Marcus Pilgerstorfer KC



Silk: 2020 Call: 2002

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Marcus is an enormously experienced specialist in the fields of employment and discrimination law; product liability and consumer law; and public, human rights and data privacy law. He has appeared in a number of the leading cases.

He is recognised by the directories as “a superb barrister” who is “just brilliant in court” and “handles clients extremely well and surpasses their expectations”. He has “a brain the size of a planet” and is “clearly much admired by the senior judiciary”.

Marcus is a Civil and Criminal Recorder (part-time judge), is an Advocacy Trainer at Gray’s Inn and was a member of the Attorney General’s A Panel of Counsel to the Crown.

> ***Thorough when it comes to detail and a real pleasure to work with. He makes everything seem like it’s done with effortless ease. He’s uncomplaining and incredibly hard-working***
>
> CHAMBERS & PARTNERS

Expertise

Media & Data Privacy

Marcus' Media and Data Privacy practice includes advising clients in relation to many aspects of data protection, information law, and reputation management. He regularly acts and advises in matters brought under the General Data Protection Regulation, the Data Protection Act 2018 and related legislation. This includes issues of data subject access, rectification and erasure as well as damages claims in respect of data breaches. Marcus has particular experience in running group and multi-party litigation and advising in respect of strategic decisions that arise in that context. Marcus' practice also involves advising clients in relation to protection of reputation, particularly in the context of digital communication and social media.

Achievements

Appointments

- Queen's Counsel (2020)
- Adjunct Professor, City University of Hong Kong (2020, 2021)
- Recorder (Crime 2018, Civil 2019)
- Attorney General's Panel of Counsel to the Crown: A Panel (2019), B Panel (2014) C Panel (2008)
- Advocacy Trainer (Gray's Inn) (2014)
- Pupil Supervisor (2010)

News, Articles & Publications

Regular Publications

- Civil Court Practice ('the Green Book') (contributor 2016-date)
- Tolley's Employment Law Handbook (contributor 2013-date)

Book Chapters

- *Munkman on Employer's Liability,* Bennett (Ed), chapter on the liability of third parties to an injured employee *(2019)*
- *Research Handbook in EU Health Law,* Hervey & Young (Eds), chapter on EU law and policy on pharmaceuticals marketing and post-market control including product liability *(2017)*

- *Cambridge Companion to European Private Law,* Twigg-Flesner (Ed), chapter on Product Liability *(2010)*
- *Discrimination in Employment,* Tucker & George (Eds), chapter on Injury to Feelings Awards *(2007)*

Articles

- *Procurement of Covid-19 vaccines: why were legal liabilities transferred to the public sector? InDret 2.2021 p364-366 (available here)*
- *Products in a Pandemic: Liability for Medical Products and the Fight against Covid-19 (2020) European Journal of Risk Regulation, 1-39. (available here)*
- *European product liability after Boston Scientific: an assessment of the Court's judgment on defect, damage and causation (2017) 28 European Business Law Review 879*
- *The Product Liability Directive: Time to get Soft? (2013) 4 Journal of European Tort Law 1*
- *Transferred Discrimination in European Law: Case C-303/06 Coleman v Attridge Law (2008) 37 ILJ 384*
- *Direct and Indirect Discrimination: Is there something in between? (2008) 37 ILJ 347*
- *A Dog's Dinner? Reconsidering Contractual Illegality in the Employment Sphere (2008) 37 ILJ 279*
- *Taking Discrimination Personally? An Analysis of the Doctrine of Transferred Discrimination (2008) 19 Kings College Law Journal 265*
- *Expert Evidence: The Requirement of Independence [2008] JPIL 224*
- *Illegally Formed Contracts of Employment and Equal Treatment at Work (2005) 34 ILJ 158*
- *The Development Risk Defence – Knowledge, Discoverability and Creative Leaps [2004] JPIL 258*

Research

- *Common Core of European Private Law – Product Liability Project* (Joint Editor), ongoing.

Education

University of Oxford (St John's College and Universität Regensburg, Germany)
MA English Law with German Law, First Class Honours.

University of Manchester
PhD: *European Product Liability – A Comparative Study of "Development Risks" in English and German Law*

Other

Languages

- German
- French (basic)

Scholarships

- Lord Justice Holker Scholar of Gray's Inn

Memberships

- Discrimination Law Association
- Employment Lawyers Association
- Employment Law Bar Association
- Industrial Law Society
- International Bar Association
- Product Liability Forum of the British Institute of International and Comparative Law

A coming star, now extremely experienced in product liability law

LEGAL 500

Fantastically supportive and an absolute delight to deal with.

CHAMBERS & PARTNERS

Excellent advice and clear guidance

CHAMBERS & PARTNERS

Continues to impress

LEGAL 500

Highly responsive and commercial, has made his mark in this area with his efforts on drafting employment bills intended for Parliament

CHAMBERS & PARTNERS

A rising star according to judges, and has a good presentational style

CHAMBERS & PARTNERS

He is just brilliant in court and relates well to clients

CHAMBERS & PARTNERS

One of the brightest junior counsel

LEGAL 500

A very good, analytical brain

LEGAL 500