

Martin Khoshdel

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Introduction

Martin's practice covers the breadth of Chambers' civil work. He has extensive trial experience across the spectrum of the law which has been both varied and complicated. His practice includes Employment, Commercial, Construction, Intellectual Property, Aviation, Insolvency, Inquests, Civil Fraud, Property, Judicial Review, Health & Safety, Regulatory, Clinical Negligence, and Personal Injury.

Martin is a friendly and approachable advocate who fearlessly and effectively represents his clients. He utilises his varied experience which he has obtained in challenging and detailed cases. He has previously gained valuable and extensive experience in criminal defence where he developed his courtroom advocacy regularly defending in a variety of trials. He has experience cross examining experts and relishes the challenge. Coupled with his civil and commercial experience, Martin is a balanced and well-developed advocate and with a keen attention to detail and ability to grasp the nuances of his cases quickly and effectively. His cross examination has been described by a Judge as 'tactful and effective'.

Martin has appeared and gained experience in the Court of Appeal and accepts appellate instructions at all instances through to the Supreme Court.

Martin speaks Farsi/Persian to a fluent standard which has proven very useful representing Iranian clients.

Martin is also a Direct Access barrister.

Outside of law, Martin is a keen football and basketball player, and a self-taught pianist playing classical as well as modern, contemporary and Iranian music.

Clinical Negligence & Personal Injury

Advising and representing Claimant and Defendants in fast track and multi track claims. Martin has experience in cases involving medical experts, road traffic accidents, employers' liability, occupiers' liability, slip and trip cases, and accidents on the highway. Martin provides advice in respect of liability and quantum in a range of matters including industrial disease, occupier's liability, and failure to diagnose claims.

His practice also covers fatal accidents for which he has gained a lot of experience advising deceased's estates and administrators of their claims under the Law Reform (Miscellaneous Provisions) Act 1934, and the Fatal Accidents Act 1976.

- In the matter of JR – advising and drafting pleadings in respect of a claim involving failed and missed diagnosis of lumbar lordosis, and hip osteoarthritis.
- In the matter of NB – advising and drafting pleadings in a claim concerning a severe road traffic accident resulting in permanent hearing loss in one ear and tinnitus in the other.
- Robert Alier – advising, drafting pleadings and representing the estate and administrators in a claim involving the immediate death in a road traffic collision.

Employment

Martin advises and is regularly instructed across a wide range of cases covering the employment and discrimination law spectrum, including unfair dismissal, redundancy, discrimination, harassment, victimisation, whistleblowing, maternity/pregnancy rights, flexible working, breach of contract, unlawful deductions of wages, equal pay, TUPE and industrial action claims.

Some of his notable cases in Employment are:

- *Da Costa v WM Morrison Produce Ltd* – August 2018 – Martin successfully represented the Respondent against discrimination and unfair dismissal claims and secured a costs order against the Claimant.
- *Elliot v Tesco Stores Ltd* – December 2018 – Martin successfully represented the Respondent against unfair dismissal and other claims.
- *Batista de Lima v J Sainsbury plc* – January 2019 – successfully limited that Claimant's award drastically from the claimed amount in an unfair dismissal claim.
- *D Morris v Taylors Transport International Ltd* – April 2019 – successfully represented the Respondent against disability discrimination, unfair dismissal and unlawful deduction from wages. The case also involved pre-termination negotiations and any relevance of it to tribunal claims.
- *Nathanael North v J Sainsbury plc* – June 2019 – successfully represented the Respondent in a detriments suffered from trade union activity, and automatic unfair constructive dismissal claim.

Property / Housing / Landlord & Tenant

Advising and representing Landlords and Tenants in possession claims, disrepair claims and homelessness appeals. Martin also acts for corporate and individual landlords, in particular where forfeiture of long leaseholds is in dispute. He regularly advises and drafts pleadings for landlords and tenants in a range of residential property matters including assured shorthold tenancies, section 21 notices, and tenancy deposit protection, and s.8 notices.

- John Love v Francis Mostyn & Co Solicitors – High Court – successfully secured interim 3rd party debt orders and freezing injunctions against the claimant in respect of unpaid fees and the involvement of High Court Sherriffs. Martin successfully secured final orders.

Commercial, Insolvency and Civil Fraud

Martin has experience of claims relating to breach of contract and misrepresentation, insolvency proceedings, and credit hire claims arising from road traffic accidents. Martin has extensive experience in white collar cases representing defendants charged and/or accused with fraud offences or civil fraud claims, and he draws on this experience when representing and advising claimants and defendants, thereby being in the position to provide full and complete advice covering a range of options available to the client.

Martin also accepts instructions in Intellectual Property matters and is developing a niche practice in respect of trademark infringements. He brings his knowledge of businesses, civil fraud and criminal fraud when advising on tactics, strategy and general litigation in this area.

Inquests

Martin accepts instructions in respect of Inquests. He draws on his previous Criminal Defence and jury trials experience which prove invaluable to clients. He understands the sensitive and distressing nature of cases on his clients given the very fabric of cases that are dealt with by the Coronial Courts. He accepts instructions in Article 2 inquests where death has occurred whilst in prison, police custody, in hospital, whilst under secure escort and whilst in the care of local authorities. He also appears in inquests involving private care homes.

- Acted for one of the interested persons in the Inquest Touching Upon the Death of Lisa Skidmore – widely reported and very high profile inquest concerning failings within the West Midlands Police and National Probation Service resulting in poor management of an offender released on life licence who murdered the deceased: <https://www.bbc.co.uk/news/uk-england-birmingham-48709283>
- Acted for one of the interested persons in the Inquest Touching Upon the Death of James Keyes – reported inquest concerning the death of the individual after being ejected from the hospital 4 times in one night by privately contracted security; the deceased died due to excessively high alcohol levels in his body and hypothermia.
- Lesley Burns v Portsmouth NHS Hospital Trust – County Court case representing the applicant who sought disclosure of her late mother’s medical records under the Access to Healthcare Medical Records Act 1990. This was so that she could provide fresh evidence to call for a new inquiry into her mother’s death. Amongst other submissions, the issue was whether the word ‘claim’ appearing in the statute would include a public remedy by way of an inquest.

Aviation

Martin is a keen aviation enthusiast with a particular interest in commercial airliners. He has a wealth of knowledge of the aviation industry and aircraft from a personal interest in the principles of flight and the industry having previously wished to be pilot. His interest extends to spending time in flight simulators. As a result he brings a lot of knowledge to his cases when advising on all matters, from simple flight delay claims through to more complicated breach of contract disputes between airlines over aircraft and engine types. He has particular knowledge on Boeing and Airbus aircraft, and General Electric, Pratt & Whitney and Rolls Royce engines. His clients appreciate his good grasp of the aviation industry and knowledge of aircrafts and engines.

Health & Safety and Regulatory

Advising and representing parties in respect of Health & Safety and Regulatory offences. He has experience representing those subject to TFL proceedings, and has previously represented the ACCA at their regulatory hearings. Martin has also obtained experience in Council prosecutions in respect of planning permission breaches. There is also a lot of overlap with the above practice areas resulting in regulatory action being taken.

Notable cases

- R v Muhammed Ahmed – defended a male accused of causing grievous bodily harm to his partner's 6 months old baby. The case centred around medical expert evidence where Martin cross examined 4 Doctors on the cause of the injuries in the absence of any medical evidence called by the defence. Martin secured his acquittal.
- Galko v Ministry of Defence and Serco – represented the appellant at the Central London County Court where Mr Galko was awarded £1500 for his unlawful detention of 20 hours following his acquittal. Martin successfully appealed securing £3000 in damages.
- Pawel Mrzowski v Tina Hadley and Alan Bagley – 4 days multi-track private nuisance trial in relation to smoke emanating from the defendants' chimney into the claimant's property.
- Huseyin Bozkina and Dilan Melis Baran Ltd v Anna Stylianou – represented the defendant in a dispute concerning the taking of £15,000 to £20,000 where the defendant admitted to taking such sums from the business and entering into a contract with Mr Bozkina to repay a lower sum, which was subsequently breached. The trial mainly centred on agency, identification of parties to a contract, duress when entering the contract, unlawful deduction of wages, and non payment of holiday pay.
- R v Omar Mohamed – represented the Defendant charged with s.18 GBH. The defendant assaulted his cellmate repeatedly and persistently kicking and stamping his head, even whilst unconscious. The victim was left with life threatening and life changing injuries; he was also left in a coma for a number of weeks.
- R v Ayoub Belkaid [2018] EWCA Crim 2488 – appeal against sentence where the sentencing Judge wrongly went beyond the agreed basis of plea. The Defendant was investigated for the Paris terrorist attacks which did not result in any evidence linking him to terrorist offences, but did link him to a large scale fraud factory in Belgium which had supplied travel documents to the terrorists involved in the Paris attack.

Qualifications and Appointments

- LLB Law, Queen Mary University of London – Upper Second Class Honours (2008)
- Bar Vocational Course, Nottingham Law School – Very Competent (2010)
- Mentor with the Inner Temple.
- Member of the British Iranian Lawyers Association