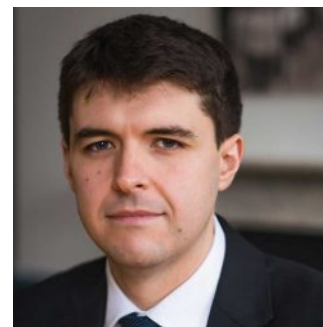

Michael Lee

Michael Lee has a broad practice covering a range of Chambers' areas of work, with a particular focus on employment and commercial matters. He has extensive advocacy experience and regularly appears in a range of courts and tribunals.

Michael is ranked in the employment sections of both Chambers and Partners and Legal 500. The 2021 editions say that he is "particularly strong on complex discrimination matters and employment issues with a commercial twist", and describe him as a "great advocate" who is "there by your side the whole way" and who is "excellent to work with; incredibly responsive and all over the detail". Previous editions record that Michael is "extremely impressive: so detail-orientated, so client-focused and so responsive", "a really impressive and very supportive barrister to work with", and "commercial, hardworking, and has an excellent level of legal knowledge".



Professional Summary

Called 2009

Contact Details

Michael.Lee@11kbw.com
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Clerk Lee Cutler

Contact Clerks

Specialisms

Commercial

Michael undertakes a range of commercial work. He is frequently instructed in cases involving injunctive relief and restraint of trade issues, for which his work is noted in Chambers and Partners 2019. He is regularly instructed in conspiracy and economic tort claims, as well as cases involving breaches of directors' duties, fiduciary duties and duties of confidence.

Michael (led by Richard Leiper QC) recently represented one of the Defendant insurance brokers in an alleged team move conspiracy case heard over 14 days (***Alesco Risk Management Services Ltd v Bishopsgate Insurance Brokers Ltd* [2019] EWHC 2839 (QB)**). As sole counsel Michael recently represented the Claimants in a Commercial Court dispute involving contractual claims against Defendants in multiple jurisdictions and acted for the individual defendants in a trial concerning misuse of confidential information (***Trailfinders Ltd v Travel Counsellors Ltd* [2020] IRLR 448**).

Michael has also appeared in a three week trial concerning team moves, fiduciary duties, and conspiracy (***Lonmar Global Risks Ltd v West & Ors* [2011] IRLR 138**, led by Richard Leiper) and acted as sole counsel in a 4 day High Court trial concerning breach of confidence and springboard relief (***Personal Management Solutions Ltd v Brakes Bros Ltd* [2014] EWHC 3495 (QB)**).

Employment

Michael has acted in a wide variety of complex, high value Employment Tribunal cases, both as sole and junior counsel. His work in this field covers a broad spectrum of employment law issues and has been recognised by the legal directories for several years. Chambers and Partners comments that he "*has an impressive employment law practice*" and is "*recognised for his strength in discrimination and whistleblowing matters*". As Chambers and Partners recognises, Michael acts for a diverse range of clients, and has particular experience in the financial services and education sectors.

Michael's recent work covers the full spectrum of work in the employment law field. He was instructed (led by Daniel Stiltz QC) by Chelsea FC and José Mourinho to defend high profile claims brought against them by a former doctor (settled on day 2 of a 2 week hearing). Michael

was also instructed (led by Daniel Stilitz QC) by an investment bank in a whistleblowing claim, which involved an urgent appeal to the EAT before it settled on day 4 of a 3-week hearing.

As sole counsel Michael is currently acting for a financial services institution in its defence of a whistleblowing claim due to be heard over 2 weeks and for the respondent to a worker-status claim involving a large number of claimants, due to be heard in early 2021. He recently represented the successful respondent to an appeal against an Employment Tribunal's findings on disability in the field of mental health (**Sullivan v Bury Street Capital UKEAT/0317/19/BA**). He also acted for a former-Chief Executive in a well-publicised claim for sex and pregnancy discrimination which settled on the first day of the hearing. He also acted for Dr Carpos-Young in her successful high-profile victimisation claim against the Royal Academy of Music (**Carpos-Young v Royal Academy of Music**).

Michael (led by Richard Leiper QC) recently represented one of the Defendant insurance brokers in an alleged team move conspiracy case heard over 14 days (**Alesco Risk Management Services Ltd v Bishopsgate Insurance Brokers Ltd [2019] EWHC 2839 (QB)**). As sole counsel Michael recently represented the Claimants in a Commercial Court dispute involving contractual claims against Defendants in multiple jurisdictions and acted for the individual defendants in a trial concerning misuse of confidential information (**Trailfinders Ltd v Travel Counsellors Ltd [2020] IRLR 448**).

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Public

Michael undertakes a range of public law and regulatory work.

Michael (led by Jonathan Moffett QC) acted for Surrey County Council in its defence of a challenge to its Special Educational Needs budget, heard by a Divisional Court in 2018 (**R (Hollow) v Surrey CC [2019] EWHC 618 (Admin)**). Michael also acted (led by Clive Lewis QC) in judicial review proceedings concerning a challenge to a European-wide prohibition on the sale of certain meat products (**R (Newby) v Food Standards Agency [2013] EWHC 1966 (Admin)**), including acting as sole counsel in defence of the Claimant's application for an interim injunction to dis-apply the prohibition. Michael (now led by Jason Coppell QC) represented the Food Standards Agency before the Supreme Court in that case in 2019 (**R (Newby) v Foods Standards Agency [2019] UKSC 18**).

Michael's public law practice has a particular focus on cases involving the Asserts of Community Value regime in the Localism Act 2011. He has extensive expertise in this field, having acted in a large number of appeals, such as **Patel v Hackney CR/2013/0005** (the first appeal to the First-Tier Tribunal under ACV regime), **Kicking Horse Ltd v Camden CR/2015/0012** (an appeal considering the extent to which individuals parts of a building should be given separate consideration under the ACV regime), and **Mendoza Ltd v Camden CR/2015/0015** (an appeal considering the requirements that an organisation must meet to make a valid ACV nomination). Michael regularly advises on and appears in appeals to the First-Tier Tribunal in this field.

Local Government

Michael undertakes a range of work for local government. As well as advising local government on general public, commercial and employment law issues, Michael (led by Jonathan Moffett QC) acted for Surrey County Council in its defence of a challenge to its Special Educational Needs budget, heard by a Divisional Court in 2018 (**R (Hollow) v Surrey CC [2019] EWHC 618 (Admin)**). Michael's practice has a particular focus on cases involving the Asserts of Community Value regime in the Localism Act 2011. He has extensive expertise in this field, having acted in a large number of appeals, such as **Patel v Hackney CR/2013/0005** (the first appeal to the First-Tier Tribunal under ACV regime), **Kicking Horse Ltd v Camden CR/2015/0012** (an appeal

considering the extent to which individuals parts of a building should be given separate consideration under the ACV regime), and **Mendoza Ltd v Camden CR/2015/0015**) (an appeal considering the requirements that an organisation must meet to make a valid ACV nomination). Michael regularly advises on and appears in appeals to the First-Tier Tribunal in this field.

Professional Disciplinary & Regulatory

Michael's employment practice sees him advise on a range of regulatory matters. He has also recently advised on diverse regulatory issues including European regulations on flight times and the regulations governing the work of employment agencies. Michael has acted in judicial review proceedings concerning a challenge to a European-wide prohibition on the sale of certain meat products (**R (Newby) v Food Standards Agency [2013] EWHC 1966 (Admin)**), including acting as sole counsel in defence of the Claimant's application for an interim injunction to dis-apply the prohibition. Michael (led by Jason Coppel QC) represented the Defendant in those proceedings before the Supreme Court in 2019 (**R (Newby) v FSA [2019] UKSC 18**). He has also represented the Financial Reporting Council in proceedings concerning the extent to which it is subject to the Freedom of Information Act (**Miller v FRC EA/2014/0113**).

Sport

Within his commercial and employment work, Michael has particular expertise in the sport sector. He was recently instructed (led by Daniel Stilitz QC) by Chelsea FC and José Mourinho to defend high profile claims brought against them by a former-doctor (settled on day 2 of a 2 week hearing). He has also advised high profile sporting organisations on contractual disputes and tortious claims such as unlawful means conspiracy and inducing breach of contract.

Recent Cases

Trailfinders Ltd v Travel Counsellors Ltd [2020] IRLR 448

Represented the individual defendants in a trial concerning misuse of confidential information.

Alesco Risk Management Services Ltd v Bishopsgate Insurance Brokers Ltd [2019] EWHC 2839 (QB).

Acted (led by Richard Leiper QC) for one of the Defendant insurance brokers in an alleged team move conspiracy case heard over 14 days.

Sullivan v Bury Street Capital [2020] IRLR 953, UKEAT/0317/19/BA, EAT, September 9 2020

Acted for the Respondent to a disability discrimination claim in the financial services sector, heard over 9 days by the ET in November 2018 and by the EAT in July 2020.

A v B (November 2019)

Acted for a former-Chief Executive in a well-publicised claim for sex and pregnancy discrimination which settled on the first day of the hearing.

McAneney v Gatwick Airport Limited (September 2019)

Represented the Respondent in its successful defence of claim that its rosters for security personnel indirectly discriminated against female employees.

R (Newby Foods Limited) v Food Standards Agency [2013] EWHC 1966 (Admin) [2013] EWHC 2132 (Admin) [2019] UKSC 18

Represented the Defendant in relation to the Claimant's challenge to a European prohibition of certain meat products (led by Clive Lewis QC) and acted for the Defendant in relation to the Claimant's application for interim relief. He later (led by Jason Coppel QC) represented the Defendant before the Supreme Court.

Carpos-Young v Royal Academy of Music (October 2018)

Represented the Claimant lecturer in her high-profile victimisation claim against the Royal Academy of Music.

R (Hollow) v Surrey CC [2019] EWHC 618 (Admin)

Acted (led by Jonathan Moffett QC) for Surrey County Council in its defence of a challenge to its Special Educational Needs budget.

C v D (March 2018)

Acted (led by Richard Leiper QC) for a company seeking to enforce restrictive covenants in the contract of its former-CEO, which settled the day before a speedy trial.

Ozkaptan v Citibank N.A (2016 and 2017)

Represented the Claimant (an FX trader) in a 6 day Employment Tribunal hearing and subsequent remedy hearing.

Carneiro v Chelsea FC; José Mourinho (2016)

Acted (led by Daniel Stilitz QC) for the Respondents in defence of claims brought in the Employment Tribunal by a former-doctor, which settled on day 2 of a 10 day hearing.

Keppel Seghers v Hinds [2014] ICR 1105

Acted for the Claimant (the Respondent in the EAT) in an appeal concerning the extended definition of “worker” for the purpose of whistleblowing claims.

Personal Management Solutions Ltd v Brakes Bros Ltd [2014] EWHC 3495

Acted as sole counsel in a High Court trial concerning breach of confidence.

Lonmar Global Risks Ltd v West & Ors [2011] IRLR 138

Represented the Claimant in a 3 week trial concerning team moves, employees’ fiduciary duties, and conspiracy (led by Richard Leiper).

Worthmore v South Oxfordshire CR/2017/0005

Acted for the Respondent in an appeal considering concerning the propriety and extent of a listing under the Assets of Community Value regime in the Localism Act 2011.

Mendoza Ltd v Camden CR/2015/0015

Acted for the Respondent in an appeal considering the requirements that an organisation must meet to make a valid nomination under the Assets of Community Value regime in the Localism Act 2011.

Patel v London Borough of Hackney & Ors CR/2013/0005

Instructed by Hackney in the first appeal to the First-Tier Tribunal under the Assets of Community Value (England) Regulations 2012.

Recommendations

“He is hugely responsive, practical and very accommodating. A hard worker, whose attention to detail is second to none” **Chambers & Partners**

“He is excellent to work with; incredibly responsive and all over the detail” **Chambers & Partners**

“He’s a really impressive and very supportive barrister to work with, and he’s able to give clear and concise advice to clients” **Chambers & Partners**

“For a junior of his call he is extremely impressive: so detail-oriented, so client-focused and so responsive” **Chambers & Partners**

“Excellent attention to detail, commercial, hardworking and excellent level of legal knowledge” **Legal 500**

“Very commercial, very sensible and very user-friendly” **Chambers & Partners**

“Personable and incredibly persuasive” **Chambers & Partners**

“He grasps complicated and complex matters easily” **Legal 500**

“Responsive, bright and enjoyable to work with. He really gets engaged with the case and makes you feel supported throughout” **Chambers & Partners**

“Good with clients, skilful, confident and persuasive. He is able to adapt his approach appropriately to the claimant, witness and case in hand” **Chambers & Partners**

“He provides sound and practical advice, and is one to watch” **Legal 500**

“He is extremely hard-working, diligent and is able to pick up the facts of a case very quickly” **Chambers & Partners**

“He is extremely thorough, very personable and good with the client” **Chambers & Partners**

“Very down-to-earth and clearly very bright” **Chambers & Partners**

Education

Michael graduated with a first-class degree in Law from St Catharine’s College, Cambridge University.

Other

Michael is a member of the Commercial Bar Association, the Employment Lawyers Association, the Employment Law Bar Association and the Constitutional and the *Administrative Law Bar Association*.



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