

# ESSEX COURT CHAMBERS

BARRISTERS



## JANE RUSSELL

Call: 2004

[jrussell@essexcourt.com](mailto:jrussell@essexcourt.com)

24 Lincoln's Inn Fields, London WC2A 3EG, UK  
T +44 (0)20 7813 8000 | F +44 (0)20 7813 8080  
DX 320 Chancery Lane  
E [clerksroom@essexcourt.com](mailto:clerksroom@essexcourt.com)

## PROFESSIONAL PRACTICE

Jane is ranked as a leading Junior for Employment, described as “*super-intelligent*”, “*brilliant*” and “*insightful*” by Chambers and Partners in 2018 and “*incredibly hardworking and very user-friendly*” by Legal 500 in 2018. Jane specialises in commercial employment disputes, particularly those with a deceit angle, as well as pure employment disputes and disputes with a European dimension. She has a wealth of experience in bonus disputes, share scheme disputes, breaches of fiduciary duty and urgent and injunctive matters, including injunctions against employees: to enforce post-termination restraints and to preserve confidential information.

Jane is equally adept in High Court proceedings and Employment Tribunal proceedings, whether as a senior junior, unled or as part of a team.

In the last few years, Jane has worked on some of the leading cases in the commercial employment area, often led by some of the leaders in their fields. Recent examples of Jane’s work include: acting for a British retail and commercial bank in a breach of contract dispute (with Andrew Hochhauser QC); acting for a professional association football club in a dispute concerning breaches of fiduciary duty (with Paul McGrath QC); acting as sole Counsel for a pharmaceutical company in an injunction dispute against a senior employee (and successfully obtaining a garden leave injunction); and acting in a complex, multi-party dispute containing allegations of fraud (with Daniel Oudkerk QC).

Jane is also on the Attorney General's "B" Panel of Junior Counsel to the Crown. She has acted on a range of matters for the United Kingdom Government in the High Court and tribunals and was part of the team who obtained a permanent injunction against the Prison Officers Association.

Jane is currently Junior of the European Circuit (currently led by Hugh Mercer QC) and a committee member of the Employment Law Barristers Association.

Jane is a regular speaker on employment matters on radio station LBC and has appeared on the Nick Ferrari and Ian Dale programmes.

---

## AREAS OF EXPERTISE

- Arbitration & related court applications
- Civil fraud & asset tracing
- Commercial Dispute Resolution and Commercial Employment
- Employment, Equality and Discrimination
- European law & competition
- Human rights & civil liberties
- Industrial Action
- Media, art, entertainment

---

## WHAT OTHERS SAY

Jane is recommended as a Leading Junior for Employment Law by Chambers & Partners and Legal 500. Recent directory comments include:

*"Brilliant and insightful. She is incredibly thorough and has a fantastic bedside manner." "A super-intelligent junior. She is incredibly friendly and approachable, which makes her a real asset to have on a case."* (**Chambers and Partners, 2018**)

*"She is incredibly hardworking and very user-friendly."* (**Legal 500, 2018**)

*"A real enthusiast." "She has a way of building a good rapport with clients and keeping them focused on the key issues. She's also extremely good at putting them at ease in emotionally charged situations."* (**Chambers and Partners, 2017**)

*"She is incredibly tenacious and has repeatedly demonstrated a willingness to go the extra mile for clients."* (**Legal 500, 2017**)

*“Has an extremely diverse employment practice and noted expertise in both commercially focused employment matters and discrimination work. She is praised for providing definitive advice, with one source noting that “she tells clients what they need to hear rather than what they want to hear.” (Chambers and Partners)*

*“Unfailingly responsive and good under pressure. Her manner with clients is exemplary, whether she be dealing with vulnerable individuals or corporate executives who are not used to being told no.” (Chambers & Partners)*

*“She works incredibly hard and wears her labours lightly.” (Legal 500)*

*“Real pleasure to work with” (Legal 500)*

*“Excellent legal knowledge and very strong cross-examination skills.” (Legal 500)*

---

## **EXAMPLES OF NOTABLE CASES**

- **Daniels and Tate v Lloyds Banking Group plc** [2017] (Commercial Court). Acted with Andrew Hochhauser QC in the Commercial Court defending an application for summary judgment in a case concerning the construction of a Long-Term Incentive Plan.
- **Ipsen Biopharm Limited v Harris** [2017] (QB). Acted as Sole Counsel for the Claimant pharmaceutical company and successfully obtaining a garden leave injunction and an injunction prohibiting communications with a trade rival.
- **Comberg v VivoPower International Services Ltd** [2018] (QB). Acting as Sole Counsel for the Claimant former CEO in a dispute concerning breach of contract and unjust enrichment in the Queen’s Bench Division.
- **Secvo 5112 Limited v Rush** [2018] (Ch). Acting with Paul McGrath QC in the Chancery Division for a football club in a case involving allegations of breaches of fiduciary duty and contract.
- **Ministry of Justice v Prison Officers Association** [2017] (QB). Acted with Daniel Stillitz QC in the High Court successfully obtaining an injunction restraining the Prison Officers Association from taking industrial action and committing breaches of discipline.
- **Celsa Manufacturing (UK) Ltd v Biffa & Ors** [2017] (Ch). Acting as Sole Counsel, for a large waste management contractor in respect of claims in conspiracy against former employees concerning allegations of the misappropriation of hundreds of tonnes of steel from a steelworks in Cardiff.
- **Kansal v Tullet Prebon Plc & Ors** UKEAT/860/15. Acted as Sole Counsel successfully defending an appeal and successfully bringing a cross-appeal in the context of a complex

race discrimination, harassment, victimisation and whistleblowing case.

- **Saldanha v HMRC** UKEAT/67/17. Acted as Sole Counsel in race discrimination matter concerning promotion.
- **R v Secretary of State for Environment, Food and Rural Affairs** [2017] (QB). Acted for the United Kingdom Government in the High Court (originally with Tim Eicke QC and latterly as Sole Counsel) in a dispute concerning the allocation of entitlements pursuant to the Common Agricultural Policy.
- **Ukwu v Afren Plc & Ors** [2017]. Acted with Daniel Oudkerk QC in a complex tribunal matter involving allegations of fraud.
- **Live Nation v (1) Homer (2) Leighton-Pope** [2016] (QB). Acted with Andrew Hochhauser QC in the High Court in a team move and misuse of confidential information dispute.
- **Pabani v ESS & Ors** [2016] (EAT). Acted with Daniel Oudkerk QC in the Employment Appeal Tribunal in a high profile whistleblowing claim relating to a CIS country involving allegations of fraud in the decision to allow the Press access to certain documents.
- **Manhattan Systems Ltd v HMRC** [2016]. Acted for the respondent trader in an action concerning disallowance of input tax by reason of alleged participation in MTIC fraud.
- **Paturel v DB Group Services (UK) Ltd** [2015] (QB). Acted with Andrew Hochhauser QC in a complex bonus dispute in the High Court which is a leading authority on the law of the limits of contractual discretion in bonus cases.
- **Hussain v Lloyds Bank plc** [2015] (County Court). Acted with Tim Eicke QC obtaining an injunction under the Equality Act 2010 restraining the bank from closing a customer's bank account.
- **Kansal v Tullett Prebon** [2015]. Acted as Sole Counsel in a 20-day employment dispute concerning allegations of racial harassment, discrimination, victimisation and whistleblowing.
- **Air Charter v Barber** (QB) [2014] (QB). Acted as Sole Counsel in obtaining an injunction preventing a former employee from joining a competitor and requiring her to abide by her post-termination restrictive covenants and deliver up confidential information.
- **Ariadne Capital v Serageldin** [2013] (QB). Acted with Martin Griffiths QC in injunctive proceedings in the High Court concerning a dispute involving the misuse of confidential information.
- **Woods Bagot v Arney Ors** (Ch) [2013] (QB). Acted with Daniel Oudkerk QC in a breach of fiduciary duty/diversion of business opportunities claim.
- Advising the **Victoria & Albert Museum** in relation to various matters.

---

## ARBITRATION & RELATED COURT APPLICATIONS

Jane is developing her arbitration practice. Her recent cases include:

Acting (with Martin Griffiths QC) in arbitral proceedings involving allegations of fraud.

---

## COMMERCIAL DISPUTE RESOLUTION AND COMMERCIAL EMPLOYMENT

Jane has a substantial High Court practice and is regularly instructed in the following kinds of disputes:

- Bonuses and breach of contractual rights
- Breach of confidence
- Breach of directors' duties
- Conspiracy / Common Design
- Dishonest assistance
- Fraud and Misrepresentations claims
- Breach of fiduciary duty
- Injunctions, confidential information, restrictive covenants and garden leave claims
- Partnership disputes
- Team move litigation
- Unlawful means conspiracy

Her recent cases include:

- **Daniels and Tate v Lloyds Banking Group plc** [2017] (Commercial Court). Acted with Andrew Hochhauser QC in the Commercial Court defending an application for summary judgment in a case concerning the construction of a Long-Term Incentive Plan.
- **Ipsen Biopharm Limited v Harris** [2017] (QB). Acted as Sole Counsel for the Claimant pharmaceutical company and successfully obtaining a garden leave injunction and an injunction prohibiting communications with a trade rival.
- **Comberg v VivoPower International Services Ltd** [2018] (QB). Acting as Sole Counsel for the Claimant former CEO in a dispute concerning breach of contract and unjust enrichment in the Queen's Bench Division.
- **Secvo 5112 Limited v Rush** [2018] (Ch). Acting with Paul McGrath QC in the Chancery Division for a football club in a case involving allegations of breaches of fiduciary duty and contract.
- **Celsa v Biffa and others** [2017] (Ch). Acting as Sole Counsel defending a conspiracy/common design dispute.
- **Live Nation v (1) Homer (2) Leighton-Pope** [2016] (QB). Acting with Andrew Hochhauser QC in the High Court in a team move and misuse of confidential information dispute.

- **Manhattan Systems Ltd v HMRC** [2016]. Acting for the respondent trader in an action concerning disallowance of input tax by reason of alleged participation in MTIC fraud.
- **Paturel v DB Group Services (UK) Ltd** [2015] (QB). Acting with Andrew Hochhauser QC in a complex bonus dispute in the High Court which is a leading authority on the law of the limits of contractual discretion in bonus cases.
- **Ariadne Capital v Serageldin** [2013] (QB). Acting with Martin Griffiths QC in injunctive proceedings in the High Court concerning a dispute involving the misuse of confidential information.
- **Woods Bagot v Arney Ors** [2013] (Ch). Acting with Daniel Oudkerk QC in the Chancery Division in a breach of fiduciary duty/diversion of business opportunities claim.
- **Air Charter v Barber** [2014] (QB). Acting as Sole Counsel in obtaining an injunction preventing a former employee from joining a competitor and requiring her to abide by her post-termination restrictive covenants and deliver up confidential information.
- **Williams v Wilsons Solicitors LLP** [2012] (Ch). Acting with Andrew Hochhauser QC and James Collins QC in complex litigation including a claim for substantial damages for misrepresentation (worth £6.65 million).
- **DWPF v Lydon and others** [2012] (QB). Acting with Andrew Hochhauser QC in an action for breach of fiduciary duty and breach of confidentiality.
- **Tim Corrie and Duncan Hayes v PFD Group Limited** (QB). Acting with Martin Griffiths QC for a talent agency in an action regarding the enforceability of restrictive covenants.

Jane regularly acts as a volunteer advocate in the Interim Applications Court in the Chancery Division and has dealt with applications in respect of copyright infringement, insolvency applications, unfair prejudice petitions and winding up petitions.

---

## **EMPLOYMENT, EQUALITY AND DISCRIMINATION**

Jane's discrimination practice has involved some recent, cutting-edge discrimination, equality, whistleblowing and trade union cases.

Jane appears for both Claimants and Respondents, and has been instructed by several banks, FTSE 100 companies, government departments and trade unions. In addition to litigation, she also has experience of resolving disputes through arbitration and mediation and has negotiated several high-value settlements.

Jane has experience of both discrimination in the employment context and in the context of goods and services.

Recent cases include:

- **Kansal v Tullet Prebon plc and others** UKEAT/860/15. Acted as Sole Counsel successfully defending an appeal and successfully bringing a cross-appeal in the context of a complex race discrimination, harassment, victimisation and whistleblowing case.
- **Saldanha v HMRC** UKEAT/67/17. Acted as Sole Counsel in race discrimination matter concerning promotion.
- **Kansal v Tullett** (London Central Employment Tribunal No 2200875/2014). Appearing for the Respondent as Sole Counsel defending 49 allegations of discrimination, harassment, victimisation and whistleblowing.
- **Individual v Lloyds Bank Plc**. Acting (with Tim Eicke QC) for a customer in a goods and services discrimination case and obtaining an injunction under the Equality Act 2010.
- **Kavanagh and others v Crystal Palace Football Club** [2013] EWCA Civ 1410; [2013] IRLR 291). Appearing as Sole Counsel for employee in the Court of Appeal and in the Employment Appeal Tribunal in significant TUPE dispute with point of public importance.
- **C.D. v S.T.** (C-167/12). Appearing as Junior Counsel before the Court of Justice of the European Union (with Karon Monaghan QC) for employee in surrogacy/maternity rights claim.
- **Claimant v Shariah Compliant Investment Bank** (2012) (London Central Employment Tribunal). Appearing (with Andrew Hochhauser QC) for employer bank in complex whistleblowing and religious discrimination dispute.
- **Claimants v Company (plc)** (2010) (various Employment Tribunals in England). Appearing (with Martin Griffiths QC) for employer plc in 7 unfair dismissal claims involving allegations of financial irregularity.
- **Grant v Land Registry** ([2011] ICR 1390; [2010] IRLR 583). Appearing as Sole Counsel before the Employment Appeal Tribunal and as Junior Counsel (with Sandhya Drew) in the Court of Appeal for employee in sexual orientation dispute.
- **Claimant v South Wales Police** (2011) (Cardiff Employment Tribunal). Appearing as Sole Counsel for employee in whistleblowing claim involving sex trafficking.
- **Nicholson v University of Bath** (2010-2012) (Bristol Employment Tribunal). Appearing as Sole Counsel for employee in in a (successful) complex disability discrimination claim.
- **Furbear v Heddmara Limited** (UEAT/1541/10). Appearing as Sole Counsel, instructed by the Equality & Human Rights Commission, in the Employment Appeal Tribunal for employee in pregnancy discrimination case.
- **Sahota v Home Office and another** [2010] I.C.R. 772. Appearing as Sole Counsel in the Employment Appeal Tribunal for employee in pregnancy discrimination (IVF) claim.
- **Townsend v Premier Beswick Paper** (2010) (East London Employment Tribunal). Appearing as Sole Counsel, instructed by the Equality & Human Rights Commission, for



employee in pregnancy discrimination claim.

- o **Claimant Care Home v (1) Police Authority (2) Local Authority (County Court)** (2010-2011). Appearing as Sole Counsel in the County Court for Claimant in goods and services race discrimination claim.
- o **Pymn and Brook v the Land Registry** (Case Nos: 3102028/09 & 3102027/09 & 3105521/09). Appearing (with John Hendy QC) for the workers in a case involving trade union victimisation.

---

## EUROPEAN LAW & COMPETITION

Jane has advised and acted in cases involving a European aspect. Her recent cases include:

- **R v Secretary of State for Environment, Food and Rural Affairs** (QB). Acting for the United Kingdom Government in the High Court (originally with Tim Eicke QC and latterly as Sole Counsel) in a dispute concerning the allocation of entitlements pursuant to the Common Agricultural Policy
- **Individual v Lloyds Bank Plc** Appearing (with Tim Eicke QC) before the County Court in relation to a case concerning the right to a basic bank account pursuant to a new draft European Directive;
- Appearing (with Karon Monaghan QC) before the Court of Justice of the European Union in **C.D. v S.T.** (C-167/12), a case concerning the Pregnant Workers Directive 92/85 and the Recast Directive 2006/54.
- Jane regularly lectures at the Europäische Rechtsakademie (“ERA”) in Trier, a body that provides training to lawyers and Judges from all over Europe. Recent topics include harassment, pregnancy discrimination, indirect discrimination and equal pay. Most recently, in October 2013, she has spoken about EU Gender Equality for the ERA in Thessalonica.

---

## HUMAN RIGHTS & CIVIL LIBERTIES

Jane has developed an extensive human rights practice and is regularly instructed by the Equality & Human Rights Commission. She has particular experience of dealing with claims concerning Article 6, Article 8, Article 14, and Article 1 of Protocol 1 of the European Convention. Her recent cases include:



- Appearing for the Claimant before the Court of Justice of the European Union in **C.D. v S.T.** (C-167/12) (with Karon Monaghan QC) in a case raising Article 8 case (the right to a family life).
- **Alphonse Lameman and the Beaver Lake Cree Nation v Her Majesty the Queen in Right of the Province of Alberta and the Attorney General of Canada** Case No: 0803 06718  
Appearing for the Claimant in a claim concerning the Claimants' constitutional rights.
- **AB v Secretary of State for Defence** [2010] ICR 54 Appearing for the Claimant before the Employment Appeal Tribunal in a case involving Article 6 issues (the right to open justice).

Appearing as Sole Counsel for the Claimant in a case concerning the racially tainted infringement of property rights pursuant to Article 1 Protocol 1 and Article 14.

Appearing for the Claimants (with John Hendy QC) in a case concerning Article 8 issues (secret surveillance): **Pymn and Brook**.

---

## INDUSTRIAL ACTION

Jane has advised and acted in cases involving:

- **Ministry of Justice v Prison Officers Association [2017] (QB)**. Appearing with Daniel Stillitz QC in the High Court successfully obtaining an injunction restraining the Prison Officers Association from taking industrial action and committing breaches of discipline.
- Appearing for the Claimants (with John Hendy QC) in a case concerning trade union victimization: **Pymn and Brook v the Land Registry** (Case Nos: 3102028/09 & 3102027/09 & 3105521/09).

---

## MEDIA, ART, ENTERTAINMENT

Jane undertakes advisory work for a variety of clients in the music industry:

- **Live Nation v (1) Homer (2) Leighton-Pope** (QB). Acting with Andrew Hochhauser QC in the High Court in a team move and misuse of confidential information dispute.
- Advising the **Victoria & Albert Museum** in relation to various matters.
- Advising the **British Phonographic Industry (BPI)** in relation to various matters.

Jane has advised and acted in cases involving a *sports law* dimension. Her recent cases include:

- Acting (with Paul McGrath QC) for a football club in the context of a dispute concerning breaches of fiduciary duty and contract: **Secvo 5112 Limited v Rush** [2018] (Ch).
  - Acting as sole counsel against a football club in administration (in the Court of Appeal, Employment Appeal Tribunal and Employment Tribunal): **Kavanagh and others v Crystal Palace Football Club** [2013] EWCA Civ 1410; [2013] IRLR 291).
  - Acting against the Football Association (in the Employment Appeal Tribunal).
- 

## CAREER

**2015** Appointed to Attorney General's "B" Panel of Junior Counsel to the Crown

**2012** Joined Essex Court Chambers

**2004** Joined Tooks Chambers

**2004** Called to the Bar (Middle Temple)

**2003** Visiting lecturer in Employment Law, South Bank University

**2002** Deputy Head of Employment, Fisher Meredith

**2001** Qualified as Solicitor Advocate (All Proceedings)

**2000** Assistant Solicitor, Employment department at Herbert Smith (until 2002)

**1998** Assistant Solicitor, Employment department at Linklaters

**1998** Qualified as a Solicitor (England & Wales)

**1996** Trained at Mishcon de Reya

---

## EDUCATION

**1996** LPC, College of Law (London)

**1995** BA (Law), Cambridge University

**1992** MA (History), Aberdeen University (First Class)

---

## AWARDS

**1996** Victoria Fisher Memorial Prize

---

## MEMBERSHIPS

- Employment Law Bar Association

- Employment Lawyers Association
- The European Circuit
- Discrimination Lawyers Association
- Honorary member, American Bar Association's Young Lawyers Division