

Jane Mulcahy QC

“Searingly intelligent, astonishingly hardworking, strategically astute.”

– LEGAL 500, 2021

Year of call: **1995**
Appointed to silk: **2014**
Degree: **BA Hons (London)**



Jane Mulcahy QC is recognized as a leading silk in two key areas: employment and sport.

Head of the employment group in Chambers, she deals with complex and difficult litigation concerning employee competition, whistleblowing and discrimination. “She offers empathy and emotional intelligence in spades alongside her incredible intellect, can-do attitude, determination and hard work” (Chambers UK 2021). Many of her clients are financial institutions and large corporations. She also acts for high net worth individuals. “Her advocacy is fantastic” (Chambers UK 2021).

Her sport work is high profile and varied, including disciplinary and regulatory issues (she acted for footballers Kieran Trippier and Daniel Sturridge in cases alleging betting violations brought against them by The Football Association) as well as arbitrations and investigations (for example, “The Mulcahy Report” for Manchester City concerning historic sexual abuse allegations in football). She is “incredibly impressive” and “incisive with everything she does” (Chambers UK 2021).

She is a fellow of the Chartered Institute of Arbitrators, a CEDR accredited mediator and a member of Sport Resolutions’ arbitrator and mediator panels as well as sitting as an Anti-Corruption Hearing Officer for international tennis and an Appeal Steward for the British Boxing Board of Control. In recent years she has conducted a number of public and confidential investigations.

EXPERIENCE

Employment

Areas of work include team moves, restrictive covenants, garden leave, confidentiality, whistleblowing, discrimination, breach of contract, wrongful dismissal, unfair dismissal and redundancy.

“Her advocacy is fantastic.”

– CHAMBERS AND PARTNERS, 2021

Current and recent work includes acting for a large US-based technology company in a discrimination case; a UK insurance broker in relation to a team move; a US-based food company defending multiple wide-ranging allegations of whistleblowing and an overseas bank in relation to a potentially reputationally damaging whistleblowing claim. She is also acting for an individual alleging pregnancy, maternity and sex discrimination.

Further examples of Jane's recent work in specific areas of Employment law can be found below.

Cases

Carrie Gracie and others against the BBC

Acted for former BBC China editor Carrie Gracie and also advised other women as to potential equal pay claims against the BBC.

Argus Media v Mr Mounir Halim

Acted for the individual in successfully resisting an interim application seeking a non-compete injunction and the imaging of the individual's electronic equipment.

Dr N Malik v Cenkos Securities Plc

UKEAT/0100/17/RN

Acted for Dr Malik in a whistleblowing claim in the Tribunal and also on appeal in the EAT.

Employee Competition

Examples of Jane's recent Employee Competition work can be found below.

Cases

Team move

Acted for a UK insurance broker in relation to a team move after a number of employees left to work for a competitor. The case, due for trial in early 2022 but now settled, also involved allegations by the individuals of breach of Article 8 of the European Convention on Human Rights

Restrictive covenants

Acted for a large recruitment company, advising it as to implementation of restrictive covenants.

Restrictive covenants

Advised a large quasi-governmental organisation concerning restrictive covenants for senior employees.

Argus Media v Mr Mounir Halim

Acted for the individual in successfully resisting an interim application seeking a non-compete injunction and the imaging of the individual's electronic equipment.

Whistleblowing

Examples of Jane's recent Whistleblowing work can be found below.

Cases

Re: an overseas bank

Acting for the bank in wide ranging allegations of whistleblowing involving potential reputational issues.

Re: a large US-based food company

Acted for the company in a case concerning multiple allegations of whistleblowing by in-house Counsel.

Dr N Malik v Cenkos Securities Plc

UKEAT/0100/17/RN

Acted for Dr Malik in a whistleblowing claim in the Tribunal and also on appeal in the EAT.

Re: an overseas bank

Acting for an overseas bank in whistleblowing claims brought by former employees.

Re: a large European bank

Acted for an individual bringing a claim of whistleblowing against a large European bank.

Re: a large investment bank

Acted for a large investment bank in a whistle-blowing claim by a former employee.

Discrimination

Examples of Jane's recent Discrimination work can be found below.

Cases

Re: Global HR Manager

Acting for a senior manager alleging pregnancy, maternity and sex discrimination led to her dismissal.

RE: a US-based technology company

Acting for the company in remedy proceedings following a finding that the company had discriminated against a former senior salesperson.

Re: an overseas bank

Acting for an overseas bank in claims for discrimination brought by former employees.

Re: a renowned sporting organisation

Acted for a renowned sporting organisation in defending claims of sex discrimination, victimisation and unfair dismissal.

Re: a large insurance company

Acted for a large insurance company in claims of discrimination and unfair dismissal.

Re: a senior interior designer

Acted for a senior interior designer in relation to liability and remedy in a successful claim for discrimination and victimisation against a well-known design-led property company.

Re: a Premier League football club

Acted for a Premier League football club in a claim of disability discrimination and unfair dismissal concerning a member of staff.

Re: a senior woman solicitor

Acted for a senior woman solicitor claiming discrimination because of disability, sex and age in a potentially multi-million pound claim against a very large international law firm.

Re: psychometric testing specialists

Acted for psychometric testing specialists in a claim brought by a former employee for race discrimination and victimisation.

Re: a high profile commercial organisation

Acted for a high profile commercial organisation in a claim for indirect sex discrimination.

Re: a senior woman banker

Acted for a senior woman banker alleging sex discrimination against a large investment bank.

Re: two senior bankers

Acted for two senior bankers in claims of race discrimination against a large investment bank.

Re: Lloyd's managing agency

Acted for a Lloyd's managing agency in a discrimination claim brought by its former Group Finance Director.

Re: City law firms

Acted in various cases for City-based solicitors' firms in relation to allegations of discrimination and victimisation.

Bonus & Remuneration

Examples of Jane's recent Bonus & Remuneration work can be found below.

Cases

Re: an international outsourcing provider

Acted for an international outsourcing provider in relation to a claim for commission brought by a former employee in the High Court.

Re: an individual in Jersey

Acted for an individual based in Jersey in a claim for wrongful dismissal, including bonus.

Employment Status & Contracts

Examples of Jane's recent Employment Status and Contracts work can be found below.

Cases

Jess Varnish v UK Sport

Acted for UK Sport in successfully defending a claim that Jess Varnish was an employee.

Re: a major international sporting organisation

Acted for a major international sporting organisation in a claim brought by its former managing director for unfair dismissal and breach of contract.

Re: a Premiership football club

Acted, on several occasions, for a Premiership football club in claims involving holiday pay, employee status and confidentiality.

Financial Services & Regulatory Disputes

Examples of Jane's recent Financial Services & Regulatory Disputes work can be found below.

Cases

Re: a major bank

Acting for a major bank in a claim for unfair dismissal arising out of an FCA investigation into FX.

Re: a City broking firm

Acting for an individual in a whistleblowing claim alleging regulatory breaches by a former employer, a broking firm in the City.

Re: a senior banker

Acted for a senior banker in a claim arising from his dismissal from a large European-based bank.

Sport

Jane acts in the civil courts, arbitrations and sports tribunals, including the Court of Arbitration for Sport. Areas covered include breach of contract, employment, disciplinary and regulatory matters, doping, corruption, player transfers, competition/restraint of trade, agency disputes and child protection.

“Incredibly impressive.”

– CHAMBERS AND PARTNERS, 2021

Jane sits as an Appeal Steward for the British Board of Boxing Control and as an Anti-Corruption Hearing Officer for international tennis. She advises sport governing bodies on a range of issues and is on Sport Resolutions' panel list of mediators and arbitrators. In respect of the latter roles, she has experience of arbitrating disputes between players, agents and clubs, both alone and as one of a panel of arbitrators and has mediated sports cases. She conducted, with solicitors Pinsent Masons, the investigation for Manchester City concerning historic allegations of sexual abuse (resulting in "The Mulcahy Report").

Cases

FA v Kieran Trippier

Defending the player from charges involving betting brought by the FA.

FA v Daniel Sturridge

Defending the player from charges involving betting brought by the FA.

Re: a Premier League footballer

Acting for a Premier League footballer in arbitration proceedings brought by his former agent.

Manchester City: inquiry into sexual abuse

Leading the internal City investigation (from 2016 to March 2021) into alleged sexual abuse (in light of allegations and then criminal proceedings against Barry Bennell).

Jess Varnish v UK Sport

Acted for UK Sport in successfully defending a claim that Jess Varnish was an employee.

Age discrimination advice

Advised a large sporting organisation on possible age discrimination in relation to retirement ages.

Disciplinary proceedings

Acted for a Premier League football club in disciplinary proceedings concerning an agent.

Footballer dismissal disciplinary proceedings

Acted for a Football League football club in disciplinary proceedings arising out of the dismissal of a footballer.

Re: a Premiership goalkeeper

Acted for a Premiership goalkeeper in arbitration proceedings against his former agent.

Unpaid commission claim

Acted for a football agent in a claim for unpaid commission against a Premier League football club.

Re: a Premiership footballer

Acted for a Premiership footballer in a claim by a former agent for monies allegedly owed.

Unfair dismissal claim

Acted for a Conference football club in a claim for unfair dismissal by a former player.

Re: a Premiership football manager

Acted for a Premiership football manager in disciplinary proceedings brought by the FA.

Re: a doping allegation

Acted for a sportsman in relation to an allegation of doping.

Re: Doncaster Rovers Belles

Acted for Doncaster Rovers Belles in an appeal against the Football Association's decision not to admit the club to the Women's Super League.

A Rugby Union club appeal

Acted for a Rugby Union club in an appeal against a decision that one of its players had not been racially abused.

Re: a Premiership football club

Acted for a Premiership football club in claims against its former manager and another club.

Re: a Championship footballer

Acted for a Championship footballer in a claim for payments owed by his former club.

FA disciplinary proceedings

Acted for a football agent in disciplinary proceedings brought by the FA.

Re: a football agent

Acted for a football agent against a Premiership footballer in a claim for non-payment of fees.

Re: a Championship football club

Acted for a Championship football club in a claim arising out of the departure to a rival of the club's former coaching team.

Re: a Premiership club

Acted for a Premiership club in a claim by a former employee alleging age discrimination and unfair dismissal.

Re: a Premiership club

Acted for a Premiership club in a claim for breach of contract brought by a former employee.

Ian Atkins v Bristol Rovers

Acted for Bristol Rovers in a claim for commission brought by Ian Atkins, a former manager.

Arbitration

Jane is a fellow of the Chartered Institute of Arbitrators and is included in Sport Resolutions' panel of arbitrators. She has experience of arbitrating disputes between players, agents, clubs and managers, both alone and as one of a panel of arbitrators, as well as arbitrating employment disputes, including issues concerning employee competition. She also sits as an Appeal Steward for the British Boxing Board of Control and an Anti-Corruption Hearing Officer for world tennis. Jane is appointed to the arbitration panel for IMPRESS, the independent press regulator.

“She has excellent industry and technical knowledge and provides sound commercial advice.”

– CHAMBERS AND PARTNERS, 2016

Cases

Re: an employment dispute

One of three arbitrators in a dispute concerning employee competition and the alleged unlawful use of confidential information.

Re: tennis

Various corruption cases brought by tennis against international players.

Re: sporting disputes

A range of cases including disputes involving football agents.

Investigations & Inquiries

Jane has substantial experience of conducting both high profile and highly sensitive and confidential investigations for a range of clients. In relation to the latter, her experience includes investigating:

- Multiple separate allegations concerning the actions of senior lawyer in a City law firm.
- Allegations against a barristers' Chambers.
- Discrimination allegations against a senior manager in an insurance company.

Mediation

Jane is CEDR accredited and has mediated a range of employment, sport, music, shareholder and partnership disputes. In facilitating settlement, she draws on her long experience of acting for both sides in litigation in the relevant areas and understands the particularly stressful and delicate nature of mediations in these fields, particularly when relationships are ongoing. She is a member of Sport Resolutions' mediation panel.

Cases

Mediation

Dispute between a solicitor and her firm concerning allegations of discrimination.

Mediation

Dispute between a former employee and a property company.

Mediation

Dispute between former employee and employer in the luxury goods business.

Mediation

Dispute between a doctor and a health authority.

Mediation

Dispute between an employee and a quasi-government body over capability issues.

Mediation

Dispute between two governing bodies over use of resources in the countryside.

Mediation

Dispute between an employee and her employer over allegations of disability discrimination.

Mediation

Dispute between two senior employees and their former employer, a colliery.

Mediation

Dispute between a football manager and his former club.

Mediation

Dispute between a senior employee and his employer, a large insurer, over allegations of disability discrimination and terms of severance.

Mediation

Dispute between a former employee and his former employer, a large housing association.

Mediation

Dispute between a rugby club and its former coach.

Mediation

Dispute between a senior executive and his former City employer re alleged age discrimination.

Mediation

Dispute between a senior banker and an investment bank after the banker was dismissed while ill.

Mediation

Dispute between a senior police officer and the relevant police authority concerning allegations of whistleblowing and discrimination.

Mediation

Work place dispute with a current employee over reporting structures.

Mediation

Shareholder dispute.

ACHIEVEMENTS

Education

Diploma in Law (City): distinction

Publications

- Joint author of “Garden Leave” and “Practice and Procedure” in Employee Competition: Covenants, Confidentiality and Garden Leave, OUP, 3rd ed., 2016.
- Jane is the joint author of three chapters, on human rights, employment and child protection, in Sport: Law and Practice, Lewis and Taylor, Butterworths, 3rd ed., 2014. She is Case Editor for the International Sports Law Review (“ISLR”).

Appointments

- Anti-Corruption Hearing Officer for world tennis.
- Appeal steward for the British Boxing Board of Control.
- Panel member for Sport Resolutions (Legal Arbitrator and Mediator).

Memberships

- Member of the Employment Lawyers Association (“ELA”) and the Employment Law Bar Association (“ELBA”).

Selected earlier reported cases

Employment

- Tradition Securities & Futures v Mouradian [2009] EWCA Civ 60, 11 February 2009
- Boland v Absolute Taste, McLaren, ET, January 2009
- F&C Asset Management v Switalski, EAT, 9 December 2008
- Extec Screens & Crushers Ltd v David Rice [2007] EWHC 1043 (QB), 4 May 2007
- Bloxham v Freshfields, ET
- Hair v ICC, ET
- Joel Stransky v Bristol Rugby Limited [2003] ISLR SLR-27
- Crystal Palace FC (2000) Ltd v Stephen Bruce [2002] ISLR SLR-81
- Clancy v Cannock Chase Technical College [2001] IRLR 331

Sport

- Andrew Webster v Heart of Midlothian [2008] 1SLR – SLR 37
- Sheffield United v FAPL [2007] ISLR SLR-77
- Christine Ohuruogu v UKA, BOA
- FAPL v Ashley Cole
- Adrian Mutu v Chelsea
- WCM-GP Limited v FIM [2003] ISLR SLR-91

- Joel Stransky v Bristol Rugby Limited [2003] ISLR SLR-27
- Crystal Palace FC (2000) Limited v Stephen Bruce [2002] ISLR SLR-81

Media & Entertainment

- Far Out Productions v Unilever UK & CN Holdings Ltd and others [2009] EWHC 3484 (Ch)
- JHP Ltd v BBC Worldwide [2008] EWHC 757 (Ch), (2008) FSR 29
- Mark Taylor v Rive Droite Music Ltd [2005] EWCA Civ 1300; Mark Taylor v Rive Droite Music Ltd [2004] EWHC 1605 (Ch)

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