

Craig Rajgopaul

“An excellent barrister who is extremely commercial and good on his feet.”

– CHAMBERS AND PARTNERS, 2020

Year of call: **2010**
Degree: **BA Modern History (First Class Honours): Keble College, Oxford University**
Languages: **Japanese (some knowledge)**



Craig Rajgopaul is a highly rated senior junior specialising in employment law, with expertise in partnership and commercial law. He joined the bar in 2011, having previously practised as a solicitor-advocate with two leading City firms. Craig has a wide-ranging employment practice spanning High Court, Employment Tribunal and appellate work, with additional expertise in the business protection sphere, notably in cases involving allegations of a breach of fiduciary duty and shareholder disputes. He has been involved in many of the most high-profile team move and restrictive covenant cases, from *Tullett Prebon v BGC*, to, recently, *Alesco v Bishopsgate*. He is regularly instructed in difficult discrimination and whistleblowing claims.

Craig is consistently rated as a leading barrister by Chambers and Partners and Legal 500. His experience includes working on commercial matters in the County Court and High Court, in numerous multi-day claims in the Employment Tribunal, including complex discrimination claims, in High Court team move, restrictive covenant and confidential information cases and in education matters across different courts and Tribunals. Craig also has good experience of litigation in the Employment Appeals Tribunal, and the Court of Appeal, and regularly acts on high profile (and high value) claims.

Craig is frequently instructed as sole counsel against silks, and works well in a team being led by a QC. Craig prides himself on the quality of his written and oral advocacy, and has received plaudits for the clarity and persuasiveness of his submissions. He particularly enjoys cross-examination.

Craig uses his experience as a solicitor to bring a commercial, client-focused approach to his work, and likes to think that he is approachable, down to earth and enjoyable to work with. Comments from clients include: "not afraid of a good old fashioned scrap in our client's best interests"; "really did a number on the [other side's] witnesses in cross-examination"; "He is tenacious, well-prepared and fights to the end. A joy to work with," and "He is very responsive, robust in the positions he takes, really user-friendly and willing to help." (the final two were cited in Chambers & Partners).

EXPERIENCE

Employment

Craig is consistently ranked in Chambers & Partners Guide to the UK Bar and Legal 500 as a leading Junior in employment law. The directories have confirmed that his: "employment practice is going from strength to strength. He is a former solicitor and is praised for his commercial outlook and keen understanding of the pressures facing those that instruct him. His recent work includes high-profile discrimination claims in the Employment Tribunal and breach of contract and team move matters in the High Court."

Craig has been instructed on numerous complex, multi-day discrimination and whistleblowing claims, and has a thorough knowledge of the different strands of discrimination law, and of whistleblowing, TUPE, employment status, unfair dismissal and unauthorised deductions issues. He has appeared successfully as sole Counsel for both Respondents and Claimants where the other side has instructed a Silk. He has particular expertise in disability discrimination claims. Craig regularly obtains strike outs, deposit orders and costs awards in the Tribunals.

Craig has extensive experience of litigation in the Employment Tribunal, Employment Appeals Tribunal, High Court and Court of Appeal. He is also regularly instructed to carry out sensitive investigations, grievances, disciplinary hearings and appeals (including by solicitors firms in respect of their partners). The nature and contents of such processes necessarily have to remain confidential.

Craig frequently gives talks and training on, and has written a number of published articles about, all aspects of employment law.

In his previous role as a solicitor-advocate, Craig acted on a number of high profile discrimination claims (e.g. a £19 million sex discrimination claim in the EAT and Court of Appeal) and on *Burlo v Langley and Carter* in the EAT ([2006] ICR 850) and the Court of Appeal ([2007] ICR 390).

"He leaves no stone unturned and is a terrier in cross-examination."

— LEGAL 500, 2016

Cases

Various Claimants v X Plc

2019 - 2020

Instructed by a major FTSE 100 company in defending claims of wrongful dismissal in the High Court and unfair dismissal in the Employment Tribunal involving the dismissal of some of the most senior individuals in the business relating to serious accounting irregularities with a raft of interlinking claims being brought in the High Court by shareholders and criminal proceedings by the Serious Fraud Office.

Z v B

2019 - 2020

Acting for a senior trader bringing whistleblowing claims (arising out of protected disclosures relating to bribes) during his employment. Craig has been involved from the start, advising on grievances and claims issued during the course of his employment. The Respondent has instructed a Silk. The case was due to be heard over 20 days commencing in July 2020. Having been bumped as a result of the COVID 19 pandemic, and subsequent claims issued, it is likely to be heard over 30 days in 2021.

M v X LLP

2019 - 2020

Acting for a partner in a major international law firm bringing claims of sexual orientation and disability discrimination against the Firm. Following hard-fought interlocutory battles, the case settled on confidential terms that Craig's client was very happy with shortly before the Hearing.

S v L LLP

2019 - 2020

Acted for the Claimant member of the LLP bringing race discrimination claims against the Firm relating to her expulsion. The Respondent instructed a Silk. The claim settled shortly before trial on favourable terms.

O'S v M

2017 - 2019

Craig acted for the Respondent in this multi-day Employment Tribunal discrimination claim against a Silk. The Claimant withdrew his claim mid-trial just before Craig's cross-examination started, and Craig was subsequently instructed in relation to a successful High Court application for injunctive relief against the employee to obtain the return of confidential information.

Roberts v Wilsons Solicitors

(2016 – 2018) [2016] IRLR 586; [2018] I.C.R. 1092.

Acted for the Respondent firm of solicitors in relation to the significant issue of the extent to which an LLP member can claim post-termination losses through a whistleblowing claim when they have purported to accept a repudiatory breach of contract (which was ineffective as a matter of law). The Court of Appeal's judgment (with important clarification as to the causation test for whistleblowing claims) is reported at [2018] I.C.R. 1092 and [2018] I.R.L.R. 1042.

S v Large Financial Institution

2017

Acted (against a Silk) for the Claimant, a very senior banker, in his claim alleging breach of FCA obligations. Craig acted throughout (drafting the pleadings, advising and appearing at a hearing on various interlocutory matters, working on the witness statement and assisting with the negotiation of settlement).
The claim settled for a seven figure sum just before the first day of the 10-day hearing.

B & D v B

2017

Acted for the successful inter-dealer broker respondent resisting a claim (said to be worth considerably more than £1million) by two former employees who alleged that they had been automatically unfairly dismissed for blowing the whistle.

D v P

2017

Acting for the Claimant (a former director of the Respondent) in a high value disability discrimination claim. The claim is currently part-heard, with evidence due to finish at the end of December 2017, and submissions completed in January 2018.

F v Large Insurance Company

2016

Acted (against a Silk) for the Claimant in respect of a 15-day whistleblowing and victimisation claim involving allegations of breach of FCA obligations. Craig acted throughout (drafting the pleadings, and advising on various interlocutory matters). The claim settled on the morning of the first day of trial.

D v Large Insurance Company

2015

Acted (against a Silk) for the Claimant in a 15-day sex and pregnancy discrimination claim. The claim settled on day 10, after some of the Respondent's witnesses had admitted under Craig's cross-examination that their actions had been sexist.

Gaughan v Ashridge Trust

2015

Acted (against a Silk) for the successful Respondent (a higher education institution) in a multi-day sex and age discrimination claim. Following Craig's cross-examination, the Claimant was found by the Tribunal not to have been telling the truth in many respects.

Menzies Distribution Limited v Mendes

UKEAT 0497 13 (2014)

Acted for the successful Appellant in an unusual bias appeal where the EAT overturned the ET Judge's findings (on disability) because of apparent bias. Lewis J described Craig's "persuasive submissions" in his judgment.

BGC v Moore

UKEAT 0211/14 (2014)

Acted for the successful Appellant in an appeal against a Tribunal's decision where the Tribunal was – unusually – found to have failed to identify the relevant principles of law, and impermissibly to have substituted its own opinion for that of the employer.

Masson v Commissioner for the Metropolis

2013 - 2014

Acted (against a new Silk) for the Claimant in a 10-day race and disability discrimination and whistleblowing claim against the Metropolitan police. The case involved cross-examination of a number of senior police officers and arguments about the correct approach to the doctrine of judicial immunity.

J v S

2012 - 2013

Acted for the (successful) Respondent in this multi-day disability discrimination PHR, focussing on the correct approach to the meaning of disability within the meaning of the Equality Act 2010, cross-examination of a vulnerable witness and submissions as to the weight to be given to expert and other medical evidence.

R v Readers Offers

2011-2012

Acted for the successful Claimant in a 10 day indirect sex discrimination, victimisation and constructive unfair dismissal claim. Craig cross-examined 11 witnesses whose evidence was found (inter alia) to be "evasive", "unhelpful" and "contrived".

H v News International

2011-2013

Multi-day disability discrimination remedies hearing (led by Clive Freedman QC) where the Claimant claimed close to £1 million, and there were complex issues of causation (with three expert witnesses) and potential double-recover, including settling an appeal to the EAT in relation to the issue of apportionment of losses.

O v O

2011

Five day race discrimination, unfair dismissal and unlawful deductions claim, settled on confidential terms on day three because, in the Claimant's words, Craig had "destroyed" his case in cross-examination.

Southampton CC v Burnett

EAT 2012

Acted for the Respondent. HHJ Peter Clark described Craig's skeleton argument and submissions as "excellent", and praised his forensic skills as an advocate.

Employee Competition

Craig has particular expertise in restrictive covenant/confidential information/team move claims, and has acted for the poacher, the gamekeeper and the employees involved in such claims.

Chambers & Partners Guide has described his "in-depth familiarity with ... restraint of trade issues" as one of the foundation stones of Craig's practice.

With a strong practice in obtaining injunctive relief as sole Counsel, Craig is also frequently led by the leading Silks in these areas, and works closely in partnership both with those leading him, and with his instructing solicitors. He regularly acts for inter-dealer brokers, insurance agents, insurance brokers, recruitment companies, financial institutions and companies in the scientific field obtaining injunctions followed by further relief including springboard relief arising from a team move. He is also adept at without notice injunctions, having obtained, by way of example: (i) a without notice garden leave injunction for a leading insurance broker (as sole Counsel); and (ii) without notice relief requiring preservation of documents, compliance with restrictive covenants and confidentiality clauses in contracts of employment and the provision of information by way of Affidavit for an insurance company.

Although many of these claims settle prior to reaching a full hearing, high profile reported claims on which he has acted include:

Cases

Alesco v Bishopsgate & Ors

[2019] EWHC 2839 (QB)

Craig successfully having obtained interim injunctive relief enforcing covenants and on a springboard basis, this was an 18 day team move trial that spanned over three months with complex liability and quantum issues (including expert evidence) with three sets of Defendant Counsel, a huge volume of paperwork and electronic trial bundles. Craig was led by Gavin Mansfield QC.

"Lauded by respondents for his technical skill and unrivalled client service. He ... has a well-deserved reputation for the high quality of his advocacy"

— CHAMBERS AND PARTNERS, 2016

Tradition v Gamberoni & Marex Spectron

[2017] IRLR 698

Multi-day speedy trial in the High Court between two inter-dealer brokers, focusing on the enforceability of post-termination non-compete and non-deal covenants, and springboard relief. The case is being appealed to the Court of Appeal (with a hearing expected in 2018). Craig is led by Jonathan Cohen QC.

QBE v Dymoke & Ors

[2012] I.R.L.R. 458

20-day High Court team move trial relating to the insurance-industry involving complex (and at times novel) legal arguments relating to the application/appropriateness of springboard injunctive relief, pre- and post-termination confidentiality obligations, and the scope of the implied duty of fidelity. The Judge (Haddon-Cave J) described the written and oral submissions as "excellent". Craig was led by Selwyn Bloch QC and Damian Brown QC.

Tullett Prebon v BGC Brokers

[2010] IRLR 600; [2011] IRLR 420

Acted (as a solicitor) for BGC and its President in this 45 day liability trial in the High Court (I) arising out of a team move between rival inter-dealer brokers, including allegations of misuse of confidential information, breaches of court orders, inducing breach of contract and conspiracy. Also acted on the appeal to the Court of Appeal.

Partnership

Craig has extensive experience of acting for partnerships and LLPs in defending claims brought by partners/members, and of acting for partners and members in bringing such claims. He has a keen understanding of the partnership-specific nuances of such claims, and the paramount importance of confidentiality. Craig works closely with his solicitors and clients to determine the best strategic approach to each such claim: whether punchy pleadings, interlocutory skirmishes and a focus on a hard fought trial, or the best means of leveraging an appropriate settlement.

Cases

M v X LLP

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LLP v Mr X

2018 - 2019

Acted for a senior member of an LLP who had very serious allegations of sexual misconduct made against him following the #metoo movement. With careful forensic work and investigation, the taking of witness statements and detailed written submissions to the LLP, Craig assisted his client in persuading the LLP that all of the most serious allegations were unjustified, and Craig's client ultimately retained his position as a member of the LLP and his seven-figure annual remuneration.

Investigations & Inquiries

Craig is also regularly instructed to carry out sensitive investigations, grievances, disciplinary hearings and appeals (including by solicitors firms in respect of their partners, and into the most serious and sensitive of allegations). The nature and contents of such processes necessarily have to remain confidential.

Cases

Investigation for a major law firm

Instructed by a well-known law firm to investigate allegations that a senior partner had bullied and harassed a number of associates, and to produce a report making findings and appropriate recommendations.

Investigation for a household name fashion company

Instructed to investigate allegations of pregnancy discrimination and harassment brought by a senior female employee, and to produce a report making findings and recommendations.

Conducting a disciplinary appeal

Conducted an appeal against dismissal (involving allegations of disability discrimination and whistleblowing detriment) including recommending the appropriate outcome to the employer.

Conducting a grievance investigation and hearing

Conducted an investigation into allegations of bullying, harassment and victimisation made by two different sets of employees against each other making findings and appropriate recommendations.

Commercial

Craig is an experienced advocate and adviser in a broad range of commercial disputes, at all stages from pre-action and interim stages to trials, ranging from insolvency related matters through shareholder disputes to disputes relating to partnerships and business sale/joint venture agreements. He appears in both the High Court and the County Court, as well as in arbitrations.

Craig has particular expertise in commercial disputes in the business protection arena: i.e. those relating to the sale of shares and businesses; shareholder and LLP membership; commercial fraud; and director relations (in addition to his experience in confidential information, restrictive covenant and team move claims referred to in the Employee Competition section above). The strategic approach he brings to such claims means that he is frequently able to work with his solicitors and clients to obtain favourable settlements, following the issue of punchy pleadings, and hotly contested interim applications.

Commercial claims on which Craig has acted include:

- Unfair prejudice disputes, derivative actions and petitions for just and equitable winding up (Craig has acted for both the minority shareholder and the company in respect of such disputes);
- Commission claims, and claims for breach of warranty/covenant in respect of share sale agreements;
- Misrepresentation claims (both in respect of business sale agreements, and in respect of joint venture arrangements);
- Disputes relating to the dissolution/winding up of partnerships, and of the rights of partners (by way of example, Craig has acted at various stages on the long-running dispute in *Lie v Mohile*, which has been in the County Court, the High Court and the Court of Appeal);
- Commercial fraud disputes (Craig has experience of acting both for the alleged fraudster, and for the victim of such fraud);
- Errors and omissions claims for a leading insurance broker (both in the County Court and in the High Court);
- Professional negligence claims against solicitors firms;

“A go-to name for forensic examinations and creative solutions”

— LEGAL 500, 2018

- An LCIA arbitration arising out of a dispute concerning the operation by a Russian bank of a trading account. The dispute involved issues of agency and complex estoppel arguments; and
- A claim relating to the sale of an aircraft involving conflict of laws issues.

Education

Craig has a long-standing interest in, and considerable experience of, education law, in particular the law relating to special educational needs.

Craig has been a Representative for the charity IPSEA (Independent Parental Special Education Advice) since 2002, and has appeared for numerous parents in successful appeals to the Special Educational Needs and Disability Tribunal (now the First Tier Tribunal). Craig has been a school governor since 2003, so has practical experience of the application of education law in schools (and, as the Chairman of the Personnel committee, of the application of employment law in schools). Over the last 10 years, as a Governor of a state primary school in Wandsworth, he has helped to turn a school in special measures into one which received an Outstanding grade from OFSTED in its most recent OFSTED inspection. Craig was vice-chair of Governors for a number of years, and became Chair of Governors in September 2017. Craig has also worked with autistic children for more than 15 years, taught in a special needs school in Japan, and worked for a few months at the General Teaching Council.

Craig uses his experience in the education field to bring a practical, analytical and sympathetic approach to the instructions he receives in relation to all areas of education law.

Cases on which he acts include:

- Appearances before the First Tier Tribunal and the Upper Tribunal relating to SEN issues
- Acting (for both sides) on disputes between universities and lecturers
- Advising higher education establishments on governance issues
- Educational negligence claims (both in contract and by way of judicial review)
- Acting for and against a variety of primary, secondary and tertiary education establishments in relation to exclusion, disability discrimination, SEN and other issues.

ACHIEVEMENTS

Education

Craig grew up, and went to school in, Edinburgh. He then read Modern History at Keble College, Oxford University, graduating with First Class Honours in 2000.

Craig spent two and a half years living in Toyota City, Japan (teaching English and studying Japanese), and holds Level 1 in the Japanese Language Proficiency Test (the highest Japanese language qualification).

He obtained Distinctions in the GDL and the LPC from BPP Law School.

Craig trained and qualified at Ashurst LLP (qualifying as a solicitor in March 2007, and as a Solicitor-Advocate in the same year). He has spent time on secondment to the in-house legal departments at IBM and Abbey. He joined McDermott Will & Emery in September 2008, and moved to the Bar in March 2011.

Publications

Craig co-authored two chapters on confidential information and legitimate interests for the latest edition of the leading textbook Bloch & Brearley on Employment Covenants & Confidential Information.

VAT registration number: 447008068

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