

## ADAM SOLOMON QC

Silk: 2018 | Call: 1998



Adam specialises principally in the fields of Commercial and Employment Law. He also practises in the fields of regulatory and public law, covering areas such as education and sport. He has consistently appeared in the legal directories since 2005 in respect of all his practice areas.

He is recognised as a leading barrister in Chambers & Partners, which describes him as **"An excellent all-rounder, who combines flair in the courtroom with diligence and perseverance." "A rising star."**

As a new silk, the Legal 500 also recommends Adam in the fields of Commercial Litigation, Employment, and Professional Disciplinary and Regulatory Law, stating that he is **"an effective, determined and persuasive advocate with a pleasing court manner"** (Employment). **"His work includes solicitors regulation"** (Professional discipline and regulatory law), and he is **"a tough and uncompromising cross-examiner, well prepared and effective"** (Commercial Litigation).

Adam is also ranked as a leading barrister in Who's Who Legal 2016 where he is described as **"a 'distinguished player' in the field."**

He appears regularly in the High Court, Court of Appeal and the Employment Appeal Tribunal and **"is considered excellent on High Court restrictive covenant injunctions"** (Chambers & Partners). Adam has appeared in the highest courts and tribunals: he was instructed in an appeal to the European Court of Human Rights (on appeal from the House of Lords), appeared in July 2017 in the Supreme Court in the case of *Michalak*, and has also appeared as an advocate on a number of occasions before the Privy Council, including *Adamas v Cheung* [2011] I.R.L.R. 1014 which concerned variation of contract.

Adam is also called to the Bar of the British Virgin Islands, and has recently (summer 2016) appeared in the BVI Commercial Court in a unfair prejudice and share dispute trial, and was successful before the BVI Court of Appeal when responding to the appeal (summer 2017).

Recent legal directory comments include the following:

- **"his arguments are punchy and he is a real fighter"**
- **"he chomps through the work with endless enthusiasm"**
- **"a positive and pragmatic advocate, who is excellent with clients and on his feet"**
- **"always looks to get the best possible result for the client, and never distances himself from problems"**
- **"he has a very can-do attitude"**

- **"handles all aspects of employment and commercial litigation", and is "client friendly, extremely helpful and a witty advocate"**
- **"upbeat can-do attitude", "very tenacious and will fight for the results it needs"**
- **"masters his brief well and his highly tenacious"**
- **"he punches holes in the other side's position..."**
- **"combines intelligence with humour, show great perseverance and manages to charm clients along the way"**
- **"he is so hard-working and dedicated that even if he is super-busy he will always find a way of helping you"**

## Commercial

Adam's commercial practice includes the areas of commercial fraud, breach of contract, and professional negligence. He also regularly appears in commercial cases requiring urgent injunctive relief, including obtaining or resisting freezing orders, Norwich Pharmacal relief and general restrictive covenant work. Adam also accepts instructions for arbitrations in this jurisdiction and internationally.

Adam is also called to the Bar of the British Virgin Islands and practices commercial law in that jurisdiction.

Some of his more significant cases include:

- ***Lewis v dotcom Solicitors*** [2017] EWCA 229, concerning terms of a partnership in a firm of solicitors.
- ***Michael Wilson & Partners Ltd v Sinclair*** [2017] 1 Lloyd's Rep 136, CA and also [2017] BLR 125 and also [2015] CP Rep 45. A series of claims and applications in related litigation, in the High Court and Court of Appeal in which Adam appeared both on his own and led by Charles Samek QC, and in which Adam has appeared in the Court of Appeal three times, all successfully, since 2015.
- ***CH Trustees SA v Omega Services Group Ltd et al*** 2015 [BVIHC] 0037: Eastern Caribbean Supreme Court, Commercial Division. 5 day trial in July 2016. The claim was for relief for unfair prejudice, and for rectification of the company's register, and was effectively a battle for control of a company group. Adam's clients won, and Adam successfully responded to the appeal in the BVI Court of Appeal in July 2017.
- ***ARGC Ltd v Human Fertilisation & Embryology Authority*** [2016] EWHC 460. Adam, led by Pushpinder Saini QC, acted on behalf of the claimant (HFEA), and successfully obtained judgment and struck out a counterclaim valued at £25 million, which was upheld on appeal.
- ***Honeyrose Bakery Ltd v Lola's Kitchen et al*** [2015] EWHC 1856 (QB). Adam was instructed by the defendant in this commercial claim for breach of contract. Adam successfully struck out central part of claim, and the decision was upheld on appeal to the Court of Appeal (***Honeyrose Bakery Ltd v Lola's Kitchen Ltd (t/a Lola's Cupcakes)*** [2016] EWCA Civ 1205).
- ***Munday & Munday v Hilburn & Fields*** [2015] BPIR 684: complex commercial litigation, involving allegations of dishonesty and fraud, and an appeal to High Court on novel points of bankruptcy law and abuse of process.
- ***Jervis v Skinner*** [2011] UKPC 2 in which Adam successfully represented the respondent in an appeal to the Privy Council from the Court of Appeal in Bahamas concerning a profit share from the sale of land.
- ***Hopkin v Financial Security Assurance (UK) Ltd*** [2011] All ER (D) 142, in which Adam successfully represented the respondent in the Court of Appeal in a case concerning the construction of a share vesting agreement.
- ***Glentree v Holbeton*** [2011] 28 E.G. 74, in which Adam was instructed on behalf of the Defendant in a

claim by an estate agency for fees pursuant to the sale of a substantial property. There were a number of interlocutory applications (for freezing orders and other matters) and the claim was originally a multi-party claim, but eventually fought as between claimant and defendant. Adam successfully defended the claim, in which it was held that the Claimant was not the effective cause of sale. Adam was thereafter successful (as respondent) in the Court of Appeal.

Recent articles:

- **When will the court grant freezing orders in support of foreign proceedings?**, Lexis Nexis, 12 November 2014

## Off-Shore Work

Adam has an extensive off-shore practice. He was called to the bar of the British Virgin Islands in 2007 and since then has advised on, and appeared in, a number of cases in the BVI.

These include:

- ***Kensington International v Montrow International*** (2008), a US\$100m sovereign debt dispute in the BVI, involving allegations of sham corporate personality and fraud.
- ***Henley v Poco Loco Enterprises*** (2014): Privy Council, a claim arising from insurance damage, and turning on contractual construction. The claim settled the day before the PC.
- ***CH Trustees SA v Omega Services Group Ltd et al*** 2015 [BVIHC] 0037: Eastern Caribbean Supreme Court, Commercial Division. 5 day trial in July 2016. The claim was for relief for unfair prejudice, and for rectification of the company's register, and was effectively a battle for control of a company group. Adam's clients won, and Adam successfully responded to the appeal in the BVI Court of Appeal in July 2017.

In addition to his BVI work, Adam has appeared on numerous occasions in the **Privy Council** in appeals from various other off-shore jurisdictions including:

- ***Jervis v Skinner*** [2011] UKPC 2 (from the Court of Appeal of Bahamas)
- ***Cheung v Adamas Ltd*** [2011] UKPC 32, [2011] IRLR 1014 (from the Supreme Court of Mauritius)
- ***Hanna v Imperial Life Assurance Company of Canada*** [2007] UKPC 29 (from the Court of Appeal of Bahamas)

Adam has also advised clients in relation to Cayman, Jersey, Mauritius and Bermuda litigation and arbitration matters.

## Business Protection

Adam regularly appears in the High Court in relation to applications for emergency injunctive relief, and full trials arising from the employment relationship.

He accepts instructions on behalf of both claimants and defendants in respect of all aspects of the business relationship including claims relating to:

- enforcing or contesting restrictive covenants;
- confidential information;
- freezing or seizing assets;

- protecting or defending database rights;
- delivery up of documents or property;
- team moves; and
- bonus claims.

## Employment

Adam regularly appears in the High Court in relation to applications for injunctive relief, and full trials arising from the employment relationship. He is also often instructed in the ET, EAT and Court of Appeal, on behalf of both employers and employees, and covers all areas of employment litigation, in this jurisdiction and elsewhere. Adam has appeared on a number of occasions in the Privy Council on employment matters, including *Adamas v Chung* (PC) [2011] IRLR 1014.

Adam now has a total of 12 reported employment cases in the IRLRs, in addition to those in the ICRs.

Some recent high profile cases include:

***First Rate FX Ltd v Trading by Telephone Ltd et al*** [2014] EWHC 982 (QB). Adam represented the Claimant company. The claim was based on breaches of confidence and restrictive covenants, unlawful team move, conspiracy and inducing breach of contract. The case settled on the first day of trial, following a number of reported interim hearings.

***East England Schools v Palmer et al*** [2014] IRLR 191. Adam successfully represented the Claimant company in the High Court, enforcing post-termination employment restrictive covenants

***Engel v Joint Committee for Parking and Traffic Regulation outside London (PATROL)*** [2013] ICR 1086 : [2013] IRLR 787, an important case in the EAT determining the extent of judicial immunity.

***ESL Fuels Limited v Fletcher et al*** [2013] EWHC 3726 (Ch). Confidential information and trade secrets. Adam successfully obtained an interim injunction in the Chancery Division against a former employee. Adam appeared on his own against leading counsel.

## Regulatory

Adam regularly acts for regulators, and appears before regulatory bodies. During 2013 alone, his regulator clients included the Nursing and Midwifery Council (NMC), the Law Society and Solicitors Regulatory Authority (SRA), the Care Quality Commission, the Architects Registration Board and various healthcare regulators. Adam has appeared both before the relevant regulatory boards themselves, and also before the High Court and Divisional Courts in challenges to regulatory decisions. He also advises and acts for individual professionals in the process of regulation, including dentists, doctors, lawyers, legal executives and accountants.

Some of his recent high profile cases include:

- ***Nowak v (1) Nursing and Midwifery Council (2) Guy's and St Thomas' NHS Foundation Trust*** [2014] EWHC 336 (QB) and [2013] EWHC 1932 (QB) (ongoing). Adam continues to act for the NMC in this litigation, which has already occasioned a number of reported judgments.
- ***Adesemowo v Solicitors Regulation Authority*** [2013] EWHC 2020 (Admin), [2013] All ER (D) 217 (Aug). Adam represented the SRA in this High Court challenge to a decision of the Solicitors Disciplinary

Tribunal (SDT). In an important judgment, the Court considered the scope of an appeal under Section 49(1) of the Solicitors Act 1974, and dismissed the claimant's claim.

- ***R (on the application of Farrell) v Architects Registration Board*** [2013] NLJR 21. This case, recognised by the Judge to be "important", was the first case to determine the scope and effect of CPR Part 3.3 as regards the correct procedure for costs in judicial review.
- ***R (on the application of Agarwal) v The University of Nottingham*** [2013] All ER (D) 322 (May). Adam represented the Defendant at the full merits hearing of this judicial review, and was successful in having the claim dismissed, with costs.

## Sports

Adam is recommended in the most recent edition of Legal 500 as a leading junior for Sports work.

Adam has represented clubs, players and trainers in both civil litigation and regulatory work.

- ***Fretwell v O'Neill***. Adam represented the champion racehorse trainer, Eoghan O'Neill, in a long-running partnership dispute in the Chancery Division concerning the stables and gallops.
- ***Newell v Luton Town Football Club***. Adam represented the football club in the Employment Tribunal in this multi-million pound claim, following allegations of unfair dismissal and whistleblowing brought by the ex-manager.
- ***Football Association v Peter***. Adam represented a former Director of Luton Town FC in disciplinary proceedings brought against him by the FA.
- ***McCallister v Tottenham Hotspur Football Club***. Adam successfully represented Spurs in a claim arising out of the employment relationship.
- ***Re Bishop's Stortford Football Club***. Adam represented the local authority in a planning matter before an inspector, and thereafter in the High Court, in relation to the football club's development of its pitch and grounds.

## Education & Public

- ***Everett v University of East London*** [2009] All ER (D) 38 (Jun). An urgent claim for injunctive relief which went to the Court of Appeal, to seek to prevent a University from dismissing a Vice Chancellor in breach of contract.
- ***K v Newham London Borough Council*** [2002] ELR 390 (High Court) - Adam successfully represented a pupil who challenged the refusal to admit her to the school, relying on the breach of her human rights (Art 2 of Protocol 1 of the ECHR).
- ***R (on the application of Leung) v Imperial College of Science, Technology and Medicine*** (2002) ELR 653 - Adam represented a student in the High Court challenging his university categorisation.
- ***R v Richmond upon Thames London Borough Council, ex p. JC*** [2001] ELR 21 (Court of Appeal) - a leading education case on school admissions.

## Arbitration

Adam has acted in relation to a number of arbitrations including under the ICC and LCIA rules. He has also advised and acted for clients seeking stays to enforce arbitration clauses, on the enforceability of arbitration clauses, and in respect of the enforceability agreements and awards.

Examples of arbitration cases include:

- Junior Counsel (with Charles Samek QC and David Holland QC) in the appeal to the Court of Appeal from the judgment in **Michael Wilson & Partners Ltd v Sinclair and others** [2012] EWHC 2560 (Comm), concerning abuse of process following arbitral proceedings (judgment awaited)
- **Maurice J Bushell & Co v Born** [2013] EWHC 7 (Ch) – Adam successfully appealed to the High Court on behalf of the Claimant, setting aside an arbitral award under ss 68 and 69 of the Arbitration Act 1996
- **Z et al v P Ltd** (2016): Acting as sole counsel for Claimants in £25million claim concerning earn-outs following a business sale, under LCIA rules.
- **X LLP & Y LLP v Z**: Acting for Claimant LLP in an international arbitration against a former member concerning LLP member's rights and obligations (ongoing). *Ad hoc*
- **A Ltd v B LLP**: Acting for Claimant in an *ad hoc* arbitration concerning breach of contract (ongoing)
- **S LLP v L & K**: Acting for Respondents in a London arbitration concerning a Bahamian LLP.”