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## ADAM SOLOMON

Call: 1998



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### Introduction

Recognised as a leading junior in the legal directories, Adam practises principally in the fields of employment and commercial law. He also practises in the fields of media, sports, education and public law.

He has consistently appeared in the Directories since 2005 and was described in 2006 as “enjoying a burgeoning reputation”. In 2007, he was ranked as a leading junior and the 2008 edition of Chambers and Partners recommends Adam as having ‘an upbeat can-do attitude. He handles all aspects of employment and commercial litigation and is becoming increasingly adept at emergency injunction work.’

The 2009 edition of Chambers and Partners states “Adam Solomon is ‘client friendly, extremely helpful and a witty advocate’ according to solicitors. He is considered “excellent” on High Court restrictive covenant injunctions ...”

The 2009 Edition of Legal 500 recommends Adam as a leading junior in the fields of Employment, Education, and Media Entertainment and Sport, stating that he has ‘excellent forensic ability’ and ‘a relaxed advocacy style’ and that he is ‘very enthusiastic, getting to the heart of the problem without fence sitting on questions of law’. Adam is also recommended in Legal Experts 2010.

Adam is called to the Bar of the British Virgin Islands and is regularly instructed in the highest appellate courts. He is currently instructed in an appeal to the European Court of Human Rights from the House of Lords, and as sole advocate in an appeal to the Privy Council from the Court of Appeal of Bahamas.

### Employment Law

Adam regularly appears in the High Court in relation to applications for injunctive relief and trials arising from the employment relationship. He is also often instructed in the Employment Tribunal, EAT and Court of Appeal, on behalf of both employers and employees, and covers all areas of employment litigation. Adam has appeared successfully as an advocate in the Privy Council in an employment dispute from the Court of Appeal of the Bahamas, and is currently instructed to do so again.

Adam is equally relaxed representing employers or individual employees, multi-nationals or trade unions. He undertakes all aspects of employment law, from bonus claims in contract to discrimination, from TUPE to union election law.

Adam has appeared in a number of high profile and legally significant cases, of which some recent ones include:

- *Rutherford v Seymour Pierce Ltd* [2010] IRLR 606. Adam successfully represented Mr Rutherford in his claim for an unpaid bonus against the bank. The case was legally significant for deciding that there was no implied contractual term that in order to be eligible to receive a bonus, an employee has to be employed and/or not under notice of termination as at the date of the award.
- *EBR Attridge Law LLP v Coleman* [2010] IRLR 10. Adam represented the Appellant, seeking to determine whether the Disability Discrimination Act can be construed, as required by the European Court of Justice, so as to prohibit direct discrimination against an employee on grounds that they care for a disabled person, even though the DDA in terms protects only those who are disabled themselves.
- *Mireskandari v Law Society* [ET, ongoing]. Adam is currently instructed in this ongoing case, having appeared on a number of occasions already on behalf of the Law Society. The Claimant, a solicitor, alleges discrimination in respect of the manner in which he was disciplined by the Law Society.
- *Everett v University of East London* [2009] All ER (D) 38 (Jun). An urgent claim for injunctive relief which went to the Court of Appeal, to seek to prevent a University from dismissing a Vice Chancellor in breach of contract.

- *Johns v Solent SD Ltd* [2008] IRLR 88. Adam successfully represented Anna Johns in the Court of Appeal, the first age discrimination case to reach the appeal courts and described by Age Concern as a “landmark victory”.
- *James v Redcats* [2007] IRLR 296. Adam appeared in the ET and EAT in this case, the leading EAT decision on the definition of ‘worker’.
- *Canary Wharf v Edebi* [2006] IRLR 416. The leading case on the definition of a grievance for the purposes of the statutory procedures. Adam successfully appealed the decision of the ET.

Other employment work:

- Adam has appeared in a number of cases in which individuals have claimed unpaid bonuses;
- He regularly undertakes work in the High Court in respect of enforcing employment contracts, restrictive covenants or obligations of confidence;
- Instructed by Luton Town Football Club in the multi-million pound claim brought against them by their former manager, Mike Newell;
- Adam successfully represented Ms Forsyth, an art teacher employed by Eton College, in her claim for unfair dismissal. The case was widely reported in the press, not least for the allegations made concerning Prince Harry cheating in his exams.
- In respect of trade union elections, Adam was instructed in the case of *AB v CD* [2001] IRLR 808, which determined whether terms could be implied into a Trade Union’s rules.

## Commercial Law

Adam carries out a broad range of commercial work, including commercial fraud, breach of contract, breach of fiduciary duties, partnership disputes, minority shareholder’s rights, unlawful means conspiracy and professional negligence.

He regularly appears in commercial cases requiring urgent injunctive relief, including obtaining or resisting freezing orders, Norwich Pharmacal relief and general restrictive covenant work.

Adam is currently instructed to appear in the High Court in 2010 in a number of matters including a claim brought by various estate agents to recover fees in respect of a sale of a multi-million pound mansion (QBD, November 2010), a partnership dispute (Chancery Division in October 2010), a claim for breach of commercial covenant and conspiracy (QBD, December 2010).

Adam is also currently instructed on as sole counsel in a multi-million pound claim brought in the BVI, and is due to appear on his own in the Privy Counsel in a breach of contract claim, on appeal from the Court of Appeal of the Bahamas.

Some of his more recent reported work includes:

*Hopkin v Financial Security Assurance (UK) Ltd* - [2010] All ER (D) 136 (May). Acting on behalf of the Defendant in this Part 8 claim to determine the correct construction of terms in respect of share provision. This case is now going to the Court of Appeal.

*Rutherford v Seymour Pierce Ltd* [2010] IRLR 606. Adam successfully represented Mr Rutherford in his claim for an unpaid bonus against the bank. The case was legally significant for deciding that there was no implied contractual term that in order to be eligible to receive a bonus, an employee has to be employed and/or not under notice of termination as at the date of the award.

*Colliers CRE Plc v Pandya and others* [2009] All ER (D) 83 (Mar). Successfully represented the Claimant in this claim for conspiracy to defraud, dishonest assistance, breach of contract and monies had and received.

*GCI Banking Ltd v Apalara and another* - [2007] All ER (D) 172 (Aug). Represented the Claimant seeking urgent injunctive relief in order to enforce contractual covenants.

*Ali and others v Rauf and others* [2006] ALL ER (D) 360. Successfully represented the Defendants in a 2 day interim application seeking injunctions and declarations against a charity. Adam also represented the Defendants in the mediation which settled the dispute.

*TBL Realisations plc (in administration) v Awada and others* [2004] ALL ER (D) 466. A 10 day trial in the Chancery division in which Adam represented Defendants 3 and 4 in a multi-handed multi-million pound claim.

## Sports Law

Adam is recommended in the most recent edition of Legal 500 as a leading junior for Sports work.

Adam has represented clubs, players and trainers in both civil litigation and regulatory work.

- *Fretwell v O'Neill*. Adam represented the champion racehorse trainer, Eoghan O'Neill, in a long-running partnership dispute in the Chancery Division concerning the stables and gallops.
- *Newell v Luton Town Football Club*. Adam represented the football club in the Employment Tribunal in this multi-million pound claim, following allegations of unfair dismissal and whistleblowing brought by the ex-manager.
- *Football Association v Peter*. Adam represented a former Director of Luton Town FC in disciplinary proceedings brought against him by the FA.
- *McCallister v Tottenham Hotspur Football Club*. Adam successfully represented Spurs in a claim arising out of the employment relationship.
- *Re Bishop's Stortford Football Club*. Adam represented the local authority in a planning matter before an inspector, and thereafter in the High Court, in relation to the football club's development of its pitch and grounds.
- *Maxwell v Bradford Bulls Holdings Limited*. Adam represented the employee of the rugby league club in an employment dispute. The case settled just prior to trial.

## Education and Public Law

Adam is recommended in the most recent edition of Legal 500 as a leading junior for Education law.

Adam has significant experience in the law of education. He has sat as legal advisor to the General Teaching Council in teachers' disciplinary proceedings.

He was also formerly the contributing editor of the Education Law Review. Adam regularly contributed to the ELR while he was an editor.

He has also acted as counsel in a number of high profile education cases both in the Employment Tribunal and in the civil courts.

His reported education public law cases include:

- *Everett v University of East London* [2009] All ER (D) 38 (Jun). An urgent claim for injunctive relief which went to the Court of Appeal, to seek to prevent a University from dismissing a Vice Chancellor in breach of contract.
- *K v Newham London Borough Council* [2002] ELR 390 (High Court) - Adam successfully represented a pupil who challenged the refusal to admit her to the school, relying on the breach of her human rights (Art 2 of Protocol 1 of the ECHR).
- *R (on the application of Leung) v Imperial College of Science, Technology and Medicine* (2002) ELR 653 - Adam represented a student in the High Court challenging his university categorisation.
- *R v Richmond upon Thames London Borough Council, ex p. JC* [2001] ELR 21 (Court of Appeal) - a leading education case on school admissions.

Adam has more general public law practice which includes acting for and against local authorities and public bodies. Recent reported cases include:

- *Seal v Chief Constable of South Wales* (House of Lords) [2007] 1 WLR 1910, dealing with whether or not the failure to obtain the leave of the High Court under the Mental Health Act 1983 s.139(2) before commencing civil proceedings rendered those proceedings a nullity.
- *R v Oxford City Council ex parte Pye et al* [2002] EWCA Civ 1116 (Court of Appeal) - Adam successfully represented the local authority in a challenge by house builders to the legality of its planning guidance.
- *R v Flintshire County Council, ex p. Armstrong Braun* [2001] 3 LGLR 34 (Court of Appeal) - a case which Sedley LJ said went "to the heart of democracy". Adam successfully represented a local councillor in his challenge to the local authority's standing orders.

## Education and Professional History

Adam studied English Literature as an undergraduate at Oxford University (Exeter College) and at Sussex University as a post-graduate (MA in Critical Theory). Adam converted to law by taking a CPE at City University (Commendation), and was awarded the Gray's Inn Carmel Entrance award and Wilfred Watson scholarship.

Prior to becoming a barrister, Adam worked as a school master at Worksop College, was an MP's research assistant in the House of Commons, and worked for the European Commission in Brussels.

## Publications

Adam has published both books and articles. Adam was also formerly the contributing editor of the Education Law Review, for whom he wrote a number of articles.

### Books

- Contributing author to Security for Costs and Other Court Ordered Security, Jordans, 2010
- Contributing author to Butterworths Employment Law: Practice, Procedure & Precedents (5th Edition), 2007.
- Contributor author to "Commercial Judicial Review" by P. Engelman, 1st ed., 2000 (Sweet & Maxwell)

His published articles include:

- "Sports Law Update", Solicitor's Journal 2009, Vol 153(14),
- "The Cost of Asylum" Solicitor's Journal Vol. 146 (44)
- "Exporting Human Rights - the extra territorial application of the HRA" Solicitor's Journal Vol. 145 No. 19.
- "Delay and when to bring proceedings for judicial review", Judicial Review, May 2001
- "Interim Declarations: a new power?", Judicial Review, January 2001
- "New Competition for Supermarkets" DAC House Journal, April 1999
- "How to stop "Go" - competition law in the air" Freight Transport Buyer, 07.1998
- "The Long Arm of European Competition Law" Journal of American Institute of Defence Counsel, 03.1998
- "Arbitrators are not lawyers" Lloyds List, 11.1997
- "The EC Directive on Commercial Agents" Freight Transport Buyer, 11,1997
- "Law on trial in Kazakhstan" Legal Action, the journal of the Legal Action Group, 11.1997, following participation in the Law Society's pro-bono project to teach law in Kazakhstan

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