

Selwyn Bloch QC

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Queen's Counsel

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Selwyn is a leading Employment Silk. The directories refer to his “*superb advocacy*” and his ability to “*make highly complex arguments sound like common sense*”.

He is an acknowledged expert in disputes involving **restraint of trade** (especially in the **employment** or **LLP/partnership context**), **confidential information**, **garden leave**, **springboard injunctions**, **bonuses**, **fiduciary duties**, **wrongful dismissal** and **team moves**. He has appeared in many of the leading cases at the cutting edge of the development of modern **restraint of trade** principles. The legal directories note that Selwyn “*wrote the leading textbook on restrictive covenants and unsurprisingly is many clients’ primary adviser on this and many other areas of law*” and “*Solicitors favour him as he is wonderful before clients - so positive, so supportive and very direct in his advice*”. He is described as being “*at the top of the tree for restrictive covenants*”, “*great at getting to the heart of a matter*”, “*accessible, practical and a persistent advocate*”, “*clear, client-friendly and appealing to judges*”.

He has a particular interest in:

- **Arbitration/mediation** of restraint of trade disputes, Most recently (in 2019) he acted as sole arbitrator in an arbitration involving a restrictive covenant between a major accountancy firm and a departing LLP member
- **International law** (conflict of laws) and employment: he acted for the defendant in **Petter v EMC** in the Commercial Court and the Court of Appeal and in obtaining permission to appeal the Supreme Court. This involved challenging existing Court of Appeal authority granting anti-suit injunctive relief to prevent the continuation of restrictive covenant proceedings in the US;
- **Urgent injunctions** and **speedy trials**

His cases cover a wide range of industry sectors, including **financial services**, **accountants**, **solicitors** and **recruitment agencies**.

His cases often involve **employment law** (commercial and statutory), **confidential information**, **contract law**, **fiduciary duties**, **partnership/LLP law** and **economic torts** as well as **company law** and the interface between these different areas.

Chambers & Partners and Legal 500 say:

- “*Very good to work with, very responsive and very inspirational.*” (Chambers and Partners 2019)
- “*He is incredibly user-friendly and seriously knowledgeable in the area of restrictive covenants .*” (Chambers and Partners 2019)
- “*He is at the top of the tree for restrictive covenants.*” (Legal 500 2019)

RECOMMENDATIONS

"He is at the top of the tree for restrictive covenants."

Legal 500 2019

AREAS OF LAW

Business Protection

Selwyn has extensive experience in **restraint of trade** cases in the **employment** and **LLP/ partnership** and **commercial law** context. He has acted in employment disputes of all kinds, including, **restrictive covenants**, **"team moves"**, **confidential information** and **wrongful dismissal** cases. He advises on and appears in cases involving **urgent injunctive relief** and **speedy trials** relating especially to **restrictive covenants**, **garden leave** and **springboard** and **confidential information injunctions**.

Selwyn is particularly experienced in cases which require close working between barristers instructing solicitors and foreign legal teams. These cases typically involve:

- team moves involving several defendants;
- high value employment disputes which may engage points of legal principle of international and commercial significance and complexity;
- Selwyn leading (or being consulted in conjunction with) prominent barrister colleagues (in employment or related disciplines such as intellectual property and company law) in cases against leading Silks.

Arbitration & Mediation

Selwyn has a particular interest in arbitration, whether as **arbitrator**, **mediator**, or **advocate**, especially in the **LLP/partnership** and **employmentsphere**. He acted recently (2019) as sole **arbitrator** in a **restrictive covenant** dispute between a top accountancy firm and a departing member. His cases typically involve high value restrictive covenant, wrongful dismissal and bonus disputes. He is also a judicial mediator in the employment tribunal.

Partnership & LLPs

Selwyn has extensive experience of partnership cases, whether as **Leading Counsel**, **Arbitrator** or **draughtsman**. He has a particular interest in cases relating to competition between LLP members/partners, especially cases involving **restrictive covenants**, **garden leave** and **confidential information** issues. His experience in this regard involves both acting in partnership and LLP litigation and drafting relevant provisions in partnership and LLP agreements. In particular, he has been instructed to draft and advise on covenants in the largest (and medium-sized) accountancy and solicitors' practices. Very recently he acted as (sole) arbitrator in a restrictive covenant dispute within a major accountancy firm.

Employment (Foreign law/conflict of laws)

Selwyn has extensive experience and acted in numerous of employment law cases especially in the **business protection** area. He has a special interest in cases which involve an **international law** or **conflict of laws** element. Examples of cases in which he has appeared include:

- **Petter v EMC** (2016) (CA) in which he acted for the defendant which obtained permission to appeal the Supreme Court to challenge existing Court of Appeal authority granting anti-suit injunctions preventing restrictive covenant proceedings continuing in the US;
- **McNeill v Alliant Insurance Holdings** (2016) in which he was instructed to resist an attempt to extend the principles in the Petter case to prevent the exercise by the US courts of jurisdiction pursuant to exclusive jurisdiction clauses agreed by the parties in favour of US courts;
- **Duarte v Black & Decker** [2007] EWCH 2720 [2008] 1 All ER (Comm) 401 - in he acted for the employee who struck

down covenants under Maryland law, which were alternatively held to be repugnant to English public policy

Confidential Information

Selwyn has extensive experience and has acted in numerous cases involving issues of confidential information, whether in an employment, commercial or partnership context. These cases typically involve:

- secret technical or business information;
 - involve interim injunctive proceedings or speedy trial;
 - acting together with an employment or IP junior or silk.
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Other Employment: statutory/advisory

Selwyn also has considerable experience of:

- (and has appeared in) many employment tribunal and EAT cases, including cases concerning unfair dismissal, the “cross-over” between unfair and **wrongful dismissal** cases, **whistleblowing TUPE** and **discrimination** cases. He has served at a part time Employment Judge since 2000
- drafting and advising on all kinds of anti-competitive and related provisions in employment and other kinds of contracts including **incentive employee benefit trusts** and other **incentives**. These provisions typically include **restrictive covenants, anti-team moves covenants, garden leave, confidentiality** and **bonus** provisions

Examples of his more recent drafting/advisory work are:

- drafting restrictive provisions for a range of employees of a building society;
 - an instruction by a magic circle firm to review/draft a suite of restrictive provisions for one of the leading international accountancy practices applying in relation to several entities in different jurisdictions.
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Commercial

Selwyn’s experience includes, in particular, disputes relating to confidential information, restrictive covenants in commercial agreements, including partnership agreements, confidential information, economic torts, disputes relating to directors, agents/consultants, and breach of contract and sports related disputes. Selwyn has been engaged to advise in some of the most high profile/high value restrictive covenant/confidential information cases. He is often engaged to consider these and other issues in the context of solicitors’ and accountants’ partnerships.
