



## Samuel Nicholls

Year of Call: 2006

Sam is an employment specialist who also practises in the field of commercial law. Sam's in-depth knowledge of personal injury proceedings are invaluable to solicitors who are litigating employment claims with a substantial personal injury element present.

In November 2019 a judge recently described Sam's cross examination as having left the witnesses *"dazzled in the headlights"*.

Sam was called to the Bar in the Turks and Caicos Islands (TCI) (a British overseas territory) and has represented a number of European and American ultra-high-net-worth individuals with business interests located within the TCI. Between September 2014 and January 2017, Sam practised at *Misick & Stanbrook* (the leading law firm in the TCI) as an employed Barrister in the Dispute Resolution team. He gained significant experience of Commercial Litigation and Judicial Review cases and represented his clients at all levels including up to the Court of Appeal. As a junior to Ariel Misick QC, Samuel was instructed by a well-known international recording artist in a commercial / employment dispute worth approximately \$20million (USD).

On his return to Chambers in February 2017, Sam was instructed in the Privy Council appeal: *Akita Holdings Limited v The Honourable Attorney General of The Turks and Caicos Islands* (Turks and Caicos Islands)

Sam is qualified to accept instructions direct from businesses who do not have their own in-house legal team.

### Recommendations

"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.*

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"Sam took a very practical and commercial approach to our case. He was very down-to-earth and approachable with both solicitors and clients and took the time to properly explain aspects of the case and the process to the clients in terms which they could understand." - *Partner in a leading US firm.*

## Employment

Samuel represents both claimants and respondents. He is well regarded by those that instruct him for his eye for detail, cross examination skills and his overall expertise.

He has represents a number of NHS trusts and financial institutions. Samuel has an in-depth understanding of the financial markets as a result of his work in the TCI on many banking related disputes.

His respondent clients include: well-known financial institutions, blue-chip companies, city recruitment agencies, utility companies, public authorities and the Metropolitan Police.

Samuel has particular expertise in insolvency issues of employment matters (which often involve TUPE points).

Samuel's notable cases include:

- *Olubodun v Total Stay Group Ltd* (UKEAT/0204/09/DA): an appeal against a Tribunal's decision on victimisation.
- *Hensman v MOD* [2014] 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.
- *Langshaw v A CITY RECRUITMENT AGENCY* : successfully represented a city based recruitment agency in a six day constructive unfair dismissal claim.
- *IO v Metropolitan Police*: successfully defended the Respondent in a seven day race and sex discrimination / harassment claim. A costs order was also obtained against the Claimant.
- *MA v A SHARE TRADING COMPANY*: Samuel successfully represented the Respondent in this four-day constructive unfair dismissal claim.

In May 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.

He has also appeared in the High Court successfully defending an injunction application, on behalf of Action for Children, following an attempt by an employee to injunct the charity to prevent an internal disciplinary hearing from taking place:

- *Kirk & Ors, R (on the app'n of) v Action for Children* [2010] IRLR 699

**Other examples of Samuel's employment tribunal cases include:**

- *PB v BC & Co*: Samuel successfully represented the Claimant in claims for unfair dismissal, failure to make reasonable adjustments and discrimination arising from disability.
- *Dunt v A FINANCIAL INSTITUTION*: successfully represented the Respondent in a pregnancy discrimination and unfair dismissal hearing.

- *Birney v Anglian Water*: represented the Respondent in an unfair dismissal claim during which the Claimant withdrew his claim during cross examination.
- *M v AN AIRLINE*: represented the Respondent in a disability discrimination case.
- *Simpson v A SCHOOL*: represented the Respondent in an unfair dismissal and age discrimination claim.
- *Poole v A SCHOOL*  
: represented the Respondent in an unfair dismissal and age discrimination case arising out of a redundancy.
- *MR L v Royal Mail*: represented the Claimant in a multi-day unfair dismissal case.
- *A v A HOSPITAL TRUST*: Samuel represented the Respondent Trust in a four day sex discrimination and unfair dismissal case.
- *IO v A POLICE FORCE*: represented the Respondent at a three day PHR at which over 50% of the allegations were struck out or withdrawn and subsequently successfully represented the force at the seven day substantive hearing.
- *Brokenshaw v AN INSURANCE COMPANY*: represented the Respondent at a PHR at which the claim for disability discrimination, harassment and unfair dismissal was dismissed.

Samuel gained extensive experience of both General Medical Council and Nursing and Midwifery Council prosecutions whilst working for Field Fisher Waterhouse in their Professional Regulatory Department. Samuel accepts instructions in this area defending medical and other professionals who have been prosecuted by their regulatory bodies.

## Commercial Litigation

Samuel's experience includes:

- 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. One individual was alleged to have hidden multi million dollars of assets in the TCI. 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
- A Supreme Court (TCI) commercial matter involving an international hotel brand against whom a claim has 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
- Acting for a Lloyd's insurer in a coverage dispute (TCI)
- Obtained 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. Successfully obtained a stay of execution in relation to another judgment
- Sole counsel defending an action brought by a developer against a home owner for breach of contract (the home owner is an executive with a New York bank) (TCI)
- Acted against a utilities provider in an action involving the alleged over-charging (TCI)
- Acted for the regulator against a number of financial organisations in relation to money held in bank accounts (TCI)

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- 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)
  - Instructed in a multi-million-pound insurance case in the High Court (Colin Edelman QC and Richard Harrison instructed)
  - Represented a defendant builder in a professional negligence action
  - 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"

### **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

Professional Negligence Bar Association

### **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)