



Sarah Clarke

Year of Call: 2005

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Commercial

Sarah's commercial practice includes advising, drafting and representing clients in a range of general contractual and commercial matters. She represents clients in the County Court and High Court. As well as conducting trials Sarah has extensive experience representing clients in the following matters:

- Applications for relief from sanction
- Interim injunctions
- Strike out applications
- Summary judgment applications
- Applications for pre-action disclosure
- Costs and case management hearings

Whilst Sarah has a general commercial practice, she has specific experience in the following areas:

- Contractual disputes
- Misrepresentation
- Credit hire contracts and subrogated claims on behalf of insurers (acting for claimants and defendants)
- Restrictive covenants
- Sale of goods and consumer credit (with a niche practice in package holiday regulations)
- Bonus payments

Sarah also has an extensive employment practice, giving her an invaluable insight and skill set when dealing with cases involving employer/employee disputes. In particular, Sarah has gained considerable experience in matters involving restraint of trade, and thus regularly advises on the enforceability of restrictive covenants and whether or not an interim injunction should be sought.

Typical recent and on-going cases include:

- Advising an accountancy partnership in relation to breach of contract and interim injunction proceedings against a former partner for breach of a non-solicitation clause.
- Acting for a hairdressing salon in relation to breach of non-compete and non-solicitation clauses.
- Advising a dental practice in relation to a breach of agreement claim regarding non-poaching of employees and repudiatory breach of contract. One of the issues was whether or not the covenants were too wide.
- Advising a company in a claim against a former director for breach of confidentiality, breach of fiduciary duties and losses

flowing therefrom. Involved evaluation as to whether consideration was provided given that the covenants were entered into some time after employment commenced.

- Acting for the defendant former employee in a pre-action disclosure application, in which allegations of breaches of confidentiality, non-solicit and non-compete clauses were made. Involved allegations against the employee's new company of procuring a breach of contract.
- Acting for a former employee of a high-end dating site in a matter involving alleged breach of confidentiality, raising issues of the public interest defence and whistleblowing.
- Acted for a community council in an interim injunction application involving allegations of breaches of the Equality Act.
- Acted for the claimant in a claim for sums due under a personal guarantee, involving issues of consideration, misrepresentation and non est factum.
- Acted for the defendant employee and his new employer in an interim injunction application in the High Court.

Sarah has recently lectured on restrictive covenants and the various remedies available and is more than happy to provide a lecture on an appropriate topic.

Recommendations

Sarah Clarke is experienced in a range of employment matters including discrimination claims, whistle-blowing, unfair dismissal and TUPE work. She also has experience acting in cases involving restrictive covenants and bonus payments, and acts for both claimants and respondents.

Strengths: "She is thorough and well prepared in her advice and advocacy. Sarah often goes the extra mile." "Not only does she provide strategic general advice when called on to do so but she also has an incredible mastery of the details in a matter."

Chambers UK 2024/Employment/Western

Strengths: "Sarah is a very effective and formidable advocate."
"She is top notch on legal analysis."

Chambers UK 2023/Employment/Western

Strengths: "She seems to be getting cases beyond her call. She is never one to be intimidated and will happily go toe to toe with barristers much more senior than her. Clients really like her no-nonsense approach."
Recent work: Successfully represented the respondent in a four-day trial involving allegations of detriment on the ground that the claimant had made protected disclosures in respect of alleged unsafe dust levels at a Crossrail site.

Chambers UK 2022/Employment/Western

Strengths: "She is very brave and fierce in terms of her cross-examination. She is good at picking apart situations and getting results."
Recent work: Successfully advocated for the claimant in Kirby v Key Office Solutions, a claim for direct discrimination, failure to make reasonable adjustments and discrimination arising from disability.

Chambers UK 2021/Employment/Western

Her crossover into commercial and personal injury matters lends itself well to her work in employment mandates.
"A brilliant cross-examiner who is able to present her case in an exceptionally convincing manner." "It's one thing to prepare and turn up with a script, but what really impresses me is her ability to handle situations when things go wrong and the witness bowls a googly: she makes it look like it was planned all along while subtly adjusting her approach."

Chambers UK 2020/Employment/Western

Sarah Clarke is a 'really strong and tenacious advocate' with a broad practice that includes regular claimant and respondent instructions. She has recently acted for the claimant in Rajput v Commerzbank and Société Générale, a high-value sex and

maternity discrimination case against two investment banks.

'Sarah has a vibrant personality and clients really warm to her. She explains things thoroughly and clearly, breaking down complex elements so clients can understand them. She is also a skillful advocate and her cross-examination is concise but thorough.'

Legal 500 2024/Employment/Leading Juniors/Western Circuit - Tier 1

'Sarah is a force of nature. She is fantastic at cross-examination, has incredible mastery over the details and is very personable; clients love her.'

Legal 500 2023/Employment/Leading Juniors/Western Circuit - Tier 1

'A highly skilled advocate with a sharp mind. She is brilliant with clients.'

Legal 500 2022/Employment/Leading Juniors/Western Circuit

'Fearless and great at cutting through the irrelevant and focusing her cross-examination on the core issues.'

Legal 500 2021/Employment/Leading juniors

Strengths: "She is a very effective advocate who can put her case strongly and convincingly."

Recent work: Instructed by the respondent in the five-day hearing of a claim for unfair dismissal relating to a protected disclosure.

Chambers UK 2020/Employment/Western

'A fierce opponent who fights her clients' corner to the bitter end.'

Legal 500 2020/Employment/Leading juniors

"I have recently instructed Sarah Clarke in a restraint of trade matter for a client who had issues with a departing partner soliciting clients of the partnership, I was very impressed with Sarah's extensive knowledge in this complex area and her ability to explain these matters and offer solutions for our client to protect their business. Sarah is personable and is able to build a good rapport and trust with clients quickly and I cannot recommend her highly enough."

Instructing solicitor, July 2017

"Thank you for all your hard work and effort. You were brilliant and I can never thank you enough for all your support"

Lay Client

"Thank you so much for fighting so hard and well on my behalf. You honestly came out of the gate fighting and gave them no inch to move (as my mother put it "a lioness") when we were at the tribunal and for that I can't thank you enough."

Lay Client

"Thank you so much for all your help and advice on the case. You achieved a fantastic result for the client. We couldn't have done it without you"

Instructing solicitor

"Just a quick thank you for all your work in pushing a settlement through today- it means a lot to us, and we appreciate that you will have done this with a stack of other work needing to be done too. We are extremely grateful both for your work today and all you have done before"

Lay Client

"Sarah delivers an excellent service and knows her stuff. She is approachable, experienced and convincing."

Instructing solicitor

"We have instructed Sarah for many years and we have always found her to be excellent. Sarah is knowledgeable and provides thorough and well-reasoned advice. Sarah is very approachable and is very good with clients. Sarah is an excellent advocate who presents her cases with determination and authority and she always gives 100%."

Instructing solicitor

Academic qualifications

- BA (Oxon) 2:1 Jurisprudence
- BVC Nottingham Law School
- Inner Temple Exhibition 2004
- Sally Ball Award 2004

Professional bodies

- Employment Law Bar Association (ELBA)