

## SOPHIA BERRY

Call: 2012



Sophia specialises in employment and commercial law. Sophia has also been instructed on injunction applications in the High Court in the past year both in her own right and as junior counsel. These include urgent applications resulting from breach of restrictive covenants and fiduciary duties and misuse of confidential information as well as an application to restrain threatened industrial action (*Argos v Unite the Union* [2017]). Sophia also has a keen interest in whistleblowing, equal pay and discrimination claims and has appeared in the Employment Appeal Tribunal on numerous occasions. Most recently, she successfully defended an important appeal relating to time limits in discrimination claims (*Edomobi v La Retraite RC Girls School* [2016] UKEAT 0180\_16\_1511).

Having initially qualified as a Solicitor at Linklaters LLP in 2011, Sophia is regularly praised for her commercial and pragmatic approach to her cases. Clients say she is “*very impressive*” and outshines the opposition in her oral advocacy and attitude. Her written work is described as “*excellent*”.

### 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 particular experience of advising companies in the recruitment sector.

This year, she has appeared twice in the Queen’s Bench Division as junior counsel to Michael Duggan Q.C. in applications to restrain threatened industrial action (*Argos v Unite the Union* [2017]) and misuse of confidential information.

She has also appeared in injunction applications in the Chancery Division.

### Employment Law

Sophia regularly appears in the Employment Tribunal in multi-week trials. She is currently advising on a wide range of employment cases covering issues of: **equal pay**; maternity, disability, sex, sexual orientation, age and race **discrimination**; **harassment**; **victimisation**; **whistleblowing**; **TUPE**; and **unfair dismissal**. She has also chaired an internal disciplinary appeal hearing.

Recent examples of Sophia’s work include:

- Successfully defending an important appeal relating to time limits in discrimination claims (*Edomobi v La Retraite RC Girls School* [2016] UKEAT 0180\_16\_1511) which features in *Harvey on Industrial Relations and Employment Law*;
- Securing deposit orders at the highest possible level in a claim of equal pay and victimisation;
- Successfully resisting applications for interim relief in the Employment Tribunal made under TULR(C)A 1992 and ERA 1996;
- Overturning a first instance decision on appeal for an employee who had been unfairly dismissed (*Aniyameta v Compass Group* UKEAT/0017/15/DM);
- Successfully representing a group of five claimants in a judicial mediation;
- Securing a costs award of £12,745 for a claimant in an unfair dismissal case; and
- Representing a teacher in an appeal regarding indirect discrimination, bias, constructive unfair dismissal and the taxation of Tribunal awards that has been widely reported on in the legal and educational press (*Bethnal Green and Shoreditch Education Trust v Dippenaar* UKEAT/0064/15/JOJ).

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

## Arbitration

Sophia has experience of working on international commercial arbitrations as a barrister and formerly as a solicitor at Linklaters advising on ICC and LCIA arbitrations and as well 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).

In August 2017, Sophia was instructed to draft submissions on behalf of a respondent in a HKIAC arbitration.

## Disciplinary & Regulatory

Sophia has developed a practice in representing professionals facing disciplinary or capability proceedings or

dismissal. In March 2017, she successfully represented a social worker before the HCPC Conduct and Competence Committee. The social worker's fitness to practice was found to have been impaired, but the Panel decided to take no further action against her and she was able to return to work (click [here](#) for more information). Sophia is currently advising another social worker facing similar proceedings.

Sophia has also been instructed in a High Court case by the Nursing & Midwifery Council; advised a junior hospital doctor on another matter on a *pro bono* basis; and successfully represented a GP before their local health board.

## Education, Awards and Memberships

### Education

Sophia read law at Cambridge University and has a Masters degree in law from King's College London. She was awarded the Dickson Poon School of Law Prize for attaining the highest marks of any student on the Masters course and the PwC Prize for the best dissertation written by a Masters student.

- **LLM, King's College London** – Distinction
- **BA in Law, Corpus Christi College, University of Cambridge** - 1

### Professional Memberships

- Employment Lawyers Association (ELA)
- Commercial Bar Association (Combar)
- Chancery Bar Association (ChBA)

### 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 spoken on:

- **Disciplinary Investigations** at the 2016 Littleton Healthcare seminar
- **Employment law cases of 2016**
- **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 is a regular contributor to the Littleton Comment webpage and other publications. Recent articles include:

- **Ethics in Arbitration: Arbitral and Party Misconduct** –published in the Chartered Institute of Arbitrator's book entitled **Selected Topics in International Arbitration: Liber Amicorum (2016)**
- **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