

## Paul Nicholls QC

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*A fantastic team player. He is legally creative and stands his ground in court*

- Chambers & Partners

**Paul Nicholls QC has a diverse practice which includes in particular cases at the commercial end of employment law but also broader commercial work and regulatory and public law cases.**

A major part of his practice is in High Court employment and related commercial work. This involves urgent applications for injunctions and related relief, including search and freezing orders, applications to enforce post-termination restraints, to prevent team moves and for springboard relief and orders for the interrogation of computers in order to identify and delete confidential information. This work also involves substantial trial litigation such as team move claims, wrongful dismissal, bonus claims and restrictive covenant and garden leave trials. He also undertakes purely commercial cases involving a range of contractual disputes and commercial arbitrations.

As an example of the overlap between areas of practice, his injunction experience has led to work in a range of areas including restraining an individual from purporting to provide legal services to clients of a firm of solicitors contrary to the Legal Services Act and securing an injunction to prevent a local authority election being held.

He also undertakes the full range of statutory employment work, including heavy discrimination and whistleblowing claims which often entail multi-week hearings. He is also involved in cases which raise novel or difficult points of law, such as whether holiday pay had to include pay for voluntary overtime. He has appeared in the EAT and Court of Appeal on numerous occasions in connection with this work, in the widest range of cases such as whistle blowing, age discrimination, associative disability discrimination and members of a tribunal who fall asleep.

This work frequently has an international element and he has to advise and formulate arguments based on jurisdiction and applicable law, often seeking to avoid courts and tribunals claiming jurisdiction over litigants or persuading the English court to take jurisdiction, as in one case where he secured an injunction in England to restrain action in connection with a team move in the UAE.

He also undertakes public law cases. When on the AG's A panel, he was involved in high profile cases for the government including the Northern Rock litigation, the challenge to the Legal Aid Agency's family law tender and the lawfulness of the 'work for your benefit' system.

He has also acted on numerous high profile cases for the Legal Aid Agency and the Bar Standards Board, the latter involving fundamental challenges to the validity of its disciplinary decisions. A related area of practice is procurement law. He acted in a series of challenges to the awards of contracts by the Legal Aid Agency and has advised local authorities and others.

## What the directories say

"He has a brain the size of a planet and is incredibly good at working things out, processing them, and articulating them in a really clear and sophisticated way."

"Skilfully blends a great intellect with a very user-friendly manner."

"Exceptionally good with the clients and devastating in his cross-examination"

"Very able and extremely hardworking, and top-rate on complex contractual disputes"

"A fiercely bright and knowledgeable barrister who is good with solicitors as well as their clients and instils complete confidence."

"Exceptionally bright and someone to use for complex High court litigation"

"Calm, clever, practical and an excellent performer in court"

"Extremely bright, commercially astute and a lovely guy to deal with"

## Areas of Expertise

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### Public and administrative law

Until he took silk, Paul was a member of the Attorney-General's A panel and undertook much judicial review work for government in that capacity including challenges to 'work for your benefit' cases for the DWP, the government's child poverty strategy, PFI decisions, the feed-in tariff for solar panels and the Northern Rock litigation. He has also done numerous cases for the Legal Aid Agency including procurement challenges, a case about payment for experts in child care cases, a case concerning funding for incapacitated persons claiming to be deprived of liberty, and another concerning the legality of the statutory charge. He has also done several public law cases for the Bar Standards Board involving challenges to its processes.

## Insights

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### Returning to work after Covid-19 – some legal issues

20 May 2020

Following the government's recent announcement of a partial relaxation of the lockdown, the prospect of a return to work is in sight for many people. In some industries such as construction staff are already being encouraged to return to work. As the R number falls, others will no doubt follow. But what are the legal pitfalls which await employers?

### Furlough and lay-off

25 March 2020

A new term has entered the employment lexicon: furloughing. What does it mean and how does it relate to the longer established concept of laying-off? Are employers better placed to take advantage of the government's scheme for paying furloughed employees or to consider laying off their staff or making them redundant?