



Year of call 2022

Telephone 0131 226 2881

Email chris.stephen@themis-advocates.co.uk

Areas of Practice

Public Law, Public International Law and Commercial

Profile

Chris called to the Scottish Bar in 2022 as a recipient of a Lord Hope scholarship. His principal areas of experience and interest are public law, international law and extradition. Chris was appointed as Standing Junior Counsel to UK Government departments by the Advocate General for Scotland in December 2022. In that capacity, he has acted as junior Counsel for the UK Government in the judicial review of the Gender Recognition Reform (Scotland) Bill (Prohibition on Submission for Royal Assent) Order 2023, immigration matters and in a peerage matter before the Lord Lyon.

Since calling he has also assisted with several public inquiries, including the Scottish Covid-19 Inquiry, Scottish Hospitals Inquiry and the Sheku Bayoh Inquiry. He has also been instructed as junior Counsel in extradition matters in the Sheriff Court and High Court, with reported cases including:

- Lord Advocate (representing the French judicial authorities) v Vincent Raynouard [2024] HCJAC 2
- Nicholas Rossi (appellant) v His Majesty's Advocate [2023] HCJAC 50
- Lord Advocate (representing the USA) v Nicholas Rossi [2023] SLT (Sh. Ct) 143

Prior to calling to the Bar, Chris was dual-qualified as a solicitor in both Scotland and England & Wales. He trained as a solicitor at Brodies LLP with seats in dispute resolution, employment, commercial property and an external secondment to a financial institution. He practised as a solicitor for over twelve years, including ten years spent in London.

Chris spent three years (2018–2021) as Legal Secretary (Deputy Director) to the Advocate General for Scotland, one of the UK Government's Law Officers. In doing so, Chris worked on public law litigation of national significance including: the prorogation case (R (Miller) v The Prime Minister and Cherry v Advocate General for Scotland ([2019] UKSC 41); the UK Withdrawal from the EU (Legal Continuity) (Scotland) Bill reference ([2018] UKSC 64); and the Article 50 (Wightman) case heard before the Inner House of the Court of Session ([2018] CSIH 62) and the Court of Justice of the European Union (CJEU) (C-621/18).

Chris also has particular expertise in International Law. He was an Assistant Legal Adviser at the Foreign, Commonwealth and Development Office (FCDO) for over five years (2013–2018), during which time he represented the UK at the United Nations in New York and before the International Court of Justice (ICJ) in contentious proceedings. Prior to joining the FCDO, he worked for law firms Latham & Watkins LLP and Volterra Fietta in London representing private clients and States on a wide range of contentious and non-contentious issues, including arbitration proceedings brought under bilateral investment treaties (BITs). Chris was also an intern with the International Law Programme at Chatham House and is a founder member of the Young Public International Law Group (YPILG).

Chris also worked previously as a Judicial Assistant to Lord Hope of Craighead and Lord Mance in the House of Lords (now the UK Supreme Court).

Qualifications

LL.B (Hons) (University of Aberdeen)

Dip LP (University of Aberdeen)

LL.M (Public international law) (London School of Economics & Political Science)

Representative Cases

- Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. United Kingdom) (Preliminary Objections) International Court of Justice 2016 ICJ Reports 833
- Kilic v Turkmenistan (ICSID Case No. ARB/10/1) (Turkey–Turkmenistan Bilateral Investment Treaty) Vigotop v Hungary (ICSID Case No. ARB/11/22) (Cyprus–Hungary Bilateral Investment Treaty)
- Karmer Marble Tourism Construction Industry and Commerce LLC v Georgia (ICSID Case No. ARB/08/19) (Georgia–Turkey Bilateral Investment Treaty)
- Lord Advocate (representing the USA) v Nicholas Rossi [2023] SC EDIN 24

Appointments and Memberships

- Standing Junior Counsel to the Advocate General for Scotland (December 2022 – Present)
- Member of the Advocate General for Scotland’s Panel of Nominated Presenting Officers to the Home Office (April 2022 – Present)
- Tutor in International Law, University of Edinburgh (January 2022 – Present)
- Called to the Bar of England & Wales, Gray’s Inn (July 2021)

Publications

Journal articles

- An examination of State immunity by the Scottish Courts (2022) Scots Law Times (forthcoming) Diplomatic Immunity, Modern Slavery and the “Commercial Activity” Exception: The UK Supreme Court in Basfar v Wong (EJIL Talk: The Blog of the European Journal of International Law, 11 July 2022) International Criminal Law: Wielding the Sword of Universal Criminal Justice? (2012) 61(1) International and Comparative Law Quarterly 55–89
- Recapturing the essence of breach of the peace: Harris v HM Advocate (2010) 1 Juridical Review 15 Blazing a (new) trail for murder? Petto v HM Advocate (2009) 30 Scots Law Times 177
- Causation, drugs and culpable homicide in the High Court (2009) 6 Scots Law Times 27
- From Pretty to Purdy: suicide and assistance from across the border –R (on the application of Purdy) v Director of Public Prosecutions) (2008) 39 Scots Law Times 267

Book reviews

- Meron, T., *The Making of International Criminal Justice* (2013) 24 *European Journal of International Law* (Book Review) 460–462
- Scharf M.P. & Williams P.R., *Shaping Foreign Policy in Times of Crisis: The Role of International Law and the State Department Legal Adviser* (2012) 61(2) *International and Comparative Law Quarterly* 553–554
- Combs, N.A. *Fact-Finding Without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions* (2011) 22 *European Journal of International Law* 602–60

Devilmasters

- Graham Maciver (public law, judicial review, immigration and asylum)
- Chris Pirie KC (public law, judicial review, immigration and asylum)
- Ken McGuire (employment)
- Tony Lenehan KC (crime)