
MARTYN BARKLEM

Call: 1989



General

Martyn was called to the Bar in 1989 at the age of 32, following an earlier career in the Royal Hong Kong Police where, as one of the youngest people to be promoted to the rank of Detective Chief Inspector, he spent seven years investigating major fraud. He was appointed a Recorder in 2002, in which role he sits regularly in the Crown Court.

In the Legal 500, Martyn was described as having been "praised for his grasp of the facts and commanding advocacy". Martyn has a mature and commercial approach to litigation, which, coupled with a very real ability to relate to people at all levels, has led to a great deal of "repeat business" from lay clients, as well as solicitors.

A CEDR-accredited Mediator since 2000, he has mediated and represented parties in many mediations, covering a wide range of disputes, including complex employment, commercial and intellectual property issues.

Martyn has a keen interest in Information Technology, having funded his year at Bar School by working part-time as a computer programmer. Holder of a private pilot's licence since the age of 17, and keen yachtsman since the age of 16 and qualified Yachtmaster, Martyn's sailing experience and fixed-wing and helicopter flying have proved of value in a number of cases requiring familiarity with aviation or nautical matters. He is also a keen cook, but has yet to make use of that skill in a legal context! He speaks conversational French and (increasingly rusty) Cantonese.

Recent high-profile cases include acting for a premier league footballer in *NVA Management Limited v Obafemi Martins* [2010] All ER (D) 196 in a commercial dispute; acting for a senior Asian police officer in a high profile race discrimination claim *Shabir Hussain v Metropolitan Police Authority and Commissioner of the Metropolitan Police* (London East Employment Tribunal) and two four-week race discrimination cases acting for the Chief Constable of Lancashire Constabulary (Manchester Employment Tribunal).

Employment

Martyn has for many years been listed in the Legal 500 as a leading junior in the field of employment law. He appears regularly in Employment Tribunals in England, Wales, Scotland and Northern Ireland, and in the Employment Appeal Tribunal, on the full range of cases dealt with in the employment field including unfair dismissal, TUPE, all forms of discrimination and strikes. He has advised on the TUPE implications of numerous mergers and business re-organisations, including that of a major international shipping company. He participates in the ELAAS pro bono scheme in the EAT.

Martyn regularly advises on restrictive covenants in vendor-purchaser agreements as well as in employment contracts and has wide experience in injunctive work in restrictive covenant and confidentiality cases in the High Court. His wide client base includes many police forces, financial institutions, public companies and NHS Trusts. He also acts for Universities and educational institutions, including numerous contested cases for Imperial College, University of London. Martyn has considerable experience of, often arcane, internal disciplinary procedures in the university and local government sectors.

Reported cases include:

Network Rail Infrastructure Ltd v Glencross (EAT 16/5/2008)
Shestak v Royal College of Nursing (2008) All ER (D) 193 (EAT)
Spence v Manchester United PLC (2004) All ER (D) 241 (EAT)
Corporate Express Ltd v Day [2004] EWHC 2943 (QB)
NWT Freight Forwarding Ltd v Owen (2002) All ER (D) 24 EAT
Wolff Olins Ltd v Townsin & Others 2001 LTL 22/6/2001

Lockwood v Crawley Warren Group Ltd. [2001] Emp. L.R. 322 (EAT)
Secretary of State for Trade and Industry v Bottrill [2000] 1 All E.R. 915 (CA)
Mennell v Newell & Wright (Transport Contractors) Ltd [1997] I.C.R. 1039 (CA)
Downer & Downer Ltd v Brough [1996] 1 W.L.R. 575 (CA)

Commercial

In his 20 years of practice, Martyn has dealt with a wide range of commercial disputes, with an emphasis on information technology and intellectual property issues. Recent cases have included a long-running dispute over an international software licencing agreement, which was resolved through Arbitration (London Court of International Arbitration); acting for a Premier League footballer sued by an agent in connection with a representation agreement; and appearing in a case concerned with intellectual property rights in tool manufacturing equipment. Martyn has dealt with many contractual disputes in the course of his practice, in areas as diverse as franchise agreements, partnerships and sale of goods. His longest case to date lasted some five months in the Technology and Construction Court in Manchester, in a civil fraud case concerning several hundred shop-fitting contracts entered into by a major computer retailer.

Reported cases in this field include:

Cheverny Consulting Ltd v Whitehead Mann Ltd [2007] 1 All E.R. (Comm) 124 (CA)
London Helicopters Ltd v Heliportugal LDA-INAC [2006] All ER (Comm) 595 (QB)
Globalink Telecommunications Ltd v Wilmbury Ltd [2003] BCLC 145 (QB)
Seine International SA v Park Lane Holdings Inc [2002] All ER (D) 459 (Ch.D)
Convenience Co Ltd v Roberts [2001] F.S.R. 35 (QB)
Kataria v Safeland PLC [1998] 1 E.G.L.R. 39 (CA)
Underwood v Foreman [1996] C.L.Y. 2137 (CA)

Professional Negligence

Martyn has extensive experience of acting for and against banks and building societies in claims brought against solicitors and surveyors arising from the last recession. He was one of four counsel acting for the Nationwide Building Society in a multi-defendant test case which settled after a four week trial, before judgment. That experience has stood him in good stead in his current professional negligence practice. Recent cases include a claim against a solicitor for negligent advice in connection with a fraudulent investment scheme, resulting in a seven figure payout from the insurers, and a claim against a solicitor by beneficiaries of a will in which bequests of land failed. He has also recently acted for a well known building society in connection with possible negligence in mortgage surveys. In 1999, Martyn successfully acted at first instance and in the Court of Appeal for an airline pilot who was severely injured in a commercial aircraft crash arising from the negligence of the Captain.

Election and Regulatory Work

Martyn has been one of a small panel of counsel which advises the Conservative Party since 1997, and has acted in over 30 matters, including Applications for Relief, arising from inadvertent breaches of election law and Election Petitions. He has also advised on internal disciplinary and constitutional issues at the highest level.

Martyn has acted for and advised Returning Officers and individual candidates in connection with a variety of difficulties which have arisen in local and parliamentary elections.

He has also advised universities and professional regulatory bodies in connection with their, often esoteric, constitutional procedures, including drafting work.

Martyn is joint author (with Richard Price QC) of the Election Law section of Burton on Civil Appeals.