



## 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

## Employment

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*"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 and Partners 2021.*

David regularly acts in employment disputes concerning data protection, libel, privacy, freedom of expression and/or reporting issues. In the commercial context, David acts in contractual disputes including breach of confidence, restraint of trade and bonus disputes.

Before the Employment Tribunal, David acts for employees and employers in the full range of statutory claims with a particular emphasis on complex discrimination, whistleblowing and working time cases. He has been involved in various appellate cases concerning the jurisdiction of the Employment Tribunal compared to the civil courts.

David contributes the chapter on Employment Contracts and Compromise in Foskett on Compromise.

#### Cases of note:

- ***Yorke v Glaxosmithkline Services Unlimited* EA-2019-000962-BA** - Successful for employer in complex disability discrimination appeal. Employment Appeal Tribunal guidance on list of issues in case management of disability discrimination claims.
- ***Irwell Insurance Company Ltd v Watson* [2021] I.C.R. 1034; [2021] Lloyd's Rep. I.R. 145; Times, March 10, 2021 (CA)** - Jurisdiction of the Employment Tribunal to hear claims under the Third Parties (Rights Against Insurers) Act 2010. For appellant insurer.
- ***Gemini Europe Ltd v Sawyer* [2020] EWHC 3377 (QB)** - Non-compete and confidential information interim injunction. For employee (led by William McCormick KC).
- ***Hopkins v HMRC* [2020] EWHC 2355 (QB)** - Employer's strike out of data protection claims concerning investigation of alleged serious criminality by senior civil servant.
- ***London Underground Ltd v Amissah & Ors* [2019] I.C.R. 1155, [2019] I.R.L.R. 545 (CA)** - Successful for agency workers in group action concerning compensation under Agency Worker Regulations.
- ***Thompson v Ark Schools* [2019] I.C.R. 292** - Successful appeal for claimant concerning time limits in pregnancy / maternity discrimination (instructed by Equality and Human Rights Commission).
- ***Robert Newbound v Thames Water Utilities Ltd* [2015] I.R.L.R. 734 (CA)**: - Successful for employee in appeal concerning apparent bias of Employment Appeal Tribunal.

## Recommendations

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*'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

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- 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

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### Education

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

## Additional Information

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### 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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