



David Mitchell

Year of call: 2004

Email: david.mitchell@39essex.com

Phone: +44 (0)20 7832 1111

“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

Administrative and Public

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

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

As a previous appointee to the AG's and EHRC's panels David is experienced in a broad range of judicial review litigation:

Cases of note:

- *R. (Alliance of Turkish Businesspeople) v SSHD* [2020] 1 W.L.R. 2436; [2020] Imm. A.R. 1148; [2020] I.N.L.R. 564 (CA) - Successful cross-appeal concerning whether ECAA immigration guidance was capable of giving rise to a substantive legitimate expectation (led by Sir James Eadie KC).
- *R. (Karagul & Ors) v SSHD* [2019] EWHC 3208 (Admin) - Replacement of statutory appeal by administrative review for ECAA applicants did not breach principle of effectiveness under EU law (led by Deok Joo Rhee KC).
- *Home Office v JA* [2019] EWHC 49 (QB) - Successful appeal against finding of unlawful detention concerning eight-month-old child who had not proven his British nationality under the British Nationality (Proof of Paternity) Regulations 2006.
- *Soner Kotuk v Entry Clearance Officer, Warsaw* [2019] 4 W.L.R. 10 [2019] Imm. A.R. 735 (CA) - The Court of Appeal confirmed "standstill clause" in the additional protocol to the Ankara Agreement did not apply to right of establishment. Successful for respondent (led by Deok Joo Rhee KC)
- *R. (Fire Brigades Union) v South Yorkshire Fire and Rescue Authority* [2018] EWHC 1229 (Admin); [2018] I.R.L.R. 717; [2018] 3 C.M.L.R. 27 - For defendant fire authority in judicial review concerning compliance of firefighters' shift system with Working Time Regulations.
- *R. (Talpada) v SSHD* [2018] EWCA Civ 841 (CA): - Successful for SSHD concerning points based system (PBS) challenge based on evidential flexibility and legitimate expectation.
- *NE-A (Nigeria) & HM (Uganda) v SSHD* [2017] EWCA 239; Imm. A.R. 1077; [2018] INLR 88 (CA) - Successful in joined appeals concerning article 8 claims of foreign national offenders resisting deportation.

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

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com