

## Charlene Ashiru

Call: 2008

### Barrister

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Email: [ca@littletonchambers.co.uk](mailto:ca@littletonchambers.co.uk)

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Email Clerk: [jason@littletonchambers.co.uk](mailto:jason@littletonchambers.co.uk)

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Telephone Clerk: +44 (0)20 7797 8623

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Charlene has an extensive commercial litigation and employment law practice, including **arbitrations** and **ADR**. She has a particular interest in all forms of interim and injunctive relief, and business protection issues such as **team moves, breach of fiduciary duties, breach of restrictive covenants** and **misuse of confidential information**, as well as other forms of **intellectual property disputes** and **economic torts**.

Having had considerable exposure to advocacy and winning over a Judge, Charlene is well equipped for instructions at all stages of legal and arbitral proceedings, including appellate work. She is an excellent analyst and tactician and is particularly valued for her practical and sensible strategic advice at an early stage so as to shape the case going forwards.

Charlene has been commended for being **“tenacious, brave, cares about clients, creative and responsive”**, for her **“magnificent attention to detail”**, **“communication skills”** and **“ability to respond quickly and accurately”**. She is well-known for her commercial approach and client-friendly manner and has been described as **“intelligent”**, **“clear”** and **“approachable”**, demonstrating **“maturity and good judgement”**.

### RECOMMENDATIONS

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"She is very knowledgeable about the law but she is also commercial and very personable. She offers an all-round high level of service and she is very responsive."

**Chambers & Partners 2022**

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"She is bright, diligent, responsive, commercial and pragmatic, and she is not afraid to tell you what you do not want to hear."

**Chambers & Partners 2022**

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"Tenacious, brave, cares about clients, creative and responsive."

**Legal 500 2022**

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"Knows the law inside out, inspires confidence in solicitors and clients alike, and is formidable on her feet."

**Legal 500 2021**

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"She knows the law inside out and is formidable on her feet. She is a real pleasure to work with, and extremely reliable."

**Chambers & Partners 2021**

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“She is very clear, very proactive and extremely commercial.”

**Chambers & Partners 2021**

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“A very effective advocate who punches above her year of call.”

**Chambers & Partners 2020**

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“Really impressive: bright, able and hard-working.”

**Chambers & Partners 2020**

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## AREAS OF LAW

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### Commercial

Charlene’s commercial litigation practice covers a broad spectrum of commercial law and procedure, including international disputes involving **conflict of laws, commercial contract, company and partnership law, directors’ and fiduciary duties** and **commercial agency**, as well as disputes involving **confidential information** and **intellectual property**. She is adept at getting to grips with complex facts quickly and finding the approach that best fits the client’s commercial interests, both legally and tactically.

Charlene is regularly instructed in matters in the High Court and County Courts, as well as in relation to general advisory work and large-scale disclosure exercises involving issues of privilege.

Examples of her work in this area include:

- acting for the Defendant in a High Court trial concerning a claimed put option in respect of shares in a Latvian company (led by Rupert D’Cruz);
- acting for two property development companies in related proceedings in opposing applications for security for costs; advising a modelling agency in respect of copyright issues and misuse of confidential information;
- conducting a disclosure exercise and opposing a further Third Party Disclosure order in relation to a case concerning fiduciary duties and maturing business opportunities;
- advising a shareholder in respect of the validity and enforceability of a Shareholders’ Agreement and construction of its clauses;
- defending High Court claims of breach of copyright and misuse of confidential information;
- acting for the Claimant in High Court proceedings for breach of fiduciary duties, breach of post-termination restrictive covenants and dishonest assistance (led by Selwyn Bloch QC and Adam Solomon).

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### Arbitration and ADR

Charlene has a keen interest in international and domestic arbitrations and ADR. As a commercial litigator with an abundance of advocacy experience, Charlene is well placed to represent clients in all forms of arbitration and dispute resolution. Charlene is a CEDR trained mediator.

Examples of her recent work in this area include:

- acting for the Respondent in an LCIA arbitration regarding the sale and purchase of a uranium mine in Mongolia (led by Rupert D’Cruz);
- acting for the Respondent in an ad hoc arbitration regarding the exclusive distributorship of medical equipment (led by Rupert D’Cruz).

Charlene has also gained invaluable experience of all stages of arbitration, both procedurally and substantively, whilst sitting as Arbitral Secretary to Lord Hacking, Charles Samek QC and Michael Collett QC on an LCIA arbitration concerning a cross-border commodities dispute.

As an active member of the Littleton Arbitration steering group in Chambers, Charlene welcomes instructions in all arbitral

matters and ADR, whether as sole Counsel or as part of a wider legal team, or as Arbitral Secretary.

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## Business Protection and Injunctions

Charlene's practice has a particular focus on the full range of business protection issues, including breach of confidence, post-termination restrictive covenants, team moves and fiduciary duties, acting for and advising both the gamekeeper or the ex-employee/poacher alike.

Examples of her work in this area include:

- advising the gamekeeper in relation to and preparing for injunctive proceedings, including devising the best strategic approach;
- drafting correspondence and proposed undertakings on behalf of the gamekeeper and advising in respect of the same;
- acting for the gamekeeper in claims of unlawful means conspiracy, inducing breach of contract, breach of implied term of good faith and fidelity and breach of post-termination restrictive covenants;
- drafting the Defence and preparing for trial in respect of ex-employees accused of misuse of confidential information and/or breaching restrictive covenants;
- advising ex-employees in respect of the enforceability of restrictive covenants; advising ex-employees in respect of undertakings.
- acting for the Claimant in High Court proceedings for breach of fiduciary duties, breach of post-termination restrictive covenants and dishonest assistance (led by Selwyn Bloch QC and Adam Solomon).

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## Employment

Charlene has extensive experience of all aspects of statutory and contractual employment law. She has been instructed by both claimants and respondents at all stages of proceedings, including successful appearances in the EAT, and is regularly sought out for complex, multi-day **unfair dismissal, discrimination, whistleblowing** and/or **TUPE** cases. She also regularly advises on **collective redundancy situations** and **TUPE**.

Notable EAT cases include:

- ***Ferguson and others v Astrea Asset Management Ltd* [2020] IRLR 577**: acting for the appellants in this complicated TUPE case concerning variations of contract and compensation for failure to inform and consult (led by David Reade QC);
- ***MJ Quinn Integrated Services Ltd v Jones* UKEAT/0301/16/JOJ**: acting for the appellant in this appeal concerning the hot topic of employment status (led by Daniel Tatton-Brown QC);
- ***Mustafa and Others v Trek Highway Services and Others* [2016] IRLR 326**: acting for one of the alleged transferees in this legally and factually complicated TUPE case regarding the interpretation and application of the transfer of an undertaking and service provision change provisions;
- ***Little v Richmond Pharmacology Ltd* UKEAT/0490/12/LA**: Charlene acted for the Respondent at first instance and on appeal (latterly led by Chris Quinn) in successfully opposing a claim of alleged indirect sex discrimination in relation to an application for flexible working;
- ***Iteshi v Office of Water Services* UKEAT/0178/11/DM**: Charlene opposed the appeal and obtained costs against the Appellant in this case concerning alleged race discrimination in an employment recruitment process.

Examples of recent ET cases include:

- acting for senior individuals in respect of claims of equal pay, sex discrimination, pregnancy/maternity discrimination, disability discrimination, victimisation and/or whistleblowing;
- representing companies in respect of equal pay and/or sex discrimination claims;
- successfully defending numerous, complex and knotty claims of pregnancy and sex discrimination and constructive unfair dismissal for a leading outdoor clothing & equipment company;
- acting for the Claimant against a chartered professional body in relation to claims of whistleblowing, sex discrimination (against a man) and unfair dismissal;

- acting for the Claimant against a global financial information and services company in relation to claims of direct and indirect sex discrimination, pregnancy and maternity discrimination, breach of the maternity equality clause, less favourable treatment on the ground of part-time status and unfair dismissal;
- acting for a battery technology company in relation to claims brought by its former Chief Technology Officer for health and safety whistleblowing, race discrimination and unfair dismissal, with underlying issues relating to shares and share options.

Charlene also benefits from experience in conducting disciplinary/grievance procedures and investigations. She has been instructed to carry out a delicate whistleblowing investigation concerning allegations of, *inter alia*, disability discrimination. She is well versed in managing such situations efficiently and cost effectively whilst exercising the utmost sensitivity and confidentiality.

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## **Education & Awards**

### Education

- First Class BA (Jurisprudence), Oxford University
- LL.M, University of Toronto
- Bar Vocational Course, ICSSL

### Awards

- Harold G Fox Scholarship, Middle Temple
- Astbury Award, BVC Major Scholarship, Middle Temple
- Littleton Chambers Prize for the best performance in the Labour Law FHS paper
- Quarrell-Read Prize, Exeter College, Oxford

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## **Training and Seminars**

Charlene also gives seminars, talks and training in relation to her core practice areas listed above. Topics include:

- *Establishing Jurisdiction - Brussels (recast) and the Common Law Update on Remedies in Commercial Law*
- *Team Moves - Threats, Opportunities and Pitfalls*
- *Springboard Relief*
- *The Frontiers of Discrimination*

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## **Professional Memberships**

- Associate Member of the Chartered Institute of Arbitrators (ACI Arb)
  - Commercial Bar Association (COMBAR)
  - London Common Law and Commercial Bar Association (LCLCBA)
  - Employment Law Bar Association (ELBA)
  - Employment Lawyers Association (ELA)
  - Industrial Law Society (ILS)
  - CEDR accredited mediator
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