



# Paul Gott QC

Call 1991 | Silk 2012

*"Very bright, hardworking and gives everything to get the right result for the client."*

*Chambers & Partners*

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Paul Gott QC is a specialist in employment, regulatory and commercial litigation, with frequent appearances in the High Court, Court of Appeal, Employment Tribunals, EAT and Solicitors' Disciplinary Tribunal.

He has over 25 years' experience of industrial relations, collective labour law and injunctive relief in respect of industrial action, and receives regular instructions from the SRA. He was also counsel for the Respondents in *SRA v Leigh Day* [2018] EWHC 2726 (SDT and High Court 2015-2018, the longest known SDT hearing to date).

Paul's clients include British Airways, Network Rail, Royal Mail, Transport for London, South West Rail, NHS England, Govia, EasyJet, Ryanair and Unilever.

Comments about Paul in *The Legal 500* and *Chambers & Partners* include:

- "Absolutely top-drawer".
- "Exceptionally bright and able".
- "A robust and effective advocate"
- "Extremely practical and commercial".
- "Fantastic with clients, as he makes the arguments straightforward".
- "Always very responsive and nothing is ever too much trouble".
- "Prepared to do the tough work to get the result".
- "Clear astute advice and superb on his feet".

## Recent Highlights

Acting as counsel for a FTSE 100 plc in a Commercial Court action (2019-ongoing) regarding a claim for alleged misrepresentation, negligence, wrongful termination, breach of contract, declaratory relief and rectification. The matter involves counterclaims by the FTSE 100 plc for breach of contract and arises out of arrangements for the disposal of bulk industrial waste.

### Ryanair v BALPA

Acting as counsel for Ryanair in the High Court in 2019, which involved an injunction application pursuant to Part V of the Trade Union & Labour Relations Act 1992, in respect of BALPA ballot, to prevent UK-wide strike by Ryanair pilots.

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### **Weiss v SJJ and others**

Acting as counsel for SJJ in the High Court (2018-ongoing) which involved springboard injunctions in respect of alleged confidential information, alleged breach of copyright and confidence. The case also included search and seizure orders and computer search orders.

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### **Fox and others v SRT**

Acting as counsel for SR Technics in the Employment Tribunal (2018-2020) regarding a group action arising from collective bargaining in respect of industrial shift work within the UK aircraft ground crew and engineering industry. This was a multi-jurisdictional UK dispute, involving related Employment Tribunal proceedings issued in England, Scotland and Northern Ireland.

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### **SRA v Leigh Day & others (2015-2018) including [2018] EWHC 2726 (Admin)**

Acting as counsel for Leigh Day and other respondents in the Solicitors' Disciplinary Tribunal and High Court. This was the longest SDT case to date, involving over 250 allegations of misconduct against four respondents (the firm and three individuals) all of which were dismissed in June 2017. The SRA appealed 91 of the allegations, which appeals were dismissed by the Administrative Court in October 2018.

## Expertise

### **Banking & Finance**

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#### Notable Banking & Finance cases

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Instructed by Nat West/RBS in over 100 matters concerning bank securities and mortgage enforcement.

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Instructed by Lloyds Bank in over 40 matters concerning bank securities and mortgage enforcement.

### **Commercial Disputes**

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#### Notable Commercial Disputes cases

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Acting as counsel for a FTSE 100 plc in a Commercial Court action (2019-ongoing) regarding a claim for alleged misrepresentation, negligence, wrongful termination, breach of contract, declaratory relief and rectification. The case includes counterclaims by the FTSE 100 plc for breach of contract and arises out of arrangements for disposal of bulk industrial waste.

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### **Weiss v SJJ & Others**

Acting as counsel for SJJ in the High Court (2018-present) involving springboard injunctions in respect of alleged confidential information, alleged breach of copyright and confidence. The case also involves search and seizure orders and computer search orders.

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Acting as counsel for multiple NHS commissioning bodies in multi-contract procurement dispute involving fraud and misapplication of NHS standard terms 2016-19.

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Acting as counsel for NHS commissioning body in major confidential NHS pendulum adjudication 2014-2016.

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### **ISA v ISB**

Counsel for ISB (International Arbitration, 2009-2012: £50 million dispute over internet sports gaming franchises in Spain and Latin America).

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### **Farm Assist v DEFRA [2008] EWHC 3079**

Counsel for DEFRA in Technology & Construction Court, economic duress, disclosure, legal advice privilege and waiver.

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Providing regular commercial advice to private and public sector clients including Government Departments and Agencies such as BIS (Dti), SFO (on civil matters), MoJ, FCO, DCLG, MOD and Dept of Health.

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Providing regular commercial advice and work for NHS commissioning bodies, including NHS England.

## **Employment**

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Recognised as a leader in the field of industrial relations, comments about Paul in *The Legal 500* and *Chambers & Partners* include:

- “Great in very complicated industrial disputes.”
- “Has a superlative knowledge of industrial relations.”
- “Has an encyclopaedic knowledge of the provisions that deal with organising industrial action.”

## Notable Employment cases

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### Ryanair v BALPA

Acting as counsel for Ryanair (High Court, 2019, injunction application to prevent UK-wide strike by Ryanair pilots).

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### Counsel for Network Rail (1996 to present)

Including in:

- *National Rail Strike 2015-16.*
  - *National Rail Strike 2010.*
  - *National Rail Strike 2008.*
  - *National Rail Strike 2004.*
  - *Network Rail v RMT* [2010] EWHC 1084 (injunction to prevent four-day national rail strike, Easter 2010).
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### Counsel for London Underground

Including in:

- *London Underground Stike Action 2013-2015.*
  - *LUL v ASLEF* [2011] EWHC 7 (High Court – injunction application to restrain Boxing Day 2010 London Underground strike).
  - *LUL v ASLEF (No.2)* [2012] IRLR 196 (High Court – injunction application to restrain Boxing Day 2011 London Underground strike).
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Acting as counsel for Royal Mail in respect of industrial relations issues arising from *Royal Mail Privatisation 2013-2014.*

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### Metrobus v Unite [2010] ICR 173

Acting as counsel for Metrobus (High Court and Court of Appeal – injunction against London bus strike, analysis of TULRA 1992 and its conformity with Art 11 ECHR).

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### Counsel for British Airways

Including in:

- *British Airways plc v Unite* [2010] IRLR 423 (High Court – injunction to prevent 12-day strike by BA cabin crew over Xmas 2009).
- *British Airways plc v Unite (No.2)* [2010] IRLR 809 (High Court and Court of Appeal – injunction application to restrain May/June 2010 cabin crew strike action).

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## Counsel in respect of strike action injunctions/industrial relations advice

Including for:

- *Southern Trains* (1996 to present).
- *South West Trains/South West Rail* (2000 to present).
- *Virgin Trains* (2005 to 2019).
- *Transport for London* (2009 to present).
- *Financial Times* (2012-2016).
- *Thomas Cook* (2014 – 2019).
- *First Huddersfield* (2016).
- *Indesit UK* (2016).
- *Morrison supermarkets* (2014-15).
- *Telefonica O2* (2013).
- *DHL* (2012/2013).
- *London Borough of Barnet* (2011).
- *AstraZeneca* (2010-2011).
- *Automobile Association* (2010).
- *Scottish Newcastle plc* (2006/2007).

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Regular instructions from employers in respect of CAC proceedings and applications for statutory recognition of trade unions. Clients have included Amazon, Govia, Southeastern and easyJet.

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### Fox and others v SRT

Acting as counsel for SR Technics (ET, 2018-ongoing, multiple claims arising from collective bargaining in respect of industrial shift work).

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### Rickhuss v Network Rail

Acting as counsel for Network Rail (High Court, 2013-2018, collective bargaining, formation and interpretation of collective agreements).

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### Pavithran v London Clinic

Acting as counsel for the London Clinic (ET, 2013-2015, alleged protected disclosures, whistle-blowing and ss43A-43L of the Employment Rights Act 1996).

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### Morris v Crossrail

Acting as counsel for Crossrail in (ET, 2012-2013, alleged trade union blacklisting under the Employment Relations Act 1999 (Blacklists) Regulations 2010).

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## Reckless v IPS

Acting as counsel for IPS (ET, 2012-2013, equal pay, relevant comparators, genuine material factor defences and justification).

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## Counsel for Department of Work and Pensions

Including in:

- *Graham v DWP* [2012] IRLR 759 (Court of Appeal – unfair dismissal, perversity and the role of the EAT).
  - *Burke v DWP* (ET, 2011 – Disability discrimination).
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## Goatley v DCMS

Acting as counsel for the Department of Culture Media & Sport (ET, 2011-2012, protected disclosures, whistle-blowing, unfair dismissal and ECHR).

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## Muschett v HMPS [2010] IRLR 173

Acting as counsel for HM Prison Service (Court of Appeal, race discrimination claims brought by temporary workers).

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## Wheeler v Brixton plc

Acting as counsel for Brixton plc (ET, 2010, unfair dismissal claim by dismissed CEO of plc during credit crunch).

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## George v Royal Brompton & Harefield NHS Trust

Acting as counsel for Royal Brompton Hospital (ET, 2010-2011, alleged race discrimination, unfair dismissal and whistle-blowing).

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## Jones v DCA

Acting as counsel for the Department of Constitutional Affairs (ET, EAT and Court of Appeal, 2006 to 2009, including CoA decision [2008] IRLR 128– Disability discrimination, statutory limitation periods and jurisdiction).

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## Merrill Lynch v Subbiah

Acting as counsel for Merrill Lynch (High Court – enforcing restrictive covenants and protecting confidential information).

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## News International v Mirror Group Newspapers

Acting as counsel for Mirror Group (High Court – resisting enforcement of restrictive covenants).

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### **Darbyshire v Nuffield Hospitals**

Acting as counsel for Nuffield Hospitals (High Court – injunctive relief in respect of hospital practice privileges).

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Regular employment and Industrial Relations advisory work including advice to Government Departments and Agencies, including BIS (DTi), DCLG, DfT, FSA, MoJ, DVLA, FCO, Dept of Health, HMPS, Home Office, MOD and Cabinet Office.

## **Media, Entertainment & Sport**

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### **Notable Media, Entertainment & Sport cases**

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#### **ISA v ISB**

Acting as counsel for ISB (International Arbitration, 2009-2012: £50 million dispute over internet sports gaming franchises in Spain and Latin America).

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#### **Diadora v Sports World International**

Acting for Sports World International (Commercial Court, 2005/2006. Sponsorship and merchandising contracts).

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#### **Sunderland FC v Sports World International**

Acting for Sports World International (High Court, 2005/2006. Sponsorship and merchandising contracts).

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#### **Jones v Frank Warren**

Acting as counsel for Frank Warren (High Court – Boxing promotion contracts, illegality and duress).

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#### **Coulthard v IMG**

Acting as counsel for IMG (High Court – Formula 1 driver/merchandising contracts, undue influence and duress).

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Undertaking advisory work in respect of boxing management/promotion and film/television licensing.

## **Professional Discipline**

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## Notable Professional Discipline cases

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### SRA v Leigh Day & Others

Acting as counsel for the respondents in SRA v Leigh Day & Others 2015-2018 including [2018] EWHC 2726 (Admin), in the Solicitors' Disciplinary Tribunal and High Court. This was the longest SDT case to date, involving over 250 allegations of misconduct against four respondents (the firm and three individuals) all of which were dismissed in June 2017. The SRA appealed 91 of the allegations, which appeals were dismissed by the Administrative Court in October 2018.

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### SRA v Elkins

SDT, 2016, dishonesty in the use of Stamp Duty Land Tax avoidance schemes.

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### SRA v Chan & Ali

SDT and Administrative Court, including [2015] EWHC 2659 – solicitors' duties in respect of Stamp Duty Land Tax avoidance schemes, want of integrity and pleading SRA claims).

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### SRA v Charles Henry (Charity) [2015] EWHC 552 (High Court)

Regulation of solicitors in legal charities, disclosure of documents pursuant to s44BB of the Solicitors Act 1974.

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### SRA v Choudhury & Kamruzzaman [2014] EWHC 809

SDT and High Court, 2013-2014, dishonesty and professional "cut-throat" defences.

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### SRA v Aggarwal

SDT, 2013-2014, dishonesty and abuse of process.

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### SRA v Scott

SDT, 2012, improper client withdrawals, failing to account, employing staff contrary to s43 SA 74.

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### SRA v Foster

SDT, 2012, conflicts of interest, integrity and back-to-back conveyancing transactions.

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### Attorney General v Bentley [2012] UKEAT 0556/11/0305



Restriction orders in respect of abusive and vexatious proceedings under s33 Employment Tribunals Act.

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### **Attorney General v Branch [2008] EWHC 2679 & Attorney General v Branch No.2 [2009] EWHC 673**

Vexatious litigants and Noueiri anti-suit orders at the request of the Attorney General.

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### **Attorney General v McCluskey UKEAT/0118/09**

EAT, 2010 – vexatious litigants in the Employment Appeals service – Attorney General intervention to protect EAT staff from abusive behaviour.

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### **Bhamjee v Forsdick [2004] 1 WLR 88 CA**

Advocate to the Court of Appeal (vexatious litigants and civil restraint orders – the authority which established that the Court could issue orders using its inherent jurisdiction to restrain abusive behaviour.

## Directory Quotes

*"He has a phenomenal ability to strategise in litigation, he has a technical mind, he has an ability to think outside the box, he is brilliant on paper and he is a brilliant oral advocate." "He is a master tactician for employers in industrial action matters and he always seems to be able to find a chink in the armour."*

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Chambers & Partners

*"Tenacious and very tough." "A shrewd tactician who maintains a careful and considered approach. He provides balance and shines a light through complex or difficult situations."*

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Chambers & Partners

*"Paul Gott QC is an accomplished silk with considerable skill in disciplinary matters involving solicitors. He acts on behalf of regulated firms, individuals and the SRA in high-profile cases."*

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Chambers & Partners

*"Paul has a truly exceptional ability to grasp facts and deliver sound and pragmatic advice in the most complex cases. He stands out among peers as the go-to person for the most challenging of cases, and demonstrates an ability to perform intellectual gymnastics through complex legal issues."*

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The Legal 500

*"Fantastic. He thinks outside the box and is willing to take on an argument. If you want a fighter in a really difficult situation, he's your man."*

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Chambers & Partners

*"A shrewd tactician who maintains a careful and considered approach. He provides balance and shines a light through complex or difficult situations."*

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Chambers & Partners

*"Exceptionally bright and client and user-friendly. Someone you want in your corner."*

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Chambers & Partners

*"A very able and bright advocate who always has a thorough command of the papers. He is well liked by clients and Tribunals for his relaxed and practical approach."*

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The Legal 500

*"Brings in depth legal knowledge, an impressive understanding of the commercial realities and a sense of humour."*

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Chambers & Partners

## Directory Rankings

Chambers & Partners

- Employment
- Professional Discipline

The Legal 500

- Employment

## Education

- Marple Hall Comprehensive (1979-1986)
- MA, Cambridge University, Downing College (1986-1989)
  - Law – Double First Class Honours
  - Proxime accessit Part 1(a) of Tripos (1987)
  - Proxime accessit Part II of Tripos (1989)
- BCL, Oxford University, Brasenose College (1989-1990)
  - First Class Honours

## Memberships

**1986-1990:** University prizes and scholarships:

- Clive Parry International Law Prize (Cambridge University) 1988.
- Rebecca Flower (Cambridge University) Scholarship 1987.
- JC Platt Memorial Prize for Law (Cambridge University) 1987.
- Downing College Cambridge, Tripos prizes: 1987, 1988 and 1989.
- Downing College Cambridge, Law Scholarships: 1987, 1988 and 1989.
- Joseph Squire (Cambridge University) Scholarship 1988.
- Harris Senior Scholarship (Downing College Cambridge) 1989-1992.
- Brasenose College (Oxford) Graduate Prize

**1989-1991:** Bar awards and scholarships:

- Hardwicke Entrance Award (Lincoln's Inn) 1989.
- Inns of Court School of Law full fee scholarship 1990.
- Mansfield Scholar (Lincoln's Inn) 1990.
- Denning Scholar (Lincoln's Inn) 1991.

**1991:** Called to Bar.

**1999-2012:** Junior Counsel to the Crown.

**2005-2012 :** Treasury "A" Panel.

**2006-2012:** Board Member to the Standards Board for England.

**2009-2012:** Ambassador for Diversity in Public Appointments.

**2012:** Queen's Counsel.

## Awards

