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## Michael Lee

Michael Lee has a broad practice covering a range of Chambers' areas of work. He has extensive advocacy experience and regularly appears in a range of courts and tribunals.

Michael is ranked in both Chambers and Partners and Legal 500. In the 2018 editions Michael is labelled as *"one to watch"* and *"very commercial, very sensible and very user-friendly"*. He is described as *"responsive, bright and enjoyable to work with", as someone who "provides sound and practical advice"* and is *"personable and incredibly persuasive" and who is "good with clients, skilful, confident and persuasive"*.

Previous editions noted of Michael that *"sources value his measured approach to sensitive matters", described him as "extremely thorough", "extremely hard-working, diligent and able to pick up the facts of a case very quickly", and commented that he is "very personable and good with the client", "a shrewd and knowledgeable lawyer" who is "unflappable", "down-to-earth" and "clearly very bright"*.

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## Specialisms

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### 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 2018. 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 in March 2019. He is also (led by Sean Jones QC) currently acting for the Claimants in a test case involving the enforceability of contractual terms requiring the repayment of training fees by departing employees. As sole counsel Michael recently advised the Claimants in a Commercial Court dispute involving contractual claims against Defendants in multiple jurisdictions. He has 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)**). Michael was also a member of a large team of counsel representing a former employee of an insurance brokerage in a case involving an alleged team move, which settled before a 5-week trial.

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### 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, sports and education sectors.

Michael's recent work covers the full spectrum of work in the employment law field. He was instructed (led by Daniel Stilitz QC) by Chelsea FC and José Mourinho to defend high profile



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### Professional Summary

Called 2009

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### Contact Details

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**Clerk** Lee Cutler

**Clerk** Joe Freeman

Contact Clerks

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 (**UKEAT/0058/16/DM**) before it settled on day 4 of a 3 week hearing. As sole counsel Michael recently successfully represented Dr Carpos-Young in her high-profile victimisation claim against the Royal Academy of Music (**Carpos-Young v Royal Academy of Music**). He also acted for the successful respondent to a disability discrimination claim concerning the financial services sector, heard over 9 days in November 2018 (**Sullivan v Bury Street Capital**). Michael's work as sole counsel also includes a 6 day hearing in which he acted for a Claimant in the financial services industry (**Ozkaptan v Citibank N.A**), a case in which he represented a technology company which settled prior to a 6 day hearing after the Claimant's whistleblowing claim was struck out at a hearing at which Michael appeared, and a 6 day claim involving multiple allegations of discrimination and whistleblowing in the IT sector. Michael also recently appeared in the EAT in an appeal concerning employment status in the context of whistleblowing claims (**Keppel Seghers v Hinds [2014] ICR 1105**).

Michael also undertakes a broad range of work in the High Court in the employment field. This includes acting in cases involving injunctive relief and restraint of trade issues, both as sole and junior counsel, for which his work is noted in Chambers and Partners 2018. 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 in March 2019. He is also (led by Sean Jones QC) currently acting for the Claimants in a test case involving the enforceability of contractual terms requiring the repayment of training fees by departing employees. As sole counsel Michael recently advised the Claimants in a Commercial Court dispute involving contractual claims against Defendants in multiple jurisdictions. He has 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)**). Michael was also a member of a large team of counsel representing a former employee of an insurance brokerage in a case involving an alleged team move, which settled before a 5-week trial.

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## Public

Michael undertakes a range of public law and regulatory work.

Michael (led by Jonathan Moffett QC) recently has 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 Food Standards Agency [2019] UKSC 18**). As sole counsel, Michael recently advised an office holder in judicial review proceedings.

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). In 2017 examples of his work include acting in **Worthmore v South Oxfordshire CR/2017/0005** and representing a local authority (led by Jonathan Moffett QC) in First-Tier Tribunal proceedings involving a claim for several million pounds in compensation which did not ultimately proceed to a hearing.

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## 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) has recently 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). In 2017 examples of his work in this field include acting in **Worthmore v South Oxfordshire CR/2017/0005** and representing a local authority (led by Jonathan Moffett QC) in First-Tier Tribunal proceedings involving a claim for several million pounds in compensation which did not ultimately proceed to a hearing.

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## 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 Coppell 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**).

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## 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.

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## Recommendations

### Legal 500

*"He grasps complicated and complex matters easily."*

*"He provides sound and practical advice, and is one to watch"*

### Chambers and Partners

*"Very commercial, very sensible and very user-friendly."*

*"Personable and incredibly persuasive."*

*"Responsive, bright and enjoyable to work with. He really gets engaged with the case and makes you feel supported throughout."*

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

*"extremely hard-working, diligent and is able to pick up the facts of a case very quickly"*

*“extremely thorough”*

*“very personable and good with the client”*

*“sources value his measured approach to sensitive matters”*

*“has an impressive employment law practice and is recognised for his strength in discrimination and whistleblowing claims”*

Previous editions of Chambers and Partners have described Michael variously as *“a shrewd and knowledgeable lawyer”* who is *“unflappable”*, *“down-to-earth”* and *“clearly very bright”*.

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## Recent Cases

### **A v B**

(March 2019)

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

### **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 Coppell QC) represented the Defendant before the Supreme Court.

### **Sullivan v Bury Street Capital**

(November 2018) Acted for the Respondent to a disability discrimination claim in the financial services sector, heard over 9 days.

### **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.

### **E v F**

(2017)

Represented the Respondent in a whistleblowing and unfair dismissal claim which settled the day before a 6 day hearing, after the whistleblowing claim was struck out at preliminary hearing at which Michael also acted for the Respondent.

### **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.

**Christie v Health Management Limited**

(2016)

Represented the Respondent in a 7 day Employment Tribunal hearing involving allegations of pregnancy/maternity discrimination and associated disability discrimination.

**G v H**

(2016)

Acted (led by Daniel Stilitz QC) for the Respondent investment bank in a whistleblowing claim which settled on day 3 of a 3 week 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.

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**Education**

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

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**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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