



Samuel Nicholls

Year of Call: 2006

Samuel (he / him) is a specialist in Employment Law Litigation, including high value discrimination, whistleblowing, employee competition and business protection claims. In employment cases involving significant personal injury claims Samuel brings to bear his considerable experience in Personal Injury Law gained in his initial years of practice. He receives instructions from both respondents and claimants in cases often involving both complex legal and factual issues.

He has experience in international Employment Law Litigation having practiced in the Turks and Caicos Islands ("TCI"), at Misick & Stanbrook (the leading firm on the Islands), and Samuel remains called to the Bar in that jurisdiction. Typically Samuel represented the business interest of a number of ultra-high-net-worth European and American individuals in the Islands, including an internationally acclaimed American recording artist.

Samuel has appeared at all levels of courts, up to and including the Privy Council. His skills in cross examination are particularly well regarded, which were recently described by a judge as having left witnesses "dazzled in the headlights".

Recommendations

"Fantastic advocate, with a great eye for detail and really good with clients. He was instructed on a high profile sexual harassment case and was immense" - *Suzanne McKie QC, Farore Law.*

"Sam is a leading expert in his field, and highly recommended for his expertise – a superb tactician, cuts straight to the crux of the case and has the ultimate advocacy skills. Indisputably one of the best barristers I have had the pleasure of working with. Sam has clear focus and identifies the winning points in a case and pursues. He is a great source of support and strength for any client, advises succinctly and gets to know the client well." *Director of a global financial institution*

"Once again, a total superstar." *Director of a multinational financial company*

"Sam is very good at getting to the nub of an issue quickly. He is very approachable and provides practical advice to clients in a friendly way. Clients are always impressed with his cross examination skills, as his careful and considered questioning often befuddles even the most prepared witnesses." - *Alexandria Quigley, Senior Solicitor, Lupton Fawcett, Leeds.*

"Sam is calm under pressure and provides excellent support to those instructing him. He is extremely client focused, pragmatic and commercial. In the case we worked on together, Sam showed particular skill in handling a challenging lay claimant and providing support to our witnesses." - *Leading Associate in a top City firm.*

Employment

Samuel is well regarded by those that instruct him for his eye for detail, cross examination skills and overall expertise. His respondent clients include: well-known financial institutions, blue-chip companies, City recruitment agencies, utility companies, public authorities and NHS Trusts and associated organisations. Samuel has an in-

depth understanding of the financial markets as a result of his work in the TCI on many banking related disputes.

Whilst he acts for both respondents and claimants, Samuel has developed a practice in representing claimants in cases involving allegations of sexual misconduct and abuse. These cases are often high profile and reported in the media. One particularly recent example is the case of *A v Mike Hill MP*, which was widely reported in the press. This involved allegations of sex harassment and discrimination, victimisation, disability discrimination and whistleblowing (decision awaited from London Central Employment Tribunal).

Samuel (led by Suzanne Mckie QC) also recently represented the Claimant in a case involving very serious allegations of sexual misconduct, by a senior manager, against a City financial institution and achieved a large settlement.

Recent further highlights of Samuel's work include:

- *Headley v Morgan Sindall Group*: Samuel successfully represented the Respondent in this 5 day disability discrimination case.
- *Dozie v Moorfields Eye Hospital NHS Foundation Trust*: Samuel successfully represented the First Respondent in this claim for race and disability discrimination.
- *Grayling v Wolseley UK Ltd & Others (2021)*: Samuel successfully represented the Respondents in a 8 day case involving allegations of disability discrimination and harassment.
- *G v London Ambulance Service NHS Trust*
: Samuel successfully acted in this complex 10 day discrimination case.
- *Remmer v Primark*: Samuel represented the Respondent in this 5 day disability discrimination claim (decision awaited).
- *Amaglo v Emtor Group Plc*: Samuel represented the Respondent in the whistleblowing claim, including successfully defending an application for interim relief.
- *A v Mike Hill MP*: (see above for full details).
- *Dr M Abdollahi v University Hospital of Southampton Foundation Trust*: Sam represented the Trust in this unfair dismissal claim by a doctor.
- *GLP v East London Foundation Trust*: a 9 day unfair dismissal and disability discrimination claim (decision pending).
- A multi-day preliminary-hearing on privilege – led by Suzanne Mckie QC.

Samuel has also recently advised on Equal Pay, employee competition issues and restrictive covenants. He has experience of acting in all areas of discrimination law, unlawful deduction of wages, TUPE and whistleblowing cases.

Samuel has acted in cases which involve complex points of legal privilege and is readily able to advise in this area. Samuel is also able to conduct workplace investigations, and has advised on privilege issues in relation to these.

In addition to his extensive experience in Employment Law matters, Samuel has considerable experience of both General Medical Council and Nursing and Midwifery Council prosecutions whilst working for Field Fisher Waterhouse in their Professional Regulatory Department. Samuel therefore also accepts instructions in this area, defending medical and other professionals who have been prosecuted by their regulatory bodies.

Samuel has acted in employment related Judicial Review proceedings in the High Court as sole counsel: *Kirk & Ors, R (on the app'n of) v Action for Children* [2010] IRLR 699, in which he successfully defended an application

for an injunction.

In 2012, Samuel was junior to Suzanne McKie QC in the High Court case of *Gelpack v Nexpack*, an expedited final hearing, concerning enforceability of non-compete, non-dealing and non-solicitation clauses; resisting a springboard injunction.

Appellate Employment Work

At appellate level in the UK Sam has acted in the following cases:

- *Olubodun v Total Stay Group Ltd* (UKEAT/0204/09/DA): an appeal against a Tribunal's decision on victimisation.
- *Hensman v MOD* (UKEAT/0067/14/DM): Samuel was instructed at the EAT stage and represented the Claimant in the EAT on an appeal by the Respondent on all aspects of the Tribunal's decision. The case is an important authority on the issue of justification in disability discrimination.
- *Atanda v Royal College of Pediatrics and Child Health* (UKEAT/0272/17/JOJ): Samuel represented the Claimant in this appeal arising from allegations of sex discrimination.
- *Rakova v London North West Healthcare NHS Trust* (UKEAT/0043/19/LA): Samuel was instructed by the Respondent in an appeal involve reasonable adjustments.

Commercial Litigation

Samuel has significant commercial experience, gained largely from his time in the TCI, which includes:

- Samuel was junior to Ariel Misick QC on a cross border (USA, UK and TCI) contractual dispute involving and on behalf of a well-known international recording artist. The action was worth circa USD\$20 million.
- Successfully acted (as sole counsel) for the Securities and Exchange Commission on a cross border fraud related to a Ponzi scheme which defrauded investors of circa USD\$600 million. The case involved asset tracing through multiple bank accounts in the US and through a Cook Islands' Trust and eventually into real estate in the TCI worth millions of dollars.
- Samuel acted in a Supreme Court (TCI) commercial matter involving an international hotel brand against whom a claim had been brought by 60 claimants. The claim is said to be worth in excess of USD\$8million.
- Junior to Ariel Misick QC on a cross border Mareva injunction.
- Obtaining an emergency injunction preventing the issuing of a winding up petition against the largest company in the TCI and a global international brand, following an adverse judgment pending appeal.
- Sole counsel defending an action brought by a developer against a home owner for breach of contract (the home owner was an executive with a New York bank).
- Acted against a utilities provider in an action involving the alleged over-charging.
- Acted for the regulator against a number of financial organisations in relation to money held in bank accounts.
- Advised in a contractual dispute relating to the development of commercial property.
- Instructed to advise on a complex matter revolving around the construction of a contract of insurance as to the meaning of the word "accident". (UK)

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- Instructed in a multi-million-pound insurance case in the High Court (Colin Edelman QC and Richard Harrison instructed). (UK)
 - Involved in a number of disputes in which allegations of breach of fiduciary duties were at the fore. Most recently before the Privy Council in the case of: Akita Holdings Limited v The Honourable Attorney General of The Turks and Caicos Islands. (Turks and Caicos Islands).

Professional Negligence

Samuel was instructed in a multi-million-pound insurance case in the High Court (Colin Edelman QC and Richard Harrison instructed).

He has represented a defendant builder in a professional negligence action.

Samuel has advised in a contractual dispute relating to the development of commercial property.

Memberships and Associations

Industrial Law Society

Employment Lawyers Association

Personal Injury Bar Association

Direct Access Qualified

Awards and Scholarships

Faculty of Law Prize for Top First Class degree in year

Victoria Chambers Prize for Top First in Evidence Examination

Inner Temple Scholarship

Academic

LLB First Class (top First in year)

LLM, Queen's Cambridge (Upper Second)