Nigel Porter



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Nigel is a highly experienced practitioner in all areas of employment law, business protection and professional negligence particularly arising in the employment context.

> ***He's very experienced and highly knowledgeable***
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> CHAMBERS & PARTNERS

Expertise

Commercial Litigation

Nigel has substantial experience representing both employers and employees in matters of business protection both advisory and in litigation in relation to enforcement of restrictive covenants, misuse of confidential information, team moves, springboard and related injunctive relief and unlawful competitive activity. Much of this work relates to reaching a resolution of the issues at an early stage of litigation or at the pre-action stage.

Examples of recent work:

Advising a London solicitors firm in relation to a “team move” of a substantial number of solicitors to a competing firm.

Advising a large recruitment business in relation to enforceability of covenants of departing employees and removal and recovery of confidential information.

Acting for a group of employees who set up a competing business in claims for injunctive relief, delivery up, springboard relief, breach of confidence and damages.

Admiral Management Services Ltd v Para-Protect Europe Ltd & Ors

2008 EWHC 1583 (QB)

Cantor Fitzgerald International v Callaghan

2008 EWHC 1583 (QB)

Davy International Ltd & Ors V. Tazzyman & Ors

2008 EWHC 1583 (QB)

Employment

Nigel's practice is predominantly in employment law acting for public and private clients in all areas of individual and collective employment law in the Employment Tribunal and higher courts. He has substantial experience in dealing with high value discrimination and whistleblowing claims and those that involve reputational risk particularly in the professional sectors. Recent private sector clients include Invesco, Nomura International plc, UniCredit Bank, Network Rail, Atos Origin, and he has also acted, in the public sphere, for many local authorities and NHS Trusts in both in individual and collective matters (e.g. Working time, Equal Pay and Single status, TUPE and changes to terms and conditions).

> ***In addition to his great expertise, Nigel brings considerable empathy to the cases he works on.***
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Lombardo v Nomura International plc 2016

2008 EWHC 1583 (QB)

Unfair dismissal claim of a senior banker dismissed on grounds of gross misconduct involving the obligations of "registered persons" under the Financial Conduct Authority (FCA) regulatory regime subject to considerable press overage.

Obiamiwe v Atos Origin IT Services (UK) Ltd

2008 EWHC 1583 (QB)

Acted for the Respondent in a complex race discrimination claim brought by a former employed doctor involving multiple allegations of less favourable treatment over an extended period.

De Souza v Bolt Equity Ltd and others

2008 EWHC 1583 (QB)

Acting for the former Managing Director of the Respondent pharmaceutical company in a complex race, religion and age discrimination and unfair dismissal claim

Bellini v London Borough of Hillingdon

2008 EWHC 1583 (QB)

Acting for the Respondent Council in 2016 in a disability discrimination claim brought by a long serving former employee seeking reinstatement.

Re Unite and Coveris Flexibles UK Ltd (formerly Paragon Labels Limited)

2008 EWHC 1583 (QB)

An application for Trade Union Recognition brought in the Central Arbitration Committee under Schedule A1 of the Trade Union and Labour Relations Act 1992. See here

Abercrombie & Ors v AGA Rangemaster Ltd

2008 EWHC 1583 (QB)

Abercrombie and others v AGA Rangemaster Ltd

2008 EWHC 1583 (QB)

Acting for the Respondent in first case on Guarantee payments to be considered by the Court of Appeal and the Employment Appeal Tribunal.

Devins v Nomura International plc

2008 EWHC 1583 (QB)

Acting for the Respondent, Nomura International in a high value disability discrimination claim heard where whole career loss to the retiring age was sought.

London Borough of Hillingdon v Meso

2008 EWHC 1583 (QB)

Acting for Respondent Council in an appeal against findings of discrimination.

Stevenson v Atos Origin IT Services UK Ltd

2008 EWHC 1583 (QB)

Acting for the Respondent in a discrimination appeal of a senior executive working outside the jurisdiction raising issues of ET jurisdiction, agency and aiding and abetting.

Recent cases

Commodities Research Unit International v QSP Residual Recoveries

[2018] PNLR 3, [2017] EWCA CIV 1197, CA (CIV), AUGUST 1 2017

Professional negligence claim against a firm of solicitors regarding advice given on termination of employment of a CEO.

Lombardo v Nomura International plc 2016

Unfair dismissal claim of a senior banker dismissed on grounds of gross misconduct involving the obligations of “registered persons” under the Financial Conduct Authority (FCA) regulatory regime subject to considerable press overage.

CRUI and others v King & Wood Mallesons LLP 2016

Acted for defendant in a professional negligence claim arising out of employment advice in relation to termination of a senior employee’s contract of employment. An appeal is to be heard by the court of Appeal later in 2017.

CRUI and others v King & Wood Mallesons LLP

[2016] EWHC 63 (QB)

interim judgment on waiver of privilege;

CRUI and others v King & Wood Mallesons LLP

[2016] EWHC 727 (QB) – TRIAL JUDGMENT

De Souza v Bolt Equity Ltd and others

Acting for the former Managing Director of the Respondent pharmaceutical company in a complex race, religion and age discrimination and unfair dismissal claim

Bellini v London Borough of Hillingdon

Acting for the Respondent Council in 2016 in a disability discrimination claim brought by a long serving former employee seeking reinstatement.

Chweidan v Mischon de Reya

[2014] EWHC 2685 (QB)

Acted for Mischon de Reya in High Court professional negligence claim arising out of an employment tribunal claim (and subsequent appeals) brought by the Claimant claiming disability and age discrimination and unfair dismissal. The Judgment provides guidance on assessing a loss of a chance.

Re Unite and Coveris Flexibles UK Ltd (formerly Paragon Labels Limited)

An application for Trade Union Recognition brought in the Central Arbitration Committee under Schedule A1 of the Trade Union and Labour Relations Act 1992, see

Abercrombie & Ors v AGA Rangemaster Ltd

[2013] EWCA CIV 1148 [2013] IRLR 953 (COURT OF APPEAL)

Abercrombie and others v AGA Rangemaster Ltd

[2013] ICR 213 (EAT)

Acting for the Respondent in first case on Guarantee payments to be considered by the Court of Appeal and the Employment Appeal Tribunal.

London Borough of Hillingdon v Meso

[2014] UKEAT 0450/13/1203

Acting for Respondent Council in an appeal against findings of discrimination.

Devins v Nomura International plc

Acting for the Respondent, Nomura International in a high value disability discrimination claim heard where whole career loss to the retiring age was sought.

Stevenson v Atos Origin IT Services UK Ltd

[2012] UKEAT 0213/11/0404

Acting for the Respondent in a discrimination appeal of a senior executive working outside the jurisdiction raising issues of extra territorial application of discrimination law, aiding and abetting and agency.

Achievements

News, Articles & Publications

Contributor of nine chapters to *Tolley's Employment Handbook*

Formerly contributor to *Butterworth's Local Government Law* (chapters on the Monitoring Officer and Head of the Paid Service, Criminal Liability of Local Authorities and Members and Provision of Leisure Services by Local Authorities

Various articles in the *Cambridge Law Journal*.

Education

University of Cambridge MA in Law (Cantab)

University of Cambridge LLM in Law (Cantab)

Other

Nigel was a law lecturer and Director of Studies in Law at Churchill College, University of Cambridge for five years before joining 11KBW in 1994.

> ***His level of immersion in the papers is fantastic, as is his cross-examination – he is a very, very safe pair of hands***
>
> CHAMBERS & PARTNERS

> ***He's very experienced and highly knowledgeable***
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