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## DAMIAN BROWN QC

Call: 1989



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### Overview

The *'much in demand'* Damian Brown comes highly recommended for his specialist injunction work on strikes and industrial action and since moving to Littleton has increased his commercial experience particularly in the sphere of 'business protection'. He successfully represented a Defendant in the 3 week long high court team move case of Lonmar v. SBJ and others [2011] IRLR 922. In 2011 he was also instructed in QBE v. Dymock and others another lengthy High Court team move case.

Damian has also been involved in significant NHS injunctive work in disputes between Trusts and senior employees including the ground breaking case of Kulkarni v. Milton Keynes NHS Trust [ 2009 ] IRLR 289. His regulatory experience also crosses over into sports work.

He has been consistently identified in Chambers and Partners and the Legal 500 as a leader in his field and since moving to Littleton Chambers has substantially increased his restrictive covenant and business protection work. Clients appreciate his *"thorough knowledge of employment law and his keen appreciation of what judges will respond to,"* and is *"commercial and a good negotiator."* The Legal 500 refers to him as being *"good at focusing on the issues that matter"*.

He has over 39 reported cases in the IRLRs which makes him one of the top 40 reported advocates since those reports began and contributes to numerous specialist publications.

His work includes appearances in the House of Lords and European Court of Justice.

Damian is currently Chair of the Employment Law Bar Association and is a former member of the Bar Standards Board Professional Conduct Committee.

### Practice Areas

#### Injunctions

Damian has particular expertise in 3 distinct areas but is able to deal with most aspects of injunctive relief whatever the underlying legal issues.

In industrial action he has been involved in many of the significant disputes over the last 20 years for both sides of industry. Reported cases include University College London Hospital v. UNISON [1999] IRLR 31 and Westminster City Council v. UNISON [2001] IRLR 524 on balloting and the most recent authority on picketing Gate Gourmet v. TGWU [2005] IRLR 881.

More recently he was involved in the Leeds refuse dispute and the Lindsey Oil Refinery dispute ('British jobs for British workers').

In restraint of trade and business protection he has dealt with all aspects of interim relief including freezing injunctions and door step cloning orders. He successfully represented a defendant in a team move case which was the culmination of a 3 week High Court trial in November 2010 (Lonmar v. SBJ [2011] IRLR 922).

Issues arising from discipline of doctors in the NHS have increased recently and Damian has been involved in representing both sides including appearing in the leading Court of Appeal case of Kulkarni v. Milton Keynes NHS Trust [2009] IRLR 829.

## Employment & Discrimination

Damian practices and advises in all aspects of employment law for Claimants and Defendants in: High Court (restrictive covenants, wrongful dismissals; particular expertise in industrial action and industrial relations); Employment Tribunal and Employment Appeal Tribunal (unfair dismissal, TUPE, discrimination (trade union, race, sex and disability), working time, minimum wage, parental leave, worker consultation, and EU law); CAC (recognition), internal and professional disciplinary tribunals. Human rights and judicial review expertise in employment law field.

He is regularly in the EAT and the Court of Appeal and has appeared in the House of Lords and European Court of Justice.

He has expertise in many areas of professional regulation, particularly the health sector.

He is an accredited mediator and has written and lectured extensively.

He is a 'Member of Equality and Human Rights Commission panel of approved counsel'.

## Sport

Damian's regulatory experience has led to some sports law work. He has sat as an FA Panel Chair and appeared in a number of football, rugby and ice hockey disciplinary matters. His EU work has been valuable in acting in freedom of movement and quota cases for clubs and players in rugby league and union and he has advised both the FRL and RFU.

## What the Directories say:

Chambers and Partners 2009 'much in demand'.

Chambers and Partners 2008 "good at focusing on the issues that matter".

Chambers and Partners 2007 "commercial and a good negotiator."

Legal 500 2007 'The 'thoughtful' Damian Brown is 'good at focusing on the issues that matter'.

Chambers and Partners 2006 Damian Brown is "a real fighter who you would want on your side." He specialises in industrial action and injunctive work, recent highlights include Fairhurst Ward Abbot v Botes Building, a successful TUPE case."

Chambers and Partners 2004

"...minimalist and laid-back, but always gets to the point and never minces his words..."

## Notable Cases

Damian has over 30 significant reported cases. Below is a sample

Lonmar v. SBJ [2011] IRLR 922

Briggs v. Nottingham University Hospital [2010] IRLR 504.

Port of London Authority v. Payne and others [1994] IRLR 9

Whent and others v. T Cartledge Ltd [1997] IRLR 153

RJB Mining (UK) Ltd v. NUM [1997] IRLR 621

Crees v Royal London Mutual Insurance Society Ltd Greaves v Kwik Save Stores Ltd

University College London Hospital NHS Trust v UNISON [1999] IRLR 31

Bowden v. Tuffnells Parcels Express Ltd [2001] IRLR 838

Kovacs v. Queen Mary & Westfield College [2002] IRLR 414

Glendale Managed Services v Graham [2003] IRLR 465

Cooke v Glenrose Fish Co Ltd [2004] IRLR 866

Chohan v Derby Law Centre [2004] IRLR 685

Fairhurst Ward Abbots Ltd v Botes Building Ltd [2004] IRLR 304

Kulkani v. Milton Keynes Hospital NHS Trust [2010] ICR 101

Briggs v. Nottingham University Hospitals NHS Trust [2010] IRLR 504

## **Memberships**

Bar Standards Board 2006 Professional Conduct Complaints Committee and Bar Standards Board Quality Assurance Committee,

Employment Lawyers Association,

Vice Chair ELBA,

Member ILS

## **Publications**

Blackstone's Employment Practice and Procedure (2010)

Tolleys Employment Law

Employment Precedents and Company Policy Documents

Munkman on Employers' Liability (2010)