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Marlena Valles



"Marlena is highly creative and is always thinking about how to achieve the best outcome for the client – which usually involves being one step ahead in her analysis of the case. She is a real asset to any complex litigation."

— LEGAL 500, 2026

Year of call: **2020**
Degree: **LLB Hons (First Class) (Edin), BCL (Distinction, top of year) (Oxon), MPhil in Law (Distinction) (Oxon)**

Marlena has a wide-ranging practice across all of Chambers' main areas of work, with a particular emphasis on commercial disputes, civil fraud, public law, financial services, and sport.

In the latest edition of the Legal 500, she is ranked as a 'Leading Junior' in Administrative and Public Law and a 'Rising Star' in Civil Fraud.

She has appeared in the Supreme Court, Court of Appeal, High Court, and Upper Tribunal. Marlena also has an offshore practice, and has worked on substantial commercial cases in the Cayman Islands and the BVI.

Recent highlights of Marlena's practice include acting for:

- A defendant in a $14bn claim brought by a Russian oligarch concerning an alleged conspiracy and asset stripping involving the Russian State, which included a three week jurisdiction hearing in the Commercial Court
- An asset management company resisting winding up petitions and allegations of serious misconduct in relation to a $500m investment, with concurrent proceedings in the Cayman Islands, the BVI, the English High Court, and the LCIA
- The Court-appointed representative for the Estate of Oleg Bourlakov, a deceased Russian billionaire, in a dispute involving claims for deceit and unlawful means conspiracy, with claims under Swiss, Ukrainian, Monegasque, Panamanian, Russian and Soviet law
- The claimants seeking the largest ever account of profits at the quantum stage of a dispute concerning the management of the estate of Arkadi "Badri" Patarkatsishvili, a deceased Georgian billionaire
- The Duke of Sussex in a judicial review over the decision to remove his State security
- Leicester City Football Club, successfully challenging the jurisdiction of the Premier League Disciplinary Commission to consider an alleged breach of the profitability and sustainability rules
- A person seeking recognition of their foreign-acquired non-binary gender

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- Persons recognised as potential victims of modern slavery, in a series of judicial reviews of the Secretary of State's decision to disqualify them from receiving support on the basis of previous convictions
- A hedge fund, in a challenge to the FCA's decision to impose a penalty and a requirement to pay redress of over $700m to customers on the basis of the fund's management of an alleged conflict of interest

Before coming to the Bar, Marlena taught public law at the University of Oxford and spent a year as the judicial assistant to the Master of the Rolls in the Court of Appeal.

EXPERIENCE

Civil Fraud, Asset Recovery & Injunctive Relief

Marlena accepts instructions in all areas of civil fraud, asset recovery, and injunctive relief. Many of her cases have a cross-border dimension and she has extensive experience in fraud claims alleging breaches of foreign law.

"Marlena is extremely bright, calm and practical."
— LEGAL 500, 2026

She is ranked as a 'Rising Star' in the Legal 500.

Cases

Magomedov v TPG and Ors
[2025] EWHC 59 (Comm)

Acted for a defendant in a $14bn fraud claim brought by Ziyavudin Magomedov, a former Russian oligarch who has been imprisoned in Russia from 2018, concerning two alleged separate, but related, conspiracies. In relation to the first conspiracy, the Judge found that (i) there were serious breaches of the duty of full and frank disclosure; (ii) the pleadings did not give rise to a good arguable case or a series issue to be tried; and (iii) that, in any event, the law applicable law was Russian law, and that there is a substantive time-bar defence under Russian law. In relation to the second conspiracy, the Judge held that the claimants had no real prospect of success and/or there was no serious issue to be tried against a number of the defendants, including anchor defendants (led by Leona Powell).

Bourlakova v Bourlakov
Acting for the court-appointed representative for the Estate of Oleg Bourlakov in a dispute involving claims for deceit and unlawful means conspiracy, and claims under Swiss, Ukranian, Monegasque, Panamanian law, Russian and Soviet law. The value of the assets comprising the subject matter of these proceedings is measured in excess of a billion dollars (with Thomas Grant KC, Josh Lewison, and Ryan Turner).

East-West United Bank SA v Gusinski and ors
(2024-)

Acting for defendants, a law firm and a solicitor, in respect of a claim for conspiracy, procurement of breach of contract, and dishonest assistance (led by Andrew George KC).

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Credit Suisse London Nominees Ltd v Principal Investing Fund Ltd, Long View II Ltd, and Global Fixed Income Fund I Ltd

(Cayman Grand Court)

Acted for an asset management and investment company resisting winding up petitions brought on just and equitable grounds against three investment fund companies. The petitioner contended that serious misconduct (including conspiracy, breach of directors' duties and charging of unlawful fees) occurred in relation to a total USD300 million investment. The case has involved various interlocutory applications for the discharge of provisional liquidators and Court-appointed receivers over shares in the funds culminating in a six week trial (with Michael Bloch KC, Tom Weisselberg KC, Tom Mountford, and Andrew Trotter).

XYZ, Chia Hsing Wang v Real Assets (RA) Global Opportunity Fund I Ltd, Floreat Real Estate Ltd

Eastern Caribbean Court of Appeal (Appeals: BVIHCMAP2022/0055 and 56)

Acted for a shareholder seeking the discharge of a receivership order and an order to appoint joint provisional liquidators, obtained ex parte, in the context of a winding up petition which another shareholder has brought against an investment fund. The shareholder petitioner alleged that various forms of wrongdoing (including conspiracy, breach of directors' duties and misrepresentation) occurred in connection with a USD200 million investment. The orders were discharged at first instance for breaches of the duty of full and frank disclosure, and this decision was upheld by the Eastern Caribbean Court of Appeal. Permission to appeal to the Privy Council was refused (with Andrew Hunter KC and Tom Mountford).

Bribery claim

Acting for a defendant in a claim for bribery, breach of fiduciary duty and conspiracy regarding the payment of a commission to an accountant for introducing prospective future clients to a tax scheme (led by Rob Weekes KC).

[Claim for fraud in the higher education sector]

Acted for a university in a claim in which the university defended allegations of breach of contract and counterclaiming that it had been the victim of a significant fraud. The matter settled (led by Victoria Windle KC).

El Bishlawi v Response Business Finance Ltd

Acting for a defendant in relation to a claim for misrepresentation and tort of deceit regarding an alleged personal guarantee regarding a loan, seeking rescission of the loan facility and damages in the sum of £200,000 (unled).

Suppipat & Others v Narongdey, Siam Commercial Bank and Others

(2021)

Acted for the claimants in a multi-jurisdictional fraud claim, against 17 separate defendants, for damages of more than $1 billion (assisting Victoria Windle).

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PJSC National Bank Trust v Mints & Ors

[2021] EWHC 692 (Comm)

Acted for the defendant Mr Shishkhanov in an application to set aside an order for service outside of the jurisdiction. Involved application of the Vedanta principles in relation to anchor defendants (assisting Victoria Windle).

[Companies in administration] v [Former directors]

(Commercial Court, 2021)

Acted for a defendant in a claim for damages totalling more than £100 million. The claim involved allegations of fraudulent trading, breach of directors' duties, knowing receipt, and dishonest assistance (assisting Victoria Windle).

[Company] v [Former Employees]

(Commercial Court, 2021)

Acted for the claimant in a claim for breach of fiduciary duty, dishonest assistance, and unlawful means conspiracy. Involved complex issues of jurisdiction under the Brussels Recast Regulation (assisting Victoria Windle).

Commercial

Marlena has a predominantly commercial practice and does a range of commercial work. Her practice includes heavy and high profile commercial litigation where she works as part of a team as well as acting and advising on matters on her own in the Commercial Court and county court. She has significant experience with cross-border and multi-forum disputes and challenges to jurisdiction.

Cases

Moonbug Entertainment Ltd v CCM Touring LLC

[2024] EWHC 793 (Comm)

Acting for a UK entertainment company in its claim against two American companies for breach of contract. Successfully resisted an application by the defendants for a declaration that the Court had no jurisdiction to try the claim or that the court should not exercise jurisdiction over it or to alternatively grant a stay of the claimant's claim as a matter of case management (led by Ian Mill KC).

Hyperion Finance Ltd v Taylor

Acting for the Defendants bringing a jurisdiction challenge pursuant to CPR Part 11 in relation to a debt claim brought in the Commercial Court (unled).

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Breach of contract claim

Acting for the Claimants in relation to a £12 million claim for breach of contract regarding a failure to action a Put Option properly exercised under the loan agreement (unled).

Breach of contract claim

Acting for the defendant in a claim for breach of contract and breach of copyright concerning the development of software and a website (unled).

Recovery Partners GP Ltd & Anor v Rukhadzev & Ors

[2023] EWCA Civ 305

Acting for the claimants in an appeal of the decision of Cockerill J to award the claimants the largest ever account of profits at the quantum stage of a dispute concerning the management of the estate of the deceased Georgian billionaire Arkadi Patarkatsishvili (with Tom Weisselberg KC, Tom Cleaver, and Will Bordell).

Credit Suisse London Nominees Ltd v Principal Investing Fund Ltd, Long View II Ltd, and Global Fixed Income Fund I Ltd

(Cayman Grand Court)

Acted for an asset management and investment company resisting winding up petitions brought on just and equitable grounds against three investment fund companies. The petitioner contended that serious misconduct (including conspiracy, breach of directors' duties and charging of unlawful fees) occurred in relation to a total USD300 million investment. The case has involved various interlocutory applications for the discharge of provisional liquidators and Court-appointed receivers over shares in the funds culminating in a six week trial (with Michael Bloch KC, Tom Weisselberg KC, Tom Mountford, and Andrew Trotter).

XYZ, Chia Hsing Wang v Real Assets (RA) Global Opportunity Fund I Ltd, Floreat Real Estate Ltd

Eastern Caribbean Court of Appeal (Appeals: BVIHCMAP2022/0055 and 56)

Acted for a shareholder seeking the discharge of a receivership order and an order to appoint joint provisional liquidators, obtained ex parte, in the context of a winding up petition which another shareholder has brought against an investment fund. The shareholder petitioner alleged that various forms of wrongdoing (including conspiracy, breach of directors' duties and misrepresentation) occurred in connection with a USD200 million investment. The orders were discharged at first instance for breaches of the duty of full and frank disclosure, and this decision was upheld by the Eastern Caribbean Court of Appeal. Permission to appeal to the Privy Council was refused (with Andrew Hunter KC and Tom Mountford).

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Recovery Partners GP Ltd & Anor v Rukhadzev & Ors

[2022] EWHC 690 (Comm)

Acted for the claimants in a 6 week Commercial Court trial, seeking the largest ever account of profits at the quantum stage of a dispute concerning the management of the estate of the deceased Georgian billionaire Arkadi Patarkatsishvili (with Shaheed Fatima KC, Tom Cleaver, and Will Bordell).

Breach of contract (boxing)

(2023)

Acted for a boxing company defending a claim for breach of contract. The matter went to mediation (led by Nick de Marco KC).

Hodgkinson v Mercedes AMG High Performance Powertrains Ltd

(High Court QBD, 2022)

Acted for the defendant Formula 1 power unit manufacturer in a garden leave dispute. The case settled in the run-up to a speedy trial (with Paul Goulding QC and George Molyneaux).

Global Plastic (UK) Limited v Inivos Limited

(2021)

Acted for the claimant in a claim concerning breach of contract and quantum meruit in the context of supply of PPE during the Covid-19 pandemic (assisting Victoria Windle).

Kinsella & another v Emasan & another

(Commercial Court, 2021)

Acted for the claimants in a claim for breach of an oral contract and misrepresentation, for tens of millions of Euros. Involved procedural issues relating to taking evidence abroad in the context of the Covid-19 pandemic (assisting Victoria Windle).

Suppipat & Others v Narongdey, Siam Commercial Bank and Others

(2021)

Acted for the claimants in a multi-jurisdictional fraud claim, against 17 separate defendants, for damages of more than $1 billion (assisting Victoria Windle).

Rift Valley Corporation Limited v Heinrich von Pezold

(2021)

Acted for the claimant in a claim for an injunction to restrain the defendant from breaching the terms of a framework agreement in relation to settlement of arbitration awards regarding expropriated land in Zimbabwe (assisting Victoria Windle).

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Advice on collateral use of documents

(2021)

Advised on whether Joint Official Liquidators are permitted to disclose information, documents, and witnesses statements to the Liquidation Committee, a non-party to the action, under Caymanian law (assisting Victoria Windle).

[Consultant] v [Company]

(2021)

Advised on potential claim against a consultant for breaches of confidence, contract, and fiduciary duties (assisting Victoria Windle).

Public & Regulatory

Marlena frequently acts and advises on public and regulatory matters, both on her own and as part of a team. Marlena's public law practice includes high profile and complex human rights claims as well as claims which tie into her commercial and financial services practice. She is ranked as a 'Leading Junior' in the Legal 500.

She previously taught public law at the University of Oxford.

Cases

R (MAN & LAN) v Secretary of State for the Home Department (No 2)

(ongoing)

Acted for the Claimants, recognised potential victims of modern slavery, in a judicial review of the Secretary of State's decision to issue them with Public Order Disqualification ("POD") decisions arguing that the decisions were made pursuant to an unpublished policy that was contrary to the new Modern Slavery Statutory Guidance (amended following the decision of Swift J in [2023] EWHC 2739 (Admin)) (led by Chris Buttler KC).

AAW v Secretary of State for the Home Department

(2024)

Acted for the Claimant seeking judicial review of the Home Office's decision that there were no reasonable grounds that the Claimant was a victim of human trafficking, in circumstances where the Claimant alleged that he was subjected to debt bondage. The Home Office conceded the claim (led by Paul Luckhurst).

R (Duke of Sussex) v Secretary of State for the Home Department

[2024] EWHC 418 (Admin); [2022] EWHC 682 (Admin)

Representing the Duke of Sussex in a challenge to the arrangements for the provision of State security when he is in the UK (with Shaheed Fatima KC, Jason Pobjoy and Gayatri Sarathy).

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R (Castellucci) v Gender Recognition Panel

[2024] EWHC 54 (Admin)

Acted for the claimant seeking recognition of their foreign acquired non-binary gender pursuant to s.1(1)(b) Gender Recognition Act 2004 and Article 14 ECHR (led by Chris Buttler KC).

MAN & LAN v Secretary of State for the Home Department

[2023] EWHC 2739 (Admin)

Acted for the Claimants, recognised potential victims of modern slavery, in a judicial review of the Secretary of State's decision to introduce the Public Order Disqualification ("POD") policy through amendments to the Modern Slavery Statutory Guidance. The policy directed decision makers to disqualify potential victims of trafficking from receiving support and protection if they were considered to be a threat to public order as a result of having committed a criminal offence. In July 2023 following an application for interim relief, the Court ordered that the Secretary of State must not exercise her POD powers to remove support from potential victims of modern slavery pending trial unless she first conducts and takes account of an assessment of the risks of re-trafficking. In January 2024 the Secretary of State withdrew the POD policy as well as the POD decisions against LAN and MAN (led by Chris Buttler KC).

Advice on pensions entitlement

(2023-2024)

Advised a public body on the pensions entitlement of persons who were not citizens at the time a piece of legislation came into force, but subsequently became citizens (led by Sir Jeffrey Jowell KC).

Advice for the Welsh Parliament

(2021)

Provided the Welsh Parliament with an opinion on the lawfulness of the the co-operation agreement made between the Welsh Government and Plaid Cymru (led by Lord Pannick KC).

Advice on Political Impartiality in Schools

(2022)

Advised a network of educators on the Secretary of State's guidance on political impartiality in schools (led by Jude Bunting KC).

R (Langton) v Secretary of State for the Environment

[2021] EWHC 2199 (Admin)

Acted for the Secretary of State in resisting a claim for judicial review seeking to challenge the Government's approach to licensing the supplementary culling of badgers in the Next Steps for the Strategy for Achieving Bovine Tuberculosis Free Status for England (assisting Hanif Mussa).

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R (Andrews) v Minister for the Cabinet Office

[2021] EWHC 2233 (Admin)

Acted for the defendant in a judicial review of the arrangements made for blind voters at the 2019 General Election (assisting Hanif Mussa).

R (BF (Eritrea)) v Secretary of State for the Home Department

[2021] UKSC 38

Acted for the claimant in a judicial review challenging the lawfulness of the Government's policy for assessing the age of asylum-seekers who claim to be children (assisting Jason Pobjoy).

R (AB) v Secretary of State for Justice

[2021] UKSC 28

Acted for the Secretary of State in an appeal concerning whether the segregation of a child detained in a Young Offender Institution constituted a breach of Article 3 of the ECHR and the correct approach to international materials (assisting Jason Pobjoy).

All the Citizens v Prime Minister

(2021)

Acted for the claimant in responding to an application to strike out on the basis that the statement of facts and grounds would impeach proceedings in Parliament contrary to Article 9 of the Bill of Rights (assisting Jason Pobjoy).

Arbitration Act Bias

(High Court, QBD, 2021)

Resisted an application pursuant to s.24(1)(a) of the Arbitration Act 1996 to remove an arbitrator on the ground of bias (assisting Jason Pobjoy).

Telecommunications JR Advice

(2021)

Advised a broadband provider on a prospective appeal to the CAT concerning geographic market definition (assisting Hanif Mussa).

Proposed judicial review of the Charity Commission

(2020)

Advised on issuing a judicial review against the Charity Commission for its alleged failure to use its statutory powers to act in respect of a school (assisting Jason Pobjoy).

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Advice on JR of Parole Board

(2020)

Advised on the merits of a judicial review against a decision of the Parole Board of England and Wales (assisting Jason Pobjoy).

Financial Services & Banking

Marlena accepts instructions in all areas of financial services law. Her financial service practice builds on her two core areas of practice: commercial and public law.

Cases

Clydesdale Financial Services Ltd v Financial Ombudsman Services Ltd

[2024] EWHC 3237 (Admin)

Acting for the Claimant in a judicial review challenging the decision of the Financial Ombudsman Service to uphold a complaint that by operating a commission model that linked the commission the Broker received to the interest rate on the agreement, whilst allowing the Broker the discretion to adjust the interest rate, the Claimant had created a conflict of interest between the interests of the Broker and the interests of the Complainant (with Ben Jaffey KC and Ruth Bala).

BlueCrest Capital Management (UK) LLP v Financial Conduct Authority

[2023] UKUT 00140 (TCC)

Acted for BlueCrest, a hedge fund, in a challenge to the FCA's decision to impose a penalty and a requirement to pay redress on the basis of BlueCrest's management of an alleged conflict of interest (with Javan Herberg KC and Daniel Burgess).

Advice on PRA Investigations

(2021)

Advised on the information gathering powers of the Prudential Regulation Authority (assisting Hanif Mussa).

[Borrower] v [Mortgage lender]

(2021)

Acted for the defendant in a claim alleging that the interest rate variation clauses of a mortgage contract breached implied terms of the contract and were unfair pursuant to the Unfair Terms in Consumer Contracts Regulations 1999 (assisting Hanif Mussa).

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FOS Loan Claim

(2021)

Acted for the respondent to a complaint to the Financial Ombudsman Service alleging that the interest charged on a loan contract was unfair pursuant to s.140A of the Consumer Credit Act 1974 (assisting Hanif Mussa).

FSCS Mortgage Claim

(2021)

Acted for the Financial Services Compensation Scheme in a claim alleging that a civil liability arose as a result of misselling of an interest-only mortgage (assisting Hanif Mussa).

LIBOR Transition Advice

(2021)

Advised a mortgage lender on transitioning the benchmark interest rate from LIBOR to SONIA (assisting Hanif Mussa).

Civil Liberties & Human Rights

Marlena accepts instructions in all areas of civil liberties and human rights. Before coming to the bar, Marlena worked for legal charities acting within the fields of LGBT rights, asylum law, and national security. She is committed to acting pro bono in appropriate cases.

Cases

R (Castellucci) v Gender Recognition Panel

[2025] EWCA Civ 167

Acted for the Appellant, seeking recognition of their foreign acquired non-binary gender pursuant to s.1(1)(b) Gender Recognition Act 2004 and Article 14 ECHR (led by Chris Buttler KC).

R (Castellucci) v Gender Recognition Panel

[2024] EWHC 54 (Admin)

Acted for the claimant seeking recognition of their foreign acquired non-binary gender pursuant to s.1(1)(b) Gender Recognition Act 2004 and Article 14 ECHR (led by Chris Buttler KC).

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MAN & LAN v Secretary of State for the Home Department

[2023] EWHC 2739 (Admin)

Acted for the Claimants, recognised potential victims of modern slavery, in a judicial review of the Secretary of State's decision to introduce the Public Order Disqualification ("POD") policy through amendments to the Modern Slavery Statutory Guidance. The policy directed decision makers to disqualify potential victims of trafficking from receiving support and protection if they were considered to be a threat to public order as a result of having committed a criminal offence. In July 2023 following an application for interim relief, the Court ordered that the Secretary of State must not exercise her POD powers to remove support from potential victims of modern slavery pending trial unless she first conducts and takes account of an assessment of the risks of re-trafficking. In January 2024 the Secretary of State withdrew the POD policy as well as the POD decisions against LAN and MAN (led by Chris Buttler KC).

Semenya v Switzerland

(ongoing)

Acting for Athletics South Africa, intervening in Caster Semenya's appeal to the Grand Chamber of the European Court of Human Rights on the compatibility of the World Athletics' Eligibility Regulations for Female Classification (Athletes with Differences of Sex Development) (with Harish Salve KC and Celia Rooney).

London Gypsies and Travellers & ors v Wolverhampton City Council & ors

[2023] UKSC 47

Acted for Liberty in an intervention on an appeal concerning whether and in what circumstances a Court can grant injunctive relief which binds persons who were not parties to the proceedings at the date the injunction was made. The intervention is focussed on the human rights implications of such injunctions, and particularly whether they can be compliant with Articles 8, 10, and 11 (led by Jude Bunting KC).

Delays in provision of healthcare to transgender men

Acting for a transgender man who has had significant delays in provision of his medical care (with Jude Bunting KC and Isabel McArdle).

Megan and Whitney Bacon-Evans v Frimley CCG

(2023, settled)

Acted for the claimants in a judicial review of a CCG's policy to require lesbian couples to undergo 12 rounds of self-funded artificial insemination to be eligible for NHS-funded assisted conception treatment where heterosexual couples are eligible if they have not conceived through unprotected sex. The claim concerned direct discrimination, indirect discrimination, the public sector equality duty, and Article 14 ECHR. Upon Frimley agreeing to introduce a new policy which removes the distinction between heterosexual and same-sex couples, the claimants withdrew their claim (led by Jude Bunting KC).

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R (Malaksari & Anor) v Secretary of State for the Home Department

(2021)

Acted for the claimants in a judicial review challenging the Home Office's policy of seizing the mobile phones of migrants who arrive to the UK by boat (assisting Jason Pobjoy).

LM v Secretary of State for the Home Department

(2021)

Acted in an appeal against the decision of the Secretary of State to order the deportation of the appellant, an EU national who was a child at the time of committing the index offence (assisting Jason Pobjoy).

R (BF (Eritrea)) v Secretary of State for the Home Department

[2021] UKSC 38

Acted for the claimant in a judicial review challenging the lawfulness of the Government's policy for assessing the age of asylum-seekers who claim to be children (assisting Jason Pobjoy).

R (AB) v Secretary of State for Justice

[2021] UKSC 28

Acted for the Secretary of State in an appeal concerning whether the segregation of a child detained in a Young Offender Institution constituted a breach of Article 3 of the ECHR and the correct approach to international materials (assisting Jason Pobjoy).

Sport

Marlena accepts instructions in all areas of sports law, and has particular experience in disputes relating to football, boxing, cycling, and athletics.

Marlena is a member of the Sports Resolutions Pro Bono Panel.

Cases

Premier League v Leicester City FC

(Premier League Appeal Board, 30 August 2024)

Acted for Leicester City in its successful appeal against a decision of the Disciplinary Commission which had found it had jurisdiction to consider an alleged breach of the Profitability and Sustainability Rules (Rule E.49) for 2022/23 (with Nick de Marco KC and David Lowe).

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Premier League v Leicester City FC

PLJP 2024/3

Acted for LCFC in a challenge to the Premier League's authority to consider an alleged breach of the Profitability and Sustainability Rules (with Nick De Marco KC and David Lowe).

The decision of the independent Commission may be found here.

Leicester City Football Club Ltd v EFL

League Arbitration Panel (SR/080/2024)

Acted for LCFC in a claim relating to alleged breaches of profit and sustainability rules ("PSR"). The EFL wrote to the Premier League stating that the EFL would ensure that any sanction imposed by the Premier League against LCFC would take effect while LCFC was in the EFL Championship. After LCFC challenged the EFL's intention to act outside of its rules, the EFL subsequently unconditionally accepted that it does not in fact have any power, from any source, to impose a points deduction in the EFL which has been ordered by a Premier League Disciplinary Commission in relation to PSR (with Nick de Marco KC and David Lowe).

[Transgender Athletes]

(ongoing)

Acting for two transgender woman cyclists in relation to eligibility to compete in the female category of domestic and international sporting competitions (led by Tom Richards KC)

[Premier League Club]

(2023-2024)

Advising a Premier League football club in relation to allegations of historic breaches of financial fair play rules (led by James Segan KC).

Semenya v Switzerland

(ongoing)

Acting for Athletics South Africa, intervening in Caster Semenya's appeal to the Grand Chamber of the European Court of Human Rights on the compatibility of the World Athletics' Eligibility Regulations for Female Classification (Athletes with Differences of Sex Development) (with Harish Salve KC and Celia Rooney).

Breach of contract (boxing)

(2023)

Acted for a boxing company defending a claim for breach of contract. The matter went to mediation (led by Nick de Marco KC).

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John-Lewis v British Boxing Board of Control

(2022)

Acting for the British Boxing Board of Control in a claim for direct and indirect racial discrimination and harassment (led by Nick De Marco KC).

Newcastle United v The Premier League

(2021)

Represented the Premier League in arbitral proceedings over which entities would own and/or have the ability to control Newcastle United Football Club following a takeover by an investment group led by the Public Investment Fund, the sovereign wealth fund of the Kingdom of Saudi Arabia. The case settled in October after the Premier League received legally binding assurances that the Kingdom of Saudi Arabia will not control the Club (with Adam Lewis KC and Jason Pobjoy).

Public International Law

Marlena accepts instructions in all areas of public international law.

Cases

Advice on arms exports to Israel

Advised on the circumstances in which the grant of arms export licences must be suspended on the basis of concerns about the compliance with international humanitarian law ("IHL") and whether the available evidence indicated that the threshold has been met for suspending the grant of export licences to Israel because of the concerns about compliance with IHL by the Israeli military in Gaza (with Tom Hickman KC and Natasha Simonsen).

Newcastle United v The Premier League

(2021)

Represented the Premier League in arbitral proceedings over which entities would own and/or have the ability to control Newcastle United Football Club following a takeover by an investment group led by the Public Investment Fund, the sovereign wealth fund of the Kingdom of Saudi Arabia. The case settled in October after the Premier League received legally binding assurances that the Kingdom of Saudi Arabia will not control the Club (with Adam Lewis KC and Jason Pobjoy).

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His Highness Sheikh Mohammed Bin Rashid Al Maktoum v Her Royal Highness Princess Haya Bint Al Hussein & Ors

[2021] EWCA Civ 129

Represented His Highness Sheikh Mohammed Bin Rashid Al Maktoum in an appeal of the High Court's decision that the Foreign Act of State doctrine did not prevent the Court from considering Her Royal Highness Princess Haya Bint Al Hussein's allegation that her and her solicitors' mobile phones were hacked by agents of Dubai or the UAE (assisting Jason Pobjoy).

Advice on Status of Bilateral Family Reunification Agreements

(2021)

Advised a charity on the legal status of bilateral family reunification agreements that the UK may enter into with individual EU Member States (assisting Jason Pobjoy).

Discrimination

Marlena accepts instructions in all areas of discrimination law. She was awarded the Oxford Law Faculty prize for Comparative Equality Law.

Cases

R (Castellucci) v Gender Recognition Panel

[2024] EWHC 54 (Admin)

Acted for the claimant seeking recognition of their foreign acquired non-binary gender pursuant to s.1(1)(b) Gender Recognition Act 2004 and Article 14 ECHR (led by Chris Buttler KC).

Delays in provision of healthcare to transgender men

Acting for a transgender man who has had significant delays in provision of his medical care (with Jude Bunting KC and Isabel McArdle).

Megan and Whitney Bacon-Evans v Frimley CCG

(2023, settled)

Acted for the claimants in a judicial review of a CCG's policy to require lesbian couples to undergo 12 rounds of self-funded artificial insemination to be eligible for NHS-funded assisted conception treatment where heterosexual couples are eligible if they have not conceived through unprotected sex. The claim concerned direct discrimination, indirect discrimination, the public sector equality duty, and Article 14 ECHR. Upon Frimley agreeing to introduce a new policy which removes the distinction between heterosexual and same-sex couples, the claimants withdrew their claim (led by Jude Bunting KC).

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[Former Teacher] v [School]

(Employment Tribunal, 2022)

Acted for a former teacher in a claim for disability discrimination, harassment, and victimisation. The matter settled in judicial mediation (unled).

R (Andrews) v Minister for the Cabinet Office

[2021] EWHC 2233 (Admin)

Acted for the defendant in a judicial review of the arrangements made for blind voters at the 2019 General Election (assisting Hanif Mussa).

[Contractor] v [Company]

(2021)

Acted for the respondent in a claim involving sex discrimination, sexual harassment, victimisation, and issues of worker status (assisting Diya Sen Gupta KC).

[Former director] v [Company]

(2020)

Advised the defendant on a potential appeal by the claimant of an ET decision which concerned direct and indirect sex discrimination (assisting Diya Sen Gupta KC).

[Former employee] v [Law firm]

(ET, 2020)

Acted for the claimant in a claim against their former employer alleging unfair dismissal, direct discrimination on the grounds of sex and sexual orientation, harassment, victimisation, and whistleblowing detriment. The case settled (assisting Diya Sen Gupta KC).

ACHIEVEMENTS

Education

- MPhil in Law (Distinction), University of Oxford
- BCL (Distinction, top of year), University of Oxford
- LLB Hons (First Class), University of Edinburgh

Prizes & Scholarships

- Bedingfield Scholarship (Gray's Inn)
- Clarendon Scholarship (Oxford)

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- Vinerian Scholarship for best performance on the BCL (Oxford)
- Jesus College BCL Prize (Oxford)
- Best performance in final year law exams (Edinburgh)

Other relevant experience

Before coming to the bar, Marlena taught public law at the University of Oxford and worked for a variety of human rights organisations, including the Human Dignity Trust. Marlena also spent a period of time in Greece working pro bono for Refugee Legal Support in Athens, and Refugee Law Clinic on the island of Samos.

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