

Sophia Berry

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Sophia specialises in employment, partnership and commercial law. She has particular expertise in **equality** and **whistleblowing** law and in handling **business protection disputes** resulting from breaches of restrictive covenants and fiduciary duties and the misuse of confidential information. She is regularly instructed in complex High Court and Employment Tribunal matters and has developed significant experience of appellate advocacy through her employment work. The strength of her employment practice has been recognised by Chambers and Partners, which commends her **“strong command of commercial employment matters as well as equality law”**. Sophia also advises on **partnership disputes** and has appeared for LLPs and partnerships and departing partners in a number of arbitrations.

Having initially qualified as a Solicitor at Linklaters LLP in 2011, Sophia possesses a unique ability to communicate effectively with clients and to understand the commercial realities of litigation. She is both a tenacious advocate and a team player who enjoys strategising with her clients from the outset of proceedings. Clients say she is **“very impressive”** and outshines the opposition in her oral advocacy and attitude. Sophia is ranked in the Chambers and Partners 2021 directory as “Up and Coming” in Employment law. It describes her as having **“a practice well ahead of her year of call”** and as being **“a pleasure to deal with; thorough, thoughtful and excellent with clients”**.

AREAS OF LAW

Statutory Employment Law

Sophia has appeared in some of the most important recent authorities on statutory employment law. She is **“admired for her employment practice before the tribunals and the High Court”** (Chambers and Partners 2021 directory). Sophia is currently advising on a wide range of claims covering issues of **equal pay; discrimination; whistleblowing; TUPE; and unfair dismissal**.

She also has experience of running highly sensitive and confidential **internal investigations** and **grievance and disciplinary proceedings** for corporations.

Notable examples of Sophia’s statutory employment work include:

- **Basfar v Wong [2020] ICR 1185** – Sophia is currently instructed with Mohinderpal Sethi Q.C. in an ongoing appeal

related to domestic workers and diplomatic immunity. It is the first case ever to have been given leapfrog permission to appeal directly to the Supreme Court from the Employment Appeal Tribunal. Sophia and Mohinderpal Sethi Q.C. won in the Employment Appeal Tribunal.

- **Dobson v 1) Cumbria Partnership NHS Foundation Trust 2) Working Families (Intervenor) (UKEAT/0220/19/LA)** – Sophia is currently instructed *pro bono* with Mohinderpal Sethi Q.C. and Bianca Balmelli in an ongoing appeal before the Employment Appeal Tribunal which raises important issues related to the law of indirect sex discrimination and working families.
- **Ms A v Targus Europe Ltd** – Sophia succeeded in defending the respondent against claims of serious sexual harassment; sex, age and race discrimination and whistleblowing.
- **Billing v DVSA** – Sophia won a complex disability discrimination and unfair dismissal trial for a claimant against the DVSA including winning on claims of a failure to make reasonable adjustments and breach of s. 15 EqA.
- **Edomobi v La Retraite RC Girls School (UKEAT 0180_16_1511)** – Sophia successfully defended an important appeal relating to time limits in discrimination claims which is cited in both **Harvey on Industrial Relations and Employment Law** and the **IDS Employment Law Handbook**.
- **Aniyameta v Compass Group (UKEAT/0017/15/DM)** – Sophia acted *pro bono* for the appellant and successfully overturned the first instance decision that went against her.
- **Bethnal Green and Shoreditch Education Trust v Dippenaar (UKEAT/0064/15/JOJ)** – Sophia and Adam Solomon Q.C. represented a teacher in an appeal regarding indirect discrimination, bias, constructive unfair dismissal and the taxation of Employment Tribunal awards that has been widely reported on in the legal and educational press.
- Sophia frequently acts for individual and corporate respondents in **preliminary hearings** in the Employment Tribunal. She has secured the strike out of claims and large deposit and costs orders; successfully resisted applications for interim relief; and handled complex hearings regarding territorial jurisdiction, time limits and privilege.

High Court Employment & Business Protection

Sophia has seven years of experience of advising on and conducting High Court employment litigation as sole and junior counsel and has undertaken similar work in the Bahamas. She has a broad experience of acting in cases involving employee competition and team moves as well as misuse of confidential information. She is also instructed in remuneration disputes where there are parallel or related proceedings in the Employment Tribunal. The Chambers and Partners 2021 directory commends her **“strong command of commercial employment matters”**.

Highlights of Sophia’s recent work in this area include:

- Acting for an interdealer broker, led by Gavin Mansfield Q.C., in a dispute arising out of the breach of a garden leave clause by a former employee.
- **Marcura Equities FZE v Nisomar Ventures Ltd [2018] 2 Costs L.R. 227** – acting for a Dubai corporation operating in the maritime industry in a dispute involving the misuse of confidential information by a competitor. Sophia advised on the matter from the institution of an application for interim injunctive relief to the successful costs hearing where Sophia was led by Adam Solomon Q.C..
- Acting for an international media organisation against a former employee who had retained confidential information in proceedings before the High Court and Employment Tribunal.
- Acting for an insurance broker, led by Eleena Misra, in an employee competition dispute against a former employee and their new employer.
- Advising claimants and defendants on making or resisting injunction applications and how to resolve such disputes satisfactorily before the institution of proceedings.

Partnership & LLP

Sophia is an active member of the Littleton Partnership and LLP group and the APP and has been led in partnership and LLP cases by a number of leading silks including Gavin Mansfield Q.C. and Adam Solomon Q.C.. Her practice in this field has involved both classic Chancery disputes and partnership matters with an employment law dimension.

Highlights of Sophia’s recent contentious partnership and LLP work include:

- Acting on behalf of former LLP members in LCIA arbitrations arising from alleged breaches of their restrictive covenants and fiduciary duties and the misuse of confidential information belonging to the LLP.

- Acting for a partnership in an LCIA arbitration both to defend claims arising from the expulsion of a partner and to bring a complex cross-claim against the former partner.
- Assisting a petitioner in an unfair prejudice dispute between LLP members in the Companies Court.

Commercial Law

Sophia's commercial practice centres on **contractual disputes**, but also encompasses advising on **directors' duties**, **economic torts** and **insolvency**.

Highlights of Sophia's current and recent work in this area include:

- Acting as sole counsel for a marketing agency defending a claim for breach of contract in a 4 day multi-track trial held in the Central London County Court. Sophia successfully defended her client against the larger claim brought against it.
- Acting for a logistics provider pursuing a substantial debt in the High Court. This has involved drafting proceedings and pursuing summary judgment and disclosure applications on behalf of the client.
- Acting for a recruitment consultant suing a client for non-payment of an engagement fee in the County Court.
- Advising on an unfair prejudice petition in the Companies Court.
- 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.

Arbitration

Sophia has acted in a number of domestic partnership arbitrations (detailed above) and in an international commercial HKIAC arbitration. She also welcomes instructions to act as an arbitral secretary, a role she has undertaken in an arbitration conducted by Lord Hacking.

As a solicitor at Linklaters, Sophia advised on ICC and LCIA arbitrations. 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 ethics with Lord Hacking published by the Chartered Institute of Arbitrator in its *Liber Amicorum*.

Disciplinary & Regulatory

Sophia has acted for registrants from a range of professions in proceedings before their professional regulators. She has experience of interim order applications, final hearings and restorations.

Her recent work in this field includes representing two social workers in separate sets of proceedings before the Health and Care Professions Council. Sophia achieved excellent outcomes for both registrants – no interim order was imposed in one set of proceedings; and in the other, the registrant 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 immediately. Sophia has also been instructed in a High Court case by the Nursing & Midwifery Council; successfully represented a GP before their local health board; and advised a junior hospital doctor on another matter on a *pro bono* basis.

Education, Awards and Memberships

Education and Awards

Sophia read law at Corpus Christi College, Cambridge. She has an LLM 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 LLM course and the PwC Prize for the best dissertation written by an LLM student.

Professional Memberships

Sophia is an active member of the following professional organisations:

- Employment Lawyers Association (ELA)
 - Employment Law Bar Association (ELBA)
 - Association of Partnership Practitioners (APP)
 - Commercial Bar Association (Combar)
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Talks and Publications

Sophia is regularly invited to lecture and conduct or participate in training sessions or mock tribunals. She has recently delivered talks on topics including:

- Partnership Exits
- Privacy in Employment Tribunal cases – restricted reporting and permanent anonymity orders
- Restrictive Covenants
- Flexible Working
- High Court Litigation and the CPR – an introduction for employment lawyers

Sophia contributed to the latest edition of '**Employment Covenants and Confidential Information: Law, Practice and Technique**' by Selwyn Bloch QC and Kate Brearley (Bloomsbury, 2018). She is also a regular contributor of articles to the Littleton Chambers website and other publications.

Sophia's published articles include:

- **Is WP correspondence really WP?** – coauthored with Adam Solomon Q.C. and published online
 - **Ethics in Arbitration: Arbitral and Party Misconduct** –published in the Chartered Institute of Arbitrator's book entitled **Selected Topics in International Arbitration: Liber Amicorum**
 - **UK law does not prevent discrimination in recruitment for work on foreign ships sailing outside GB waters** – coauthored with Grahame Anderson and published on LexisNexis PSL
 - **Getting to grips with the holiday pay conundrum** - coauthored with Adam Solomon Q.C. and published in the Tolley's Employment Law Newsletter
 - **Collective redundancies: the ECJ clarifies the meaning of the term "establishment"** – published online
 - **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
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