

---

## SOPHIA BERRY

Call: 2012



---

### Introduction

Sophia specialises in **commercial and employment litigation and disciplinary/regulatory work**. She regularly appears in both the County Court and the Employment Tribunal for multi-day trials and applications. Sophia has appeared in the Employment Appeal Tribunal both as a junior and as sole counsel. She has also been instructed in the High Court in her own right and as junior counsel on several interim injunction applications in the past year involving claims for **breach of restrictive covenants, misuse of confidential information, breach of fiduciary duties and the economic torts**.

Following her Masters degree in Law, Sophia has developed a keen interest in arbitration law and in advising on **whistleblowing, equal pay and discrimination**. She acts for both claimants and respondents and is often sought out for complex discrimination trials.

Sophia brings a commercial and pragmatic approach to her cases having previously trained and worked as a solicitor at Linklaters LLP, where she qualified in 2011 into the firm's corporate law department. She has substantial experience of working for and with international corporate clients and banks as well as professionals.

### Commercial Law

As both a solicitor and barrister, Sophia has worked on a wide range of commercial disputes involving questions of **contract law, insolvency law, fiduciary and directors' duties, bribery and partnership law**.

Recent examples of Sophia's commercial work include:

- successfully making and defending default judgment and summary judgment applications in the County Court;
- successfully defending applications to set aside statutory demands;
- advising on and drafting pleadings in high value contractual disputes;
- advising on an unfair prejudice petition;
- securing a sizeable security for costs order in the County Court;
- securing a significant costs award in relation to a contested winding-up petition in the Companies Court;
- advising on a non-party costs application;
- advising on a validation order;
- securing favourable results in costs budgeting hearings; and
- working with a team of counsel on a large professional negligence claim.

She also has experience of acting in **arbitrations** under the LCIA and ICC Rules and a keen interest in international commercial arbitration. This year she has co-authored a book chapter entitled "Ethics in Arbitration: Arbitral and Party Misconduct" with Lord Hacking, an eminent arbitrator and mediator, and acted as the administrative secretary on a commodities arbitration.

She is a member of COMBAR and the Chancery Bar Association.

## Injunctions and High Court

Sophia has substantial experience of **High Court injunctions**. She has drafted pleadings, opinions and skeleton arguments in relation to claims for **breach of restrictive covenants, misuse of confidential information, breach of fiduciary duties** and the **economic torts**. She regularly advises both companies and individual employees on the enforceability of restrictive covenants and the tactics of this type of litigation.

She has appeared in injunction applications in both the Chancery and Queen's Bench Divisions.

## Statutory Employment Law

Sophia regularly appears in Employment Tribunals around the country in **multi-day trials** and judicial mediations for claimants and respondents.

She has appeared in the **Employment Appeal Tribunal** both as a junior and as sole counsel and has won an appeal as sole counsel for an appellant (**Aniyameta v Compass Group UK and Ireland Ltd** UKEAT/0017/15/DM). Her most recent appeal case raised complex questions about **indirect discrimination, bias, constructive unfair dismissal and the taxation of Tribunal awards** and has been widely reported on in the legal and educational press (**Bethnal Green and Shoreditch Education Trust v Dippenaar** UKEAT/0064/15/JOJ).

Sophia advises on a wide range of statutory employment law cases covering issues of: **equal pay**; maternity, disability, sex, sexual orientation, age and race **discrimination**; **whistleblowing**; **unfair dismissal** and **redundancy**. She has made and defended strike out, deposit order and costs applications.

She has also chaired an internal disciplinary appeal.

Recent highlights of Sophia's Employment Tribunal practice include:

- Successfully defending a large corporation from allegations of race discrimination and harassment in a 5 day trial;
- Winning a claim for performance related bonuses and holiday pay for a company director;
- Securing a costs award against a claimant for unreasonable conduct in bringing proceedings in the Tribunal;
- Negotiating a sizeable settlement, costs and a reference for a whistle blower in a care home;
- Getting around 20 allegations of age and sex discrimination struck out or made subject to deposit orders at a preliminary hearing;
- Winning substantial compensation for a claimant who had been wrongfully and unfairly dismissed in a 3 day trial.

## Disciplinary & Regulatory

Sophia has developed a practice in representing **healthcare professionals** facing disciplinary or capability proceedings or dismissal. This includes being instructed in a High Court case by the Nursing & Midwifery Council and advising hospital doctors and a GP in respect of disciplinary proceedings.

## Arbitration

Sophia has experience of working on international commercial arbitrations as both a Solicitor at Linklaters advising on ICC and LCIA arbitrations and as a secretary to an arbitration. She attained the highest mark of any student on the International Investment and Commercial Arbitration LLM course at King's College London, competed in the Vis arbitration moot and has subsequently co-authored a book chapter on arbitration with Lord Hacking published by the Chartered Institute of Arbitrator in its *Liber Amicorum* (2015).

## Education

**LLM, King's College London** – Distinction

**BA in Law, Corpus Christi College, University of Cambridge** - 2.1

## Awards

- Phoenicia scholarship from the Bar European Group
- The King's College London Dickson Poon School of Law Prize for the best student on the LLM
- The PwC Litigation Prize for the best dissertation by an LLM student

## Talks and Publications

Sophia has recently given talks on:

- **Managing employees' performance**
- **The ACAS early conciliation scheme at the 2014 Littleton Employment seminar**
- **Privacy in Employment Tribunal cases – restricted reporting and permanent anonymity orders**
- **Zero hours contracts**

Sophia has recently written articles on:

- **Indirect discrimination and PCPs** - published in the December 2015 Tolley's Employment Law Newsletter
- **Ethics in Arbitration: Arbitral and Party Misconduct** – published in the Chartered Institute of Arbitrator's book entitled **Selected Topics in International Arbitration: Liber Amicorum (2015)**
- **Holiday pay** - published in the March 2015 Tolley's Employment Law Newsletter
- **Expatriate employees** - published in the February 2015 Tolley's Employment Law Newsletter
- **Disability under the Equality Act** - published in the February 2014 Tolley's Employment Law Newsletter
- **Garden leave** – published in the December 2013 edition of Tolley's Employment Law Newsletter
- **Third Party Defaults and Exemption from Liability in Damages under the CISG: Is Article 79(2) Necessary for Modern International Commerce to Function Effectively?** – published online in the Pace University database of commentaries on international commercial law