premises without landlord's consent.

John also advises and represents clients in boundary and Party Wall disputes, including:

- Successfully resisting challenges to the validity of a Party Wall Award.
- Pursuing arguments against the validity of a Party Wall Award, which resulted in the award being set aside by consent.

- Obtaining injunctive relief against an Owner from undertaking works due to a breach of the Party Wall Act 1996.
- Boundary disputes, recently to include a dispute that involved multiple applications for injunctive relief as between the parties and a breach of Court Penal Notice, culminating in favourable settlement for the client.

So often boundary and Party Wall disputes become uncontrollably emotional between neighbours. When instructed, John finds he can give good Counsel that cuts through the emotion, focusing on strategic actions for favourable settlements or disposal of the disputes.

John's practical advice and tactical approach often results in good settlements without the need for expensive final hearings. When final hearings are required, John has already ensured the case is best prepared for success.

## Trusts, Wills and Probate

John has been involved in complex cases commenced in the Chancery Division. His creative and tactically meticulous drafting of pleadings so often places his clients in the driving seat from the outset.

His written and oral advocacy have involved cases surrounding:

- Beneficial ownership of property, successfully enforcing beneficial interests in property or tracing Proceeds of Sale.
- Breach of Trustees' and Executors' duties.
- TOLATA Applications.
- Urgent Injunctive remedies to prohibit an action or dissipation of funds.
- Successful challenges to the validity of a Testator's Will on grounds that the Will was made at a time that the Testator lacked capacity and / or under duress

## Shipping

John's practice is undergoing a natural evolution into Shipping. Recently, John completed the internationally renowned Maritime Law Short Course, provided by University of Southampton.

He has been instructed to draft submissions for Arbitration, Court Applications, and advise Ship-owners and Cargo Interests in Asia, Cyprus, and Greece.

Of Greek -Cypriot origin, John capitalises on the vast network and experts available to him in these regions.

## Insolvency

John's corporate and business clients instruct him to advise on insolvency and bankruptcy proceedings and represent them in The Insolvency and Companies List of the High Court. John's instructions include: -

- Drafting Statutory Demands.
- Applying to set aside Statutory Demands.
- Petitioning for and responding to Winding Up / Bankruptcy Petitions.
- Advising and representing Insolvency Practitioners in respect of disputes and proceedings with creditors.
- Injunctions on assets and bank account.

## Costs Proceedings

Supplementary and complimentary to his main areas of practice John has experience and can represent his commercial clients and Instructing Solicitors in all legal costs related Actions and Applications including Detailed Assessment Costs Proceedings.

John has succeeded in the SCCO on preliminary technical arguments as to the status of a client-solicitor

retainer, whether an invoice can be construed 'Final or Interim Statute Invoice', and arguments surrounding the Indemnity Principle.

## Arbitration

John is able to advise and represent clients involved in Arbitration, whether it be Shipping, Sport, Business or Property related.

John can execute good technical and procedural points and has successfully argued on more than one occasion that an Arbitral Award is invalid and / or unenforceable. Equally John is able and has successfully resisted arguments against the validity of an Award.

## Education

John read Law at university while still engaged in his commercial enterprise and graduated from Bar School with the highest possible honour, 'Outstanding'.

Recently, John has completed the internationally renowned Maritime Law Short Course, provided by University of Southampton.

## Memberships

The Honourable Society of Inner Temple

The Commercial Bar Association