

# ESSEX COURT CHAMBERS

## BARRISTERS



### MARTIN GRIFFITHS QC

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## PROFESSIONAL PRACTICE

**MARTIN GRIFFITHS QC** has a general commercial practice. He is an experienced lead trial advocate in all divisions of the High Court and is a member of COMBAR, the Chancery Bar Association and a former committee member of the Employment Law Bar Association. Martin is regularly instructed to bring a fresh look at cases in the Court of Appeal, the Employment Appeal Tribunal and the Privy Council. As well as acting in arbitrations, he is Chairman of the Professional Conduct Sub Committee of the London Maritime Arbitrators Association. Martin is known for his work in fast-moving and high-pressure cases such as expedited trials and applications for injunctions.

Many of Martin's clients are from the financial and banking sectors, although he is also instructed in cases from the worlds of sport, media, stolen antiquities and other diverse sectors.

His practice is based in London but Martin is also instructed in cases overseas including appearances in the Court of Appeal of the Eastern Caribbean, the Grand Court of the Cayman Islands; and he is admitted to practise in the Courts of the Dubai International Financial Centre.

Martin is a Deputy High Court Judge, a Recorder of the Crown Court and a Master of the Bench of the Inner Temple. He served on the Bar Council 2008-2015.

Martin likes to analyse and find practical resolutions for complex cases and difficult situations. He believes in team work and thorough preparation. He enjoys working closely with clients and solicitors to identify and achieve their goals, by the most effective and reliable means. If you would like more information about his experience or suitability for a particular case, please speak to his senior clerks, David Grief and Joe Ferrigno; or the other members of his clerking team,

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## AREAS OF EXPERTISE

- Arbitration & related court applications
- Banking & financial services
- Civil fraud & asset tracing
- Commercial chancery disputes
- Commercial dispute resolution
- Confidentiality
- Employment
- Human rights & civil liberties
- Injunctions, interim relief
- Media, art, entertainment
- Offshore litigation
- Revenue law (including VAT, IPT, duties & excise)

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## WHAT OTHERS SAY

Martin Griffiths QC is regularly recommended in **Chambers Guide to the Legal Profession** and **The Legal 500** and other independent publications.

*“Peers know they are ‘in for a hard time’ if they are against Griffiths on account of his ‘ability to convey complex ideas with elegant, articulate advocacy’.” (Chambers Guide).*

*“Martin Griffiths QC is ‘a brilliant silk and a real fighter with a winning streak’.” “strong command of the law and sound judgement” (Legal 500).*

He has been described as someone who *“balances intelligence and aggression,”* and presents a *“well- rounded performance”* in the courtroom. Clients find him *“very easy to work with, good on his feet, clear, sensible and brilliantly intelligent.”* He is an *“on the ball”* advocate who *“has it all.”* *“User friendly”* and *“very very clever”*. He has *“a brain like a bacon slicer”* according to **The Lawyer**.

Other descriptions (from **Chambers Guide**) include *“Highly analytical, quite awesome”, “an absolute terrier”, “quietly spoken but has a spine of steel”* and *“first class”*. **The Insiders Guides** described him as *“clever and tenacious”*.

*“He has a razor-sharp mind and is a master of litigation tactics.” Legal 500 2014 Commercial litigation*

*“He has a grasp of detail and a nice manner with solicitors and clients which always goes down well. He’s very clever and tenacious.” “He’s a superb tactician as well as a brilliant court*

performer.” **Chambers UK 2015**

## Employment

*“Martin Griffiths QC is prized for his ‘intricate knowledge’ of complex employment matters.”*

**Who’s Who Legal: Labour and Employment 2015**

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## EXAMPLES OF NOTABLE CASES

His many reported cases include leading authorities on the duties of employees moving to rival businesses (***Customer Systems v Ranson*** [2012] EWCA Civ 841 Court of Appeal), confidential information (***Ariadne Capital Ltd v Serageldin*** [2013] EWHC 263 QB), the law of directors’ duties and trusts (***Ultraframe*** [2005] EWHC 1638 (Ch)), PAYE taxation and share options (***McCarthy v McCarthy & Stone plc*** [2008] 1 All ER 221 Court of Appeal), withholding tax (***Appeal Commissioners v Bank of Nova Scotia*** [2013] UKPC 19 Privy Council) stay of proceedings (***Mindimaxnox LLP v Gover*** [2010] UKEAT 0225/10/DA), garden leave and injunctions (***William Hill v Tucker*** [1999] ICR 291 Court of Appeal), the duty of trust and confidence (***Reda v Flag Ltd*** [2002] IRLR 747 Privy Council), repudiatory breach and restrictive covenants (***Cantor Fitzgerald v Bird and others*** [2002] IRLR 867 *The Times* 30 July 2002; also *The Independent*, *Guardian*, *Daily Telegraph*, *New York Post*, *Wall Street Journal*, etc), Formula 1 sports sponsorship (***Jordan Grand Prix v Vodafone Plc*** [2003] 2 Lloyd’s Rep 874), European law (***Alabaster v Woolwich Plc and the Secretary of State for Social Security*** [2004] IRLR 486), diversion of business opportunities (***Crown Dilmun v Sutton and Fulham River Projects Ltd*** [2004] 1 BCLC 468) and costs (***Ariadne Capital Ltd v Serageldin*** [2013] EWHC 263 QB and ***Ultraframe (UK) Ltd v Fielding and others (No 2)*** [2007] 2 All ER 983 Court of Appeal).

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## ARBITRATION & RELATED COURT APPLICATIONS

Martin is the Chairman of the Professional Conduct Committee of the London Maritime Arbitrators Association and a member of the LCIA European Users’ Council. He is available to sit as an arbitrator with the benefit of the well-developed arbitration support provided by the clerking team within “Arbitrators at 24 Lincoln’s Inn Fields”.

He acts as an advocate in arbitration disputes, including employment related arbitration disputes.

He acts also in disputes in which there is overlap or conflict between arbitration and High Court (or overseas Court) jurisdictions and arbitration appeals in the High Court. He is the author of the arbitration chapter in *International Employment Litigation* (Sweet & Maxwell, to be published in

2018).

Martin is regularly instructed in mediations, both as an advocate for mediating clients, and as a mediator.

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## **COMMERCIAL CHANCERY DISPUTES**

Martin is a member of the Chancery Bar Association. He is a contributing editor to the leading textbook *Company Directors: Duties, Liabilities and Remedies* (Oxford University Press, 2nd edition 2013). His many cases in the Chancery division include boardroom battles, insolvency issues, unfair prejudice petitions, partnership disputes, removal of administrators, asset tracing and fraud, tax, and general Chancery commercial actions. His international Chancery work has included rights of way and succession disputes.

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## **COMMERCIAL DISPUTE RESOLUTION**

Martin is a member of COMBAR. He acts for investment and retail banks (and central banks), hedge funds, brokers, commodity dealers, the international trade sector, insurance companies, manufacturers and re-sellers, and other commercial clients, including trading partners, employees, directors and commercial agents. His commercial work includes arbitrations, Commercial Court litigation, disputes over forum, and general contract and commercial claims and advice.

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## **EMPLOYMENT**

Martin acts for employers and employees, typically in high value or high profile cases. In the High Court and Court of Appeal, his cases include confidential information and restrictive covenant injunctions, bonus disputes, share option claims and a variety of contract claims arising between employers and employees. He frequently advises in sensitive cases which are resolved without reaching a public hearing. In addition to his High Court and advisory practice, he also acts in whistleblowing, discrimination, TUPE, and other cases in (or on appeal from) the Employment Tribunal. He is a Committee member of the Employment Law Bar Association (ELBA) and is in charge of the Employment Law Appeals Advisory Scheme (ELAAS).

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## **MEDIA, ART, ENTERTAINMENT**

Martin has acted both for companies and individuals in the theatre, press, radio, television,

internet and other media. The cases have included issues of remuneration, commission, privacy and confidentiality, copyright, takeovers and breakaways, poaching, defamation, freedom of speech, sponsorship, service contracts, renewals, and other contractual and corporate issues.

Martin has represented a variety of sportsmen and sporting bodies, from footballers to Formula 1 teams and sponsors. His cases are usually contractual disputes and include injunctions as well as trial and advisory work. He also advises in regulatory matters.

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## **OFFSHORE LITIGATION**

Martin has acted in commercial and other cases in the Cayman Islands, instructed by the Attorney General and others. He has appeared as Leading Counsel in the Court of Appeal of the Eastern Caribbean in defamation and real property matters. Martin has also acted for member states of the European Union in a number of stolen antiquities cases. He has advised and appeared in many cases litigating aspects of European law, including employment and human rights law, and has been instructed in the European Court of Justice. He has appeared in the Privy Council on appeal from jurisdictions including Hong Kong, Anguilla, Antigua, Grenada and Bermuda. He is also admitted to practice in the Dubai International Financial Centre Court.

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## **REVENUE LAW (INCLUDING VAT, IPT, DUTIES & EXCISE)**

Martin has advised in a variety of tax cases, and has appeared in the Court of Appeal, the Privy Council and below in leading cases on taxation, including PAYE, National Insurance, withholding tax, share option taxation, post termination receipts, and tax indemnity disputes.