



David Mitchell

Year of call: 2004

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“David is an outstanding advocate and his ability to grasp complex areas of law second to none.” The Legal 500 2023

“David gives his all under difficult circumstances and has been very generous with his time. He is very good on his feet indeed and unfazed by “bigger” opposition. Clients love him.” The Legal 500 2021

David’s practice spans information and media, employment, commercial, sport, regulatory and disciplinary law. He is ranked as a leading junior in Defamation & Privacy, Data Protection, and Employment Law. David was shortlisted for “Technology and data junior of the year” at The Legal 500 Bar Awards 2022. Previously, he was a member of the Attorney General’s A panel of junior civil counsel.

Areas of expertise

Information and Media
Employment
Commercial
Sport
Regulatory and Disciplinary
Administrative and Public

Information and Media

"A very approachable barrister with clients and a strong background in high value claims." The Legal 500, Defamation & Privacy 2021

In his media practice, David advises and acts in libel, slander, malicious falsehood, breach of confidence/misuse of private of information and data protection matters. His clients include private individuals, journalists, MPs, political parties, free speech organisations, central and devolved government departments, corporate bodies, NGOs and charities.

In his information law practice, David advises in respect of regulatory matters involving the Information Commissioner's Office and acts in private law data protection claims in the civil courts and public law judicial review claims in the Administrative Court. David appears before the First-tier Tribunal and Upper Tribunal in Freedom of Information Act appeals.

Cases of note:

- ***Gotti v Holland*** - successful for defendant medical whistleblower in publication harassment case against owner of cosmetic surgery clinic. Application for interim injunction and claim certified as totally without merit. Court applied SRA's guidance on 'strategic lawsuits against public participation' (SLAPPs)
- ***Sahota v MATV* [2021] EWHC 3363 (QB)** - Libel damages following trial of £60,000 plus indemnity costs and injunctions for claimant political activist.
- ***Foreign Commonwealth and Development Office v Information Commissioner, Lownie & Ors (Sections 23 and 24)* [2021] UKUT 248 (AAC); [2022] 1 W.L.R 1132** - Successful appeal against release of papers of Cambridge Spy, Guy Burgess, under FOIA. Leading authority on national security exemptions (led by Sir James Eadie KC).
- ***Commissioner of Police of the Metropolis v Kevin Spacey* QB/2021/00367** - Without notice worldwide interim injunction for destruction of confidential information concerning the right to anonymity under s1, Sexual Offences (Amendment) Act 1992. Conflict of laws with US.
- ***Sivier v Riley* [2021] EWCA Civ 713; [2021] 4 W.L.R. 84 ; [2021] E.M.L.R. 22 (CA)** - Leading authority concerning publication on a matter of public interest defence (s4 Defamation Act 2013). Successful for appellant journalist.
- ***RPB v Her Majesty's Revenue and Customs* [2019] EWHC 3852 (QB)** - Successful for defendant in transferring misuse of private information and DPA claims from High Court to County Court under s.40(2) County Courts Act 1984. Transfer upheld upon claimant's appeal.
- ***Dhir v Saddler* [2018] 4 W.L.R. 1; Times, 2 January 2018** - Successful for claimant following five-day slander trial concerning defendant's statement that claimant had threatened to slit her throat. Authority on serious harm in the context of slander.

Recommendations

'An excellent junior.' - Employment - The Legal 500 2024

'David's tenacious and robust approach in his advocacy, together with his considered strategy, achieves success in complex cases.' – Data Protection – The Legal 500 2024

"David is an outstanding advocate and his ability to grasp complex areas of law second to none." Employment - The Legal 500 2023

"Able to grasp complex cases quickly. Great advocacy skills." Administrative Law and Human Rights - Legal 500 2023

"David is a charming but robust advocate and is an asset to his clients." Immigration (including business immigration) - Legal 500 2023

"A very approachable barrister with clients and a strong background in high value claims." The Legal 500 2022 – Defamation and Privacy

"Has a wide employment law practice that is bolstered by his knowledge of media and public law." "He takes a pragmatic approach and is a thorough cross-examiner." "His knowledge of the law is first-rate and he's an excellent advocate." Chambers & Partners 2021 – Employment

"David gives his all under difficult circumstances and has been very generous with his time. He is very good on his feet indeed and unfazed by 'bigger' opposition. Clients love him." The Legal 500 2021 – Employment

"David excelled at providing practical and thorough technical advice which, in conference with our lay client, he was competently able to condense and explain." The Legal 500 2021 – Defamation and Privacy

"A strong advocate who is very pragmatic and excellent at handling a judge." "He has broad knowledge of all aspects of employment law and is a fierce advocate who will fight for the client." Chambers & Partners 2020 – Employment

"An excellent barrister with all the key ingredients: a good mind; being tactically astute; knowledgeable in the law and a compelling manner with clients." The Legal 500 2020 – Employment

"Attracting attention in both defamation and privacy matters." The Legal 500 2020 – Defamation and Privacy

"Really thorough in his preparation. Excellent on his feet and well-liked by clients." Chambers & Partners 2019 – Employment

"His work is always of a high standard. He is always well prepared and extremely approachable." The Legal 500 2019 – Defamation and Privacy

"Sharp and incredibly focused. He has a finely tuned moral compass and is excellent on his feet." Chambers & Partners 2018 – Employment

Memberships

- Employment Law Bar Association
- Employment Lawyers' Association
- Discrimination Law Association
- Association of Regulatory and Disciplinary Lawyers
- Administrative Law Bar Association
- Bar Human Rights Committee
- Index on Censorship

Qualifications

Education

- 1996-1999 Manchester University BA(Hons) History II.i.

Additional Information

Pro bono

- Mary Ward Legal Centre, Holborn
- Employment Law Appeal Advice Scheme (ELAAS)
- Advocate

Appointments

- 2019-2023: Re-appointed to Equality and Human Rights Commission – B panel
- 2016-2021: Attorney General's Junior Counsel to the Crown – A Panel
- 2015-2019: Equality and Human Rights Commission – B panel
- 2012-2016: Attorney General's Junior Counsel to the Crown – B panel
- 2009-2012: Attorney General's Junior Counsel to the Crown – C panel

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