

## Nadia Motraghi

CALL: 2004

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### Overview

Nadia Motraghi is a senior junior, called to the bar in 2004. Her practice spans employment, professional discipline and public law. She is ranked as a leading junior for all three areas in the legal directories.

*Chambers & Partners* and *The Legal 500* describe Nadia as:

- **“an exceptionally skilled advocate who acts for both employers and senior executives... Clients praise her dedication to cases and note her thoroughness and detailed approach. She has extensive experience of holiday pay claims and contractual disputes”.**
- **“She has a great combination of intellect, attention to detail and persistence, with a practical and focused approach - she is a pleasure to deal with” .**
- **“Phenomenally bright and keen”, “excellent on her feet”; “very practical and a great tactician”; “delves right to the heart of a matter”,**
- **“incredibly tenacious in negotiations and on her feet”, “impresses clients with her commercial approach” and has an “excellent manner with clients”.**
- Nadia is known for her **“standout litigation work”** and is described as a **“trusted adviser on non-contentious matters”.**

Nadia is approachable, responsive and calm under pressure. She enjoys working in a team with solicitors and lay clients to resolve their legal issues effectively, commercially and sensitively. Her cases have taken her from the tribunals and lower courts to the Supreme Court and to every level of tribunal and court in between.

In employment law, Nadia’s practice covers the entire spectrum of employment disputes acting for employers and employees. She often appears against silks unled.

Nadia has considerable expertise of whistle-blowing and discrimination claims in the financial services, insurance and technology sectors and in the public sector, especially the NHS and education. In the High Court, Nadia has a particular interest in injunctive relief and in all MHPS matters.

In regulatory law, Nadia has a broad professional discipline practice. She acts for individuals before their professional bodies and has a particular interest in healthcare, the legal profession and financial services. Nadia has particular insight in this area as a former member on the Bar Tribunal, determining cases of professional misconduct against barristers.

In public law, Nadia’s practice encompasses judicial reviews, especially in the fields of healthcare, professional regulation and employment-related matters as well as procurement disputes based on breaches of the Public Contracts Regulations 2015 (PCR) as well as TUPE matters. Nadia is a Visiting Lecturer in Public Procurement Law at the University of Nottingham for course convenor Professor Sue Arrowsmith. Nadia has published articles on public procurement and TUPE in *The Public Procurement Law Review* and has spoken at the global public procurement conference, Global Revolution VIII in Nottingham.

Nadia also has a niche commercial practice covering commercial disputes arising out of employment relationships, healthcare contracts such as General Dental Service Contracts and public procurement law.

### Expertise

- Administrative & Public Law
- Commercial Law
- Employment & Discrimination
- HR Professional Support
- Investigations
- Professional Regulatory & Discipline

### Recommendations

"She is incredibly approachable so you can sense-check and pick up the phone to her. She has really good attention to detail, she gets to the nub of what the issues are and she understands the NHS environment." "She makes fantastic submissions and she is very engaging." "She is very good at providing day-to-day support." *Chambers & Partners 2022*

"As well as being technically excellent and knowledgeable, both in written work and as an advocate, she is pragmatic and puts her witnesses at ease and forensically cross-examining the other side's." *The Legal 500 2022*

### Key contacts

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## Education

Nadia read law at St John's College, University of Oxford. At Oxford, she was a Lovells prize-winner.

Nadia was awarded a Frank Knox Fellowship at Harvard University. She graduated with an LLM from Harvard Law School and received the Dean's Prize for Leadership. She also spent a year at the Center for Middle Eastern Studies where she studied Persian and Middle Eastern Studies, including Islamic Law.

Nadia studied for the Bar Vocation Course at the College of Law. Gray's Inn awarded Nadia its pre-eminent scholarship and following Bar Finals, she received its Ede & Ravenscroft Student of the Year prize, for achieving the best marks in the country.

Prior to coming to the Bar, Nadia worked as a part-time lecturer and teaching fellow for several universities, including Harvard, where she received an award for excellence in teaching and as a Research Assistant for the Law Commission.

## Current Memberships and other activities

Nadia is a member of the Employment Lawyers Association (ELA) and sits on the ELA COVID-19 national working party.

She is a member of the Employment Law Bar Association (ELBA), Industrial Law Society (ILS) and the Association of Regulatory and Disciplinary Lawyers (ARDL).

She regularly writes, commentates and lectures on topical legal subjects and has appeared on all the UK's major new channels.

## Employment & Discrimination

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Nadia is a specialist in employment and discrimination law with considerable experience of the full range of litigation within this field. She has been recommended as a leading practitioner in employment law by *Chambers & Partners* for a number of years and has appeared as sole counsel against Queen's Counsel many times.

Nadia has an extensive practice, undertaking advocacy and advisory work for employees and employers.

Her experience ranges from the Employment Tribunal and High Court to the Supreme Court.

A significant part of Nadia's tribunal practice consists of factually and legally complex lengthy discrimination cases (particularly those involving claims of multi-stranded discrimination); whistleblowing and claims concerning trade union activities, with or without unfair dismissal claims. Nadia's experience of equal pay includes being instructed as sole counsel in a number of mass equal pay claims against a number of local authorities.

Many of Nadia's cases are unusual, involving politically sensitive issues where the implications go beyond the confines of the legal case or test cases where strategy is particularly important.

In the **private sector**, Nadia has particular experience of claims from a wide variety of sectors including: banking and other "City" claims; telecommunications and technology and well-known retailers.

In the **public sector**, Nadia has expertise in acting for and against NHS Trusts, local authorities, universities and for politicians, including Members of Parliament (MPs).

Nadia's High Court practice spans the full range of contractual claims as well as injunctive work, including in the context of industrial action and injunctions arising out of the contract of employment, especially under *Maintaining High Professional Standards in the Modern NHS* (MHPS) in respect of doctors and dentists in the NHS.

Outside of court, Nadia has expertise in representing parties at mediation, whether independent or judicial.

## Professional Memberships

- Employment Lawyers Association
- Employment Law Bar Association
- Industrial Law Society

## Professional Regulatory & Discipline

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Nadia's experience in this field covers a wide spectrum from advising and representing practitioners:

- Before their professional bodies
- In NHS Performers List matters
- In appeals and judicial reviews

Nadia is also instructed in judicial reviews relating to changes in the NHS.

### Healthcare Professional Discipline

Nadia's experience of professional disciplinary cases before healthcare regulatory bodies includes cases before the General Medical Council (GMC), General Dental Council (GDC), General Optical Council (GOC), Nursing and Midwifery Council (NMC) and Health and Care Professional Council (HCPC).

She has represented individuals in fitness to practise hearings at all stages and in interim orders hearings as well as challenging referrals to fitness to practise hearings. For example, Nadia was instructed as junior counsel in what is thought to be the longest case brought against an individual doctor (*GMC v Sondhi*, heard over 13 weeks in 2013-2014.)

Nadia has particular expertise in statutory appeals before the High Court of determinations of regulatory bodies and also of judicial reviews arising from decisions of regulatory bodies. (*CHRE v. NMC & Paula Grant* [2011] EWHC 927 (Admin), *Uddin v GMC*, *Kapadia v GMC*).

Nadia has also appeared on behalf of practitioners and advised in Performers List cases, at the First Tier Tribunal and before PLDPs.

In addition to advising and representing individuals, Nadia also advises organisations and professional associations on professional discipline issues which concern them, whether advising on responses to public consultations, assisting in providing guidance to members/ employees and strategic matters.

She has expertise in advising on professional disciplinary issues related to COVID-19.

### Judicial Review

Nadia represented the applicant nurses in a successful judicial review of the longest case in NMC history, *R (Johnson and Maggs) v. NMC* [2013] EWHC 2140 (Admin) led by [Mary O'Rourke QC](#).

Nadia is presently instructed by the Claimants in a judicial review challenging a decision to close a hospital unit.

### NHS Performers List

Nadia's experience includes advice and representation in NHS Performers List cases and other matters.

Nadia advises on refusals of application for inclusion on the Performers List, NHS England investigations, the imposition of conditions or suspensions. She also represents practitioners at Performers List hearings and appeals to the First-Tier Tribunal.

### Multi-jurisdiction cases

Nadia's expertise in employment law and in-depth knowledge of the NHS has proven valuable to her regulatory practice as she is able to effectively advise clients on proceedings across a number of jurisdictions including: internal proceedings, the Employment Tribunal, High Court and other appellate bodies and before regulatory bodies.

Outside the healthcare context, Nadia has represented individuals in internal disciplinary proceedings, including teachers and accountants. She has also represented an accountant in regulatory proceedings.

Nadia also sits as a barrister member of the Bar Disciplinary Tribunal hearing professional misconduct cases brought by the Bar Standards Board against barristers.

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## Commercial Law

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Nadia also has a diverse commercial practice mainly concerning commercial disputes arising out of employment relationships or healthcare contracts. On the employment side, Nadia advises and represents clients in matters from restrictive covenant cases, bonus claims, board-level contract terminations, high value redundancy cases, and negligent reference claims.

In healthcare, Nadia advises individuals and corporates with commercial contracts such as General Dental Service Contracts. She also has a particular interest in procurement law.

Nadia accepts instructions in the field of public procurement including disputes based on the Public Contracts Regulations 2015 (PCR). She also undertakes advisory work particularly on horizontal policies and the effect of TUPE in procurement exercise. Nadia is a Visiting Lecturer in *Public Procurement Law* at the University of Nottingham for course convenor Professor Sue Arrowsmith.

Nadia provides training on public procurement ranging from regulation of awards procedures, framework agreement and call offs, to dealing with automatic suspensions and other challenges brought under the PCR, to the effect of Brexit on public procurement.

Most recently Nadia has published an article with Ijeoma Omambala of Old Square Chambers in the *Public Procurement Law Review* (Winter 2016) on the implications of Brexit for Public Procurement and TUPE.

Nadia and Ijeoma spoke at the global public procurement conference, Global Revolution VIII, in June 2017.

## HR Professional Support

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Nadia is recognised as a leading employment barrister in *Chambers & Partners* and *The Legal 500*. She has particular expertise in cases involving discrimination, harassment and victimisation, whistleblowing and dishonesty / breach of trust.

Nadia acts as legal adviser or panellist for internal grievance and disciplinary panels. She also presents the management case to internal disciplinary panels and appeal panels. She sits as a member of the Bar Disciplinary Tribunal hearing cases of professional misconduct against barristers and is a member of the Advisory Committee on Conscientious Objectors, an appeal panel advising the Secretary of State for Defence.

Nadia undertakes and advises on investigations and is an experienced trainer on equality and diversity. She has spoken widely including at Oxford University, the Home Office Network, the Institute of Directors and the Bar Council. Nadia is able to accept Public Access instructions.

## Recent and current work

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- *The Pitchford Inquiry: Undercover Police Inquiry*
- *R (Cummings & Or) v Betsi Cadwaladr University Health Board*
- *Ogunsola v Nursing and Midwifery Council*
- *Advice as part of National Consultation on proposed changes to General Medical Council's Fitness to Practise Rules*