

# David Maxwell

Year of Call: 1994

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## Introduction

David is a specialist employment lawyer whose practice encompasses the full array of Tribunal, EAT, High Court and Court of Appeal litigation. David also accepts instructions in professional regulatory and disciplinary matters.

Frequently instructed by a wide variety of private sector respondents, David's clients include banks and other blue chip companies. David often acts on behalf of public employers including central government departments, local government, the police and fire authorities. David also represents employees at senior executive level and trade unions or their members.

David is a regular speaker at employment seminars, including the frequent updates offered to practitioners by St Philips Chambers and events organised by external training providers.

### Qualifications and Appointments:

- Fee Paid Employment Judge
- Attorney General's Treasury Counsel Panel
- Bar Vocational Course – Inns of Court School of Law
- Pegasus Scholarship – Inner Temple
- LLB (Hons) – Warwick University

### What the Directories Say:

- Legal 500 (2019) – *"Diligent, careful and considered."*
- Chambers and Partners (2019) – *"His practice encompasses the full spectrum of employment law litigation"*
- Chambers and Partners (2018) – *"He has very good advocacy skills – he does not over-argue the point but will take a strategic view on the case instead." "He is quite calm and deals with situations well in court, even when curveballs are thrown at him. I would highly recommend him for cases with difficult individuals, or where something needs to be handled carefully."*
- Legal 500 (2017) – *"He has a brilliant legal mind."*
- Chambers and Partners (2016) – *"very user-friendly, always accessible and his technical skills are very good"*
- Legal 500 (2016) – *"Experienced in discrimination and unfair dismissal cases"*
- Chambers and Partners (2015) – *"thorough and methodical – he works well to prepare the case for hearing and goes through everything step by step from beginning to end"*
- Chambers and Partners (2014) – *"very good in legally and factually complex cases. He is particularly strong at cross-examination, and his advocacy style is very thorough"*
- Legal 500 (2012) – *"exudes absolute confidence"*
- Legal 500 (2011) – *"seems to know the facts better than anyone else in the room and he applies them very precisely to the legal issues"*
- Legal 500 (2010) – *"approaches multi-day cases with the utmost thoroughness, and builds rapport very quickly"*

Memberships:

- Employment Lawyers Association
- Employment Law Bar Association

## Employment

Appeared for the respondent fire authority in high profile and very lengthy race discrimination claim pursued by a senior officer, including contemporary and historic allegations; all claims dismissed.

Represented the claimant, a senior manager accountant and partnership candidate, in sex and pregnancy discrimination claims pursued against a Big Four accountancy firm. A finding in the claimant's favour was made on liability and after the remedy hearing went part-heard, the claim was settled for a substantial sum.

Represented the respondent probation trust in highly sensitive race and religious discrimination claims, all of which were dismissed following a full merits hearing.

Instructed on behalf of eminent consultant surgeon, the defendant in a civil unjust enrichment claim pursued by his employing NHS trust to recover alleged overpayment of salary. All claims dismissed.

Successfully defended the respondent local authority in complex equally pay and sex discrimination claims brought by a senior officer. This was a test case and claims by other claimants were withdrawn in light of the decision.

### Reported Cases:

Davies v Sandwell MBC [2013] EWCA Civ 135, [2013] IRLR 374 CA

Johnson v Staffordshire & West Midlands Probation Trust [2012] EqLR 621

CA Waller v Bromsgrove District Council [2007] UKEAT/0019/07

Samrai v United Co-operative [2007] UKEAT/0174/07, [2007] All ER (D) 21 (Nov)

## Employment in the High Court

In the High Court David's practice is focused primarily on restraint of trade, from advising on the drafting of restrictive covenants, through to enforcement by way of injunctive proceedings and the recovery of damages.

David's practice also covers the civil court jurisdiction in relation to discrimination legislation and breach of contract claims arising from or connected to the employment relationship.

Instructed on behalf of eminent consultant surgeon, the defendant in a civil unjust enrichment claim pursued by his employing NHS trust in the County Court to recover alleged overpayment of salary. All claims dismissed.