

SAM NEAMAN

Call: 1988



Overview

Described in Chambers & Partners as “*this exceptional advocate*”, and by The Lawyer as “*one of the 50 outstanding individuals at the Bar deserving of elite status*”, Sam is listed as a **leading individual in Chambers & Partners and/or Legal 500 in Employment, Banking litigation, and Sports Law.**

Sam's reputation is built on his expertise in complex, sensitive or high value commercial litigation (including claims over £1 Billion), primarily in the fields of banking, insurance & finance, IT, health, education, and in the world of sport. His extensive experience in High Court, Court of Appeal and House of Lords cases, coupled with his expertise in employment law, makes him especially sought after in **commercial litigation cases with an employment law crossover**. Sam has particular experience in cases with an international element, especially litigation involving the CIS.

“**Particularly recommended for High Court injunctions**” Sam has a thriving **injunction practice** in employment contract restrictive covenants, and in related confidential information and commercial law fields where he has extensive experience of “freezing” and “search and seize” applications.

In employment law Sam's recognised expertise in **discrimination claims** is complemented by particular experience in **whistleblowing cases**, where he regularly represents major clients in high-profile claims.

A significant part of Sam's employment/disciplinary practice is in the field of **medical law**, where he regularly represents Trusts and individual doctors, in the **GMC**, and also in the **High Court** and **employment tribunal**. Sam's recognition as a consummate oral advocate is matched by his ability to “**draft lucid written arguments based on complex facts in very little time**”, coupled with a reputation as a “**practical and down to earth team player whose client skills are second to none**”. Prepared to go the extra mile at short notice, Sam is “**a pleasure to work with**”, “**concise and approachable**”, “**straightforward and insightful**”, understanding the importance of a sympathetic and practical approach to team-working and client relationships.

Please scroll to the bottom of this page for a drop-down menu to Sam's detailed cv.

Employment - High Court and Appellate

Sam is regularly instructed on high value or complex director-level wrongful dismissals and other contractual/fiduciary duty claims, including notable recent victories in -:

- **Daley v ERT Plc & Anr** [2009] All ER D 241 (Court of Appeal), a cross-border claim involving complex issues of company law, conflict of laws, and director's fiduciary duties;
- **Everett v University of East London** [2009] All ER (D) 38 (Court of Appeal): an injunction claim brought by a University Vice-Chancellor to prevent a disciplinary hearing going ahead;
- **Lauffer v Barking Havering & Redbridge NHS Trust** [2010] Med. L.R. 68 (High Court): an injunction obtained by a consultant surgeon to prevent his dismissal;
- **De Vere Group GmbH & Anr v Pearce** [2011] EWHC 1240 (High Court): a cross-border breach of contract/breach of confidence claim by a Financial Services Group against an agent involving complex issues of conflicts of laws and illegality, in which the Court awarded Sam's client damages of £3 million and indemnity costs.

Following the high-profile break-up of accountancy giant **Vantis Plc**, Sam is currently representing the company in its defence against wrongful dismissal claims brought by two directors, and its multi-million pound breach of fiduciary duty counterclaim.

Sam's experience in taking cases to the highest level of appeal, for instance **Johnson v Unisys** [2003] 1 A.C. 518, and **Fourie v Le Roux & Ors** [2007] 1 All ER 1087 in the House of Lords, makes him sought-after as an **appellate advocate**, both in the Court of Appeal and the EAT where he is often brought in at the appeal stage.

Employment – Statutory and Advisory

Referred to in the directories as being “*particularly praised for his excellent work in disability discrimination*”, and having “*acted in a number of high profile cases on age, race, sex and disability*”, Sam is in demand for multi-day discrimination cases.

Recent high-profile clients in discrimination claims have included the Tower of London, a major NHS Trust, Aston Villa FC, Al-Jazeera, IBM, a “Top 20” City solicitors’ firm facing sex discrimination claims by two female equity partners, and in **Rinaldi v Rugby Football League**, Sam was instructed in a European discrimination law test case on the legality of the RFL’s overseas players quota system.

Sam has particular expertise in **Whistleblowing cases**, where he is regularly instructed by household name clients in high profile claims. Recent instructions include a notable victory for **Andrew Lloyd Webber’s Really Useful Theatre Group** in a whistleblowing tribunal relating to the West End production of **Warhorse** which achieved national publicity. Sam is currently acting for **Historic Royal Palaces** in a whistleblowing unfair dismissal claim brought by the former **Governor of the Tower of London**. Other recent “City” whistleblowing instructions include acting for a former **BGC Desk Head**, and for a **Lloyds Insurance Broking firm** defending a claim brought by its former Managing Director.

Sam’s experience in **medical law** has resulted in a thriving court and disciplinary/regulatory practice, representing both **trusts** and **individual doctors**, both in the **GMC**, **High Court**, and **employment tribunal**. Recent cases have included a successful attack in the **GMC** on the **legality of the GMC criteria for registration of overseas doctors**, and in **Lauffer v Barking Havering & Redbridge NHS Trust** [2010] Med. L.R. 68 (High Court): successfully obtaining an injunction to prevent the dismissal of a consultant surgeon.

Sam is also regularly instructed to give high-level **industry-wide strategic advice**. Examples include advising on:

- **TUPE issues** in various sectors of industry, including the banking sector;
- **working time issues** in the British University system, the sea fishing, and building industries, following on from his appearance in the leading working time case of **Redrow Homes v Roberts & Anr** [2004] ICR 1126 (CA);
- contractual issues relating to the **payment of doctors while suspended by the GMC**

Commercial and Banking Litigation

Sam is a sought-after senior junior in a wide range of commercial litigation. He has invaluable experience of high value/document-heavy claims, instructed by liquidators, banks, and asset finance companies, as well as PLCs.

Sam’s House of Lords case **Fourie v Le Roux** [2007] 1 All ER 1087, a cross-border corporate insolvency and fraud claim was valued at over £1 Billion, and Sam is regularly instructed in multi million pound claims such as **Howe v Lloyds TSB Bank Plc** [2009] All ER (D) 131.

Recent instructions include acting for **Aspinal of London** in a High Court claim involving the alleged unlawful copying of its product range, and global financial group **DeVere Group Ltd GmbH** in a multi-million pound cross-border claim against a competitor.

A major area of Sam’s practice is **Banking law**, where he acts mainly for Banks and lending institutions. He is listed as a **leader in Banking litigation**, has several reported cases to his name, and is a contributor to the International Journal of Banking law. He has particular expertise in consumer banking, and has advised Banks in the Bank Charges litigation, and in the OFT’s litigation against the Banks over section 75 of the Consumer Credit Act 1974.

A recognised **expert on security for costs**, Sam has co-authored the leading textbook, and recent appearances in cases on the subject include **Lobster Group Ltd v Close Asset Finance Ltd & Anr** [2008] 2 All ER 1173, and **ERT Plc & Anr v Daley** [2009] EWCA (Civ) 1088 in the Court of Appeal.

Sports Law

Having formerly boxed, played football, and run at a high level, Sam's extensive experience and expertise in Sports Law is backed up by a thorough knowledge and understanding of Sport from the client's perspective. Listed as a **leader in the field of Sports Law**, Sam was for many years **Legal Adviser to the Amateur Boxing Association of England**, advising on a wide variety of matters, including the discrimination implications relating to licensing women boxers.

Sam is regularly instructed by top-level players, agents and agencies, promoters, coaches and managers, clubs, Formula 1 teams, and bodies and associations, and was recently instructed to act for a number of overseas rugby league "Superleague" players in a **European law test case** on the legality of the Rugby Football League's overseas player "quota" system.

Clients have included the **Red Bull and Force India formula 1 teams**, former **England boxing Olympic Gold medallist James de Gale**, **top boxing promoter Chris Sanegar** in his dispute with European Champion Dean Francis, **Worcester Rugby Union club** in its dispute with England international Andy Gomarsall, **Sri Lankan Cavaliers Cricket Club**, as well as football clubs such as **Aston Villa, Coventry City, and Watford**. He has also advised as to the entitlement of a jockey to ride in the **Agra Diamond Stakes at Royal Ascot**.

Reported Cases in House of Lords and Court of Appeal

House of Lords

Johnson v Unisys Ltd [2003] AC 568 landmark employment case dealing with the interrelationship between contractual and statutory employment protection.

Fourie v Le Roux & Ors [2007] UKHL 1: leading case on freezing injunctions, and the jurisdiction of the English High Court to grant interim injunctions.

Court of Appeal

Winchester Cigarette Machinery Ltd v Payne (No 1): The Times 11 October 1993: admissibility of expert evidence in commercial claims.

Winchester Cigarette Machinery Ltd v Payne (No 2): The Times 15 December 1993: stays of execution pending appeals to the Court of Appeal.

First Sport Ltd v Barclay Bank Plc [1993] 3 All ER 789; construction of banking terms and conditions.

Johnson v Unisys Ltd [1999] 1 All ER 854: see under "House of Lords".

Jarrett & Ors v First National Bank & Ors [1999] QB 1; impact of Brussels Convention on foreign timeshares financed by credit obtained in this jurisdiction.

Kapadia v London Borough of Lambeth [2000] IRLR 699: treatment and deducted effect in disability discrimination claims.

Wilson v Post Office [2000] IRLR 834: definition of "reason for dismissal" in unfair dismissal claims, and correct approach for EAT to the issue of remission versus substitution of its own decision in successful appeals.

Cave v Borax Ltd [2002] All ER (D) 287: committal, indemnity costs.

Hayes & Ors v Transco Plc [2003] All ER (D) 104: interpretation of collective agreement terms in individual employment contracts.

Robert & Ors v Redrow Homes (NW) Ltd [2004] IRLR 740: meaning of "worker" in the Working Time Regulations.

Daley v Environmental Recycling Technologies Plc & Anr [2009] All ER (D) 241, directors' duties, company law, burden of proof and drawing of inferences in fiduciary duty cases.

Everett v University of East London [2009] All ER (D) 38. Application of American Cyanamid test in contractual disciplinary procedure.