
CAROL DAVIS

Call: 1996



Practice Overview

Since being called to the Bar in 1996, Carol Davis has been widely acknowledged by clients and legal directories as one of the leading juniors in employment litigation.

In 2012, Carol was described by Chambers and Partners as ***“assiduous, hard-working and particularly good in handling witnesses in difficult discrimination cases.”*** It also noted that ***“sources admire how she is able to grasp the detail of a case without losing sight of the bigger picture.”*** Previously, Chambers and Partners has recorded that Carol’s ***“forte lies in her handling of sensitive and challenging matters”*** and that she is known for her ***“excellent advice with regard to bonus disputes, breaches of contract and restrictive covenants”***.

Carol has repeatedly been praised by clients and the legal directories for her ***“practical and straightforward advice”***, her ***“down to earth, easy attitude”***, her ***“deft ability to instil confidence in the trickiest of cases”*** and her skill in ***“dealing with complex legal issues in a commercial context”***. Carol is, however, no push-over and has been repeatedly described in Chambers and Partners as being ***“formidable in conference and in court”***.

Discrimination

Carol has been recognised by Chambers and Partners as a leading expert in discrimination law since 2009 when it recorded that her focus is ***“increasingly on complex discrimination cases, largely appearing for respondents and often City-based institutions”***. In 2011 it acknowledged that her ***“forte lies in her handling of sensitive and challenging matters”*** and in 2012, amongst other things, it quoted sources as describing her as ***“assiduous, hard-working and particularly good in handling witnesses in difficult discrimination cases.”***

Carol is regularly instructed on substantial and lengthy discrimination cases involving the full range of discrimination legislation. She is particularly sought after for her careful attention to detail, her punchy and probing cross examination and her clear analysis of the law.

Recent work includes:

- ***Botha v The London Development Agency & Anor.*** Defending claims of direct and indirect sex and age discrimination and unfair dismissal brought against the London Development and one of its directors by a Senior Project Manager within the LDA’s principal directories. Following a 12 day hearing, the factually complex and wide-ranging allegations were dismissed in their entirety.
- Advising and defending a global law firm and one of its equity partners in a 5-week case of direct race discrimination and victimisation brought by an Associate involving voluminous documentation and detailed allegations.
- ***Taylor v The Girls’ Day School Trust.*** Defending claims of direct disability discrimination and a failure to make reasonable adjustments and unfair dismissal brought by a senior teacher at a leading independent girls’ day school. Following a 5 day hearing, the case was dismissed in its entirety. The case included a number of sensitive allegations which required careful handling.
- ***Kara-Ali v Air Algerie.*** Defending the national airline of Algeria in Tribunal proceedings in which the Claimant brought an equal pay claim and a claim of direct race and sex discrimination. The case ultimately settled before hearing on favourable terms.

- Currently advising a well-known London based commercial law firm in connection with a claim for age discrimination brought by a long-serving member of its finance department.
- **Jenkin v Janssen Cilag Ltd.** Currently defending a multi-national research-based pharmaceutical company in claims of direct disability discrimination, failure to make reasonable adjustments and breach of parental leave regulations brought by a senior sales representative.

Commercial Employment

The 20120 edition of Chambers and Partners acknowledged Carol for her **“ability to grasp the detail of a case without losing sight of the bigger picture.”** Previous editions have praised her **“excellent advice with regard to bonus disputes, breaches of contract and restrictive covenants”** and her ability to **“present complex legal issues in a commercial context”**.

Carol has considerable experience acting for and against large financial institutions, national and multinational businesses, publicly listed companies and governmental bodies on a wide range of employment litigation. A significant amount of her work involves, in particular, director and senior employee issues. Her principal areas of work include claims during the currency and termination of employment, wrongful dismissal and other breaches of contract, breaches of fiduciary duty and bonus entitlements.

She is also regularly instructed to advise on, and appear in, interim applications to enforce restrictive covenants and to protect confidential information. Carol's practice keeps her busy travelling between the High Court for injunctions, speedy trials and other hearings, both interim and full, and employment tribunals across the country.

Recent work includes:

- **Warley v Opera Solutions LLP & Opera Solutions Ltd.** Defending claims brought by a UK principal of the Defendants for unlawful termination and non-payment of bonus. Following a 7 day case in the High Court, the claims were dismissed in their entirety.
- **Panaz Ltd v Maurice Phillips Contracts Ltd & Anor.** Defending a case of alleged procurement of breaches of restrictive covenants and misuse of confidential information.
- **Ocean Independence UK Ltd & Anor v Dubsky & Ors.** Acting for an international yacht broker in a dispute concerning breaches of restrictive covenants and misuse of confidential information and seeking springboard relief.

In addition to advising and appearing in Court, Carol has also appeared in a large number of mediations both for Claimants and Defendants.

Employment Other

Carol undertakes a wide range of statutory claims. Notable recent employment tribunal cases include:

- **Foxley v GPT Special Project Management.** Representing the Claimant in a substantial whistleblowing claim. The case included a knotty issue concerning territorial jurisdiction. The Claimant was a British national, employed by a UK registered company, but working in Saudi Arabia on a national defence contract with the Saudi Arabian Armed Guard.
- **Stanton v BMC Properties Ltd.** Defending complex claims brought under the Working Time Regulations and National Minimum Wages Act concerning the meaning of 'on-call' work in the case of a Resident Housekeeper.
- **Jeffryes v Orgtel Ltd.** Defending an international recruitment consultancy in claims of whistleblowing and unfair dismissal brought by a senior executive. The case is due to be heard over 10 days in February 2012.
- **Bailey v OLM Group.** Defending a national management consultancy business operating in the healthcare and social services sectors in a claim for unfair redundancy.

Regulatory and Disciplinary and other Areas of Practice

Carol has considerable experience of appearing before and advising internal disciplinary panels and regulatory bodies. In 2009 and 2010 Carol acted on behalf of a social worker in a long-running conduct matter before the General Social Care Council. In addition, in 2010/2011 Carol conducted a disciplinary investigation into allegations of gross misconduct against the Chief Executive of a national organisation of lawyers.

She is also a founding member of Chambers' Medico-Legal Group.

In addition, Carol continues to develop an expertise in the field of professional negligence and she has advised and appeared on behalf of both claimants and defendants, particularly in the area of solicitors' negligence.

Carol's practice is also expanding into the areas of partnership and joint ventures and sports law and she is available to take instructions in these fields.

Lectures and Publications

Carol is regularly invited to lecture and conduct training sessions on aspects of employment law. By way of example, for the past three years Carol has conducted advocacy workshops for the Employment Lawyers Association and drafting workshops for Herbert Smith. Further, in 2008 and 2009, Carol has been a principal lecturer on the Employment Lawyers Association Foundation in Discrimination Law course and in 2010 and 2011 she lectured as part of a CLT one-day conference on Discrimination under the Equality Act 2010. She has also been a lecturer on one-day seminars run by LexisNexis on Whistleblowing and reporting duties at common law and as part of fiduciary duties and Trade Union Law.

Carol is more than happy to go into Firms and conduct training seminars and she is always willing to tailor a lecture/seminar to fit your requirements.

Carol is also a regular contributor to legal journals and other publications. Her most recent publications are 'Termination of Employment' which she co-authored with John Bowers QC (Wildy, Simmonds and Hill) and the chapter 'Dismissal with or without Notice' which she co-authored with Jeremy Lewis for Butterworth Tolley's loose-leaf 'Termination of Employment' series.

Personal

Carol read English Literature at Sussex University before taking the law conversion course. She received one of the highest marks for the Bar Vocational Course in her year (1995-1996) before undertaking pupillage at Littleton Chambers. She was called to the Bar by Middle Temple in 1996 and was awarded a Diplock Scholarship by Middle Temple for her pupillage year.

Carol is a member of COMBAR, the Employment Law Bar Association, the Employment Lawyers Association, the Association of Regulatory & Disciplinary Lawyers and the Professional Negligence Bar Association.

Carol is also the proud mother of two young girls. When not at work, Carol lives in a parallel toddler universe of play dates, monkey music and biscuit baking. Carol dimly recalls that, before the arrival of tiny people, she used to enjoy travelling to exotic places, charging down ski slopes and feeding her dramatic yearnings with visits to the theatre and the cinema.