

3PB Barrister Profile



Jack Mitchell

Call 1994

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Academic Qualifications

LLB (Hons)

Jack Mitchell is Head of Employment at 3PB and specialises only in Employment Law. Since starting with the Free Representation Unit in 1993, Mr Mitchell has continued to practise in employment and has recently represented companies, public limited companies, local authorities, solicitors (individually and for partnerships), universities (including academic members), and individuals in contentious hearings.

Mr Mitchell is regularly instructed in large complex claims listed for more than 10 days. It is in this regard that Mr Mitchell is highly regarded for his meticulous fact management in representing multiple respondents and claimants in multi-disciplinary claims. He is known for his witness management and robust cross examination. Mr Mitchell has particular experience of claims involving discrimination (race, sex (including equal pay), disability, part-time workers and fixed-term employees) as well as all the classes of unfair dismissal with a particular expertise in public interest disclosure claims. In addition he has practical experience of TUPE claims including the ability to advise on such as a matter of urgency.

In the High Court Mr Mitchell represents Directors and senior employees and Employers with regard to interlocutory injunctions with the emphasis being on the enforcement of restrictive covenants and matters of confidentiality. In this regard Mr Mitchell is available to speak with instructing solicitors out of hours and is well placed to prepare pleadings accurately and with expedition.

During 2008 Mr Mitchell was instructed by a number of high profile clients, including media personalities, whose claims did not reach the public glare of a Tribunal including market sensitive PIDA claims. In such instances he has received praise from clients for his expertise, sound practical advice which has been complimented with astute tactical direction.

Prior to commencing independent practice as a barrister Mr Mitchell worked for the legal charity Public Concern at Work in a position partly funded by the Law Society before, during and until the Parliamentary introduction, in collaboration with the Government, of the Public Interest Disclosure Act 1998. This work has together with his experience culminated in two seminal collaborative publications in this area.

Publications

Whistleblowing: The Disclosure of Wrongdoing (with John Bowers QC and Jeremy Lewis) published by Sweet & Maxwell 1999.

Whistleblowing law and practice by John Bowers QC, Martin Fodder, Jeremy Lewis and Jack Mitchell. Published in 2007 by [Oxford University Press](http://www.oxforduniversitypress.com).

Conferences

Butterworths Conferences: Whistleblowing: Chaired by Michael Rubenstein on 24 September 2008

Articles

Subject matter for disclosure: Solicitors Journal SJ Vol.144 No.7 Pages 176-177 25th February 2000 John Bowers QC, Jeremy Lewis and Jack Mitchell.

Some notable recent cases

Chief Constable of the Kent Constabulary v Kufejj [2001] UKEAT/1135/00 (4 May 2001)

The sending of a postcard that made a derogatory comment about black women was racially-specific behaviour sufficient to obviate an employment tribunal's need to ask the statutory questions usually required to determine whether unlawful discrimination had occurred. Only reported on Lawtel: LTL 15/8/2001.

Cooke v Gillotts School & Anor [2004] UKEAT/132/04 (30 September 2004)

Galloway v Birmingham City Council & Ors [2002] UKEAT/503/01 (11 September 2002)

Hassan v Sandwell & West Birmingham Hospital NHS Trust [2006] EWHC 2407 (QB) (29 September 2006)

Julie Ann Cobbold v Greenwich London Borough Council (2001) Court of Appeal.

(Keywords: Landlord and Tenant; Local Government; Civil Procedure - Pleadings: Amendments; Trial Date: Vacation; Adjournment of Proceedings: Discretion). Only reported on Lawtel.

Location Catering Europe Ltd v Location Catering Ltd & Anor [2002] UKEAT/1074/01 (8 May 2002)

Michael Fuller v Geoffrey Bernard Strum [2001] Probate-Wills. TLR 22/1/2002, [2002] 2 All ER 87, [2002] 1 WLR 1097.

Moseley v Service Direct (UK) Plc [2002] UKEAT/1157/00 (26 July 2002)

Mr A R Khan v (1) London Central Mosque Trust, (2) Extreme Security Services Ltd (1999) (EAT)

(Keywords: Civil Procedure - Employment - Discrimination Strike Out: Notice: Directions Hearing: Racial Discrimination: Rule 13(3) Employment Tribunal Rules: Opportunity to Make Representations.) Only reported on Lawtel.

Parsons v Bristol Street Fourth Investments Ltd (t/a Bristol Street Motors) [2008] UKEAT 0581_07_2802 (28 February 2008).

What is the correct test for Constructive Dismissal and can the EAT substitute a decision of the ET?

Professional Bodies

- Employment Law Bar Association (ELBA)
- Industrial Law Society