

Paul Epstein QC

Called 1988

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Areas of practice

Employment law
Equality
Discrimination and Human Rights
Commercial and Common law
Public and Regulatory law

Profile

Paul is a leading employment and discrimination law specialist and has appeared in many reported and high profile newsworthy cases. He has a wide range of clients. He acts for both Claimants and Respondents.

Paul has been involved in some of the country's leading equal pay cases, including *Barker v Birmingham CC*, and *Joss v Cumbria CC*, thought to be the largest local authority equal pay multiple claim. In 2005 Paul acted with Robin Allen QC in equal pay claims against Cumbria NHS Trust, resulting in a well-publicised settlement of about £300m, the then largest ever equal pay case in Europe.

He regularly advises on and acts in high value cases for employers and employees in City cases concerning bonus and remuneration negotiations, disputes, whistleblowing, discrimination, dismissal and on restrictive covenants. He successfully appeared for the claimant in *Adebayo v Dresdner Bank*, a derivatives trader who won a substantial claim for race discrimination and wrongful and unfair dismissal.

Paul's public authority work also involves acting for and against local authorities, and against central government, and he has been instructed by the equality commissions, many educational establishments and the Bar Council. Recently he acted for the local authority in a judicial review on the nature and extent of the equality duties.

In his media work, Paul has advised globally known stars, including rock and rap legends, in employment disputes and negotiations, including privacy agreements.

Paul lectures and teaches widely on discrimination, employment and human rights, for bodies such as the Employment Lawyers Association, JUSTICE and others, and has for many years been an advocacy trainer for Middle Temple. He has regularly appeared before the Employment Appeal Tribunal under the ELAAS scheme and acts for litigants under the Bar Pro Bono Scheme.

His international practice includes work in the ECHR. Paul was involved in drafting observations for the unions in the leading Trade Union case of *Wilson and Palmer*, and was for the successful applicant in the covert surveillance case of *Copland*.

He has recently acted for the Claimant in the leading Court of Appeal case concerning the availability of *Francovich* damages.

In his commercial work, he has acted in claims for breach of contract, injunction applications, professional negligence matters, partnership disputes, and recently acted for Puff Daddy (rapper Sean Combs) in passing off proceedings.

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In his regulatory work, he has acted for many years in British Psychological Society proceedings, including in the complaint brought by Colin Stagg arising out of the unsuccessful prosecution against him for the murder of Rachel Nickell; and acted in relation to the Nursing and Midwifery Council; and in relation to other professional disciplinary matters; and has previously been a legal assessor at General Teaching Council hearings.

Recent cases

Arnold v Sandwell MBC [2009] IRLR 12, EAT; [2009] EWCA Civ 309, CA (s32 grievances in EqPA claims)

Spencer v SOS Work and Pensions [2008] EWCA Civ 750, [2008] IRLR 911, [2008] All ER (D) 20 (time limits for Francovich claims)

R (McCarthy) v Basildon DC [2008] EWHC 987 (Admin), [2008] All ER (D) 118, (2008) 19 EG 205 (CS); [2009] EWCA Civ 13, (2009) 4 EG 117 (CS) (action by Council to evict Irish Travellers from Dale Farm in Essex)

Dow (Nos. 1 & 2) v. Cumbria [2008] IRLR 91, 109 (leading case on equal pay)

Project Management Institute v. Latif [2007] IRLR 579 (burden of proof in DDA reasonable adjustment claims)

Copland v UK, ECHR, (App No. 62617/00), [2007] All ER (D) 32 (whether covert surveillance by employer breached EConv)

Khudados v. Hayden [2007] EWCA Civ 1316, [2007] All E.R. (D) 203 (Dec) (duties of Counsel)

Dearlove v. Combs [2007] EWHC 375 (Ch), (2008) EMLR 2, [2007] All E.R. (D) 367 (Puff Daddy passing off claim)

Dresdner Kleinwort Wasserstein v. Adebayo [2005] IRLR 514 (race discrimination claim by derivatives trader)

Saggar v. Ministry of Defence [2005] EWCA Civ 413, [2005] IRLR 618 (leading case on territorial jurisdiction of discrimination statutes)

Hewett v. Motorola [2004] IRLR 545 (Asperger's syndrome is a disability)

Walton v. Independent Living Organisation [2003] EWCA Civ 199, [2003] IRLR 659 (CA decision on standby time)

British Nursing Association v. Inland Revenue [2002] EWCA Civ 494, [2002] IRLR 480 (CA decision on standby time)

Triesman (on behalf of Labour Party) v. Ali [2002] IRLR 489, [2002] EWCA Civ 93 (race discrimination claim by local councillor against Labour Party)

Directories/press

"An astute, authoritative advocate" *Chambers and Partners 2009* (employment), "Paul Epstein simply has no weak points as a barrister" *Chambers and Partners 2005* (employment) Also recommended in employment by *The Legal 500* and *Legal Experts*

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Memberships/Appointments

ELBA – Chair; ELA; ILS; ALBA

Publications

Contributed to publications including Tolley's *Working Time*, *Bullen & Leake & Jacob's Precedents of Pleading* (2001), *Butterworths Employment Law Guide* (2000), *IRS Eclipse Competencies* (2001)

Languages

French and German

Education

Paul was awarded an Exhibition at Balliol College, Oxford, where he studied History and Modern Languages, and graduated with a first. He received a distinction in the Diploma in Law at City University in 1987, and taught the Diploma in Law course at City University from 1988 to 1990. He was awarded a Harmsworth Scholarship by Middle Temple.

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