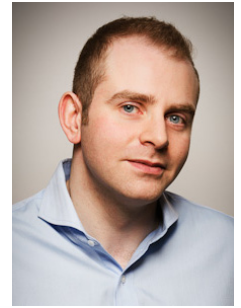

JONATHAN COHEN

Call: 1999



Introduction

Jonathan Cohen is described in the most recent edition of the Chambers & Partners Directory as **“everything you want from a barrister; excellent on his feet, good with clients and responsive. In court he is determined, strong and gets to the point quickly.”**

He has a mixed employment law and commercial litigation practice with a particular expertise in applications for all forms of interim and injunctive relief. He was formerly in practice at Cloisters Chambers, where he had been a member since pupillage. He was educated at Manchester Grammar School and Oxford University. He was called in 1999 and joined Littleton Chambers in 2007. He is the author of the civil fraud chapter in Serious Economic Crime, published by the Serious Fraud Office in 2011.

Jonathan has been recommended as a leading junior in both Chambers & Partners and the Legal 500 for some years. A selection of comments from those directories in recent years include:

“A fearless and analytical advocate, loved by clients”

“Described by his opponents as “knowing the law” and “extremely persuasive””

“a tough advocate”

“receiving nothing but good reports”

“has dogged determination and fine cross-examination skills.”

He has a reputation as combining excellent advocacy with strong legal skills and a commercial and cost sensitive approach to litigation.

Commercial

Jonathan undertakes a full spread of general commercial contract and associated work in the County Courts and the High Court.

Much of his work has a focus on litigation arising from the theft of confidential information and breaches of fiduciary or other duties.

He has an interest and specialism in civil frauds, both domestically and with an international element. He is the author of the civil fraud chapter in the Serious Fraud Office's book, Serious Economic Crime, published in 2011.

Jonathan is also regularly instructed to advise and appear in claims involving public and administrative law issues and challenges under the Human Rights Act.

Recent cases of interest in this area include:

- ***Tullett Prebon PLC & Ors v BGC Brokers LP & Ors* [2010] EWHC 484, [2010] IRLR 648.** Appeared for BGC (formerly Cantor Fitzgerald) in this high profile battle between two leading city inter-dealer brokers. Allegations include the misuse of confidential information, breaches of numerous obligations including court orders and conspiracy. The application for interim relief was heard in April 2009 and the trial itself took place from October 2009 to February 2010. The judgment was appealed to the Court of Appeal and is reported at [2011] IRLR 420.
- ***JSC BTA Bank v Ablyazov, Drey Associates & ors* [2009] EWCA Civ 1124 & 1125, *The Times* November 12 2009 (2010) 1 CR APP R 9, (2010) 1 WLR 976.** Joined appeals in the Court of Appeal in a significant international fraud claim. The appeals address the important issues of when the court should order disclosure

of assets on making a freezing order and whether the privilege against self incrimination applies to a risk of a money laundering charge. The claim itself will be tried over a lengthy period in 2012.

- ***Mahdi & Ors v Al Harbi & The Muslim World League* [2008] All ER (D) 36**. Successful High Court application for possession of a well known London Mosque against a former employee claiming continuing status as an employee and trustee.
- ***Campaign Against Arms Trade (“CAAT”) v Mercer* [2007]**. Appeared for the Defendant in an application for a search and seizure order against him related to the British Aerospace “Al Yamamah” judicial review and the obtaining of CAAT’s privileged legal advice by British Aerospace.

Call: 1999

Employment

Jonathan regularly appears in the Employment Tribunal and the Employment Appeal Tribunal in high value employment claims. He is also interested and experienced in regulatory and disciplinary proceedings. He has significant experience in large scale group litigation, appearing both for employers and employees in substantial redundancy and equal pay claims.

Recent cases of interest in this area include:

- ***Negus v Microsoft Limited* [2012]**. Represented Microsoft in this very high profile High Court claim (for damages of over £15 million) by former senior executive of Microsoft surrounding his dismissal for sexual harassment of female employees. The claim was settled on confidential terms shortly before Microsoft’s strike out application, listed for hearing in March 2012. The claim was widely reported in the national press, in the Daily Mail and the Telegraph on their front pages.
- ***BGC Capital Markets (Switzerland) LLP v (1) Rees (2) Tullett Prebon PLC* [2011] All ER(D) 51**. Round 2 of the High Court dispute between BGC and Tullett Prebon, on this occasion a battle over a broker who had defected from BGC’s Swiss subsidiary to Tullett in London. For details of round 1, see Jonathan’s commercial profile on this website.
- ***Driver v Air India Limited* [2011] IRLR 992**. Represented Air India (Defendant). Appeal to the Court of Appeal by Claimant from the rejection of his claims in the High Court, attacking Air India’s terms and conditions of employment for UK staff.
- ***Salford Royal NHS Foundation Trust v Roldon* [2010] EWCA Civ 522, [2010] IRLR 721, [2010] 114 BMLR 152**. Important Court of Appeal decision on the need to take account of whether disciplinary allegations might be career ending when determining the level of investigation required.
- ***Milford Haven Port Authority v Unite The Union* [2010] EWCA Civ 400**. Strike breaking injunction obtained against Milford Haven pilots and harbour workers, determined by consent in the Court of Appeal.
- ***City & County of Swansea v Honey* EAT 7/11/2008**. Leading authority on the potential bias of Employment Tribunal wing members where the member is a Union official whose Union has some involvement with or interest in the employer appearing in front of the Tribunal.
- ***James v Greenwich London Borough Council* [2008] ICR 545, [2008] IRLR 302**. Successful upholding in the Court of Appeal of EAT decision on behalf of the Respondent in the leading case denying employment rights to agency workers. Also appeared in the earlier EAT decision, reported at ***James v Greenwich London Borough Council* [2007] ICR 577, [2007] IRLR 168**.
- ***Klusova v The London Borough of Hounslow* [2008] ICR 396**. Court of Appeal consideration of the employment rights of individuals possibly in breach of immigration legislation.
- ***Madarassy v Nomura International PLC* [2007] EWCA Civ 33, [2007] ICR 867, [2007] IRLR 246**. City banker sex-discrimination appeal in the Court of Appeal, widely reported in the national press and the key authority on the application of the burden of proof in discrimination cases.
- ***Difolco v NT L Group Limited* [2006] EWCA Civ 1508, [2006] Sol J 150/41**. Successful challenge to the proper approach to be taken to reasonable adjustments for the disabled in a redundancy exercise.
- ***Freer v Glover and Another* [2005] EWHC 3341, [2006] IRLR 521**. Ground-breaking application of absolute privilege for the purposes of the law of defamation to communications between a solicitor and ACAS in the context of employment tribunal proceedings. Acted for successful Defendant.

- ***Pinnington v City and Council of Swansea and the Ysgol Crug Glas School* [2005] EWCA Civ 135, [2005] ICR 685, The Times 9/03/2005.** Widely reported allegations against local authority by former school nurse of “whistleblowing” dismissal for uncovering allegations of child abuse. Acted for successful Respondent.

Regulatory and Disciplinary Proceedings

Jonathan undertakes all aspects of regulatory and disciplinary work, including advice on proceedings in and appearances before the Financial Services Authority, the Solicitors Disciplinary Tribunal, the General Medical Council, the Nursing and Midwifery Council, the Health Professions Council and the General Teaching Council. He also has experience in Human Rights Act challenges and judicial review of regulatory and disciplinary decisions.

- *Hamilton v (1) United Kingdom Central Council for Nursing, Midwifery and Health Visiting and (2) Nursing and Midwifery Council* [2003] EWCA Civ 1600, [2004] 79 BMLR 30, The Times 12/11/2003. Human Rights Act challenge to the disciplinary powers of the regulatory body for nurses. Acted for Appellant.
- *Ward v Commissioner of Police for the Metropolis* [2003] EWCA Civ 1152, [2003] 74 BMLR 211. Challenge in the Court of Appeal under Human Rights Act to police powers of arrest under the Mental Health Act.
- *Taito v The Queen* [2002] UKPC 15. Successful Privy Council appeal on behalf of a group of New Zealand citizens denied procedurally fair appeals in the New Zealand Court of Appeal.
- *R v Law Society. Ex Parte Barry Pamplin* [2001] EWHC Admin 300, The Independent 9/07/2001. Judicial review of the disciplinary powers of the Law Society. Acted for the Claimant.