

## Martin Khoshdel

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## Introduction

*"Good judgement and honest, with fantastic attention to detail. Clearly on top of the papers, knows his case well, and is incisive in putting across that case through cross-examination and submissions."* Legal 500 2021



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, Personal Injury and Serious Crime.

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.

## 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.
- *I Paterson v Birds (Derby) Ltd* - August 2019 - successfully represented the Respondent in an unfair dismissal.
- *Duggal v HBOS plc* - February 2020 - represented the Respondent in a Failure to Provide Reasonable Adjustments case involving the provision of auxiliary aids, lighting changes, and room changes.

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## 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.

## Criminal Defence

Martin did his pupillage in Crime and had a predominant criminal practice covering General Crime. He quickly

developed courtroom experience and conducted very serious cases. He has focused his practice to accept instructions representing defendants charged with serious criminal offences and accepts private instructions in criminal matters. Martin's practice covers homicide, serious violence, serious sexual offences, and serious financial crime cases.

Examples of his work over the years include:

- R v Nezir Bebiqi [August 2016] - represented the Defendant taxi driver accused of 3 offences of Assault by Penetration. The case involved S.41 YJCEA applications to question the complainant on her sexual history as matters had relevance to the issues in the trial. The Defendant was acquitted of all offences.
- R v Michael Lee [March 2017] - represented the Defendant facing 6 Counts of historic rape allegations against his daughter. The trial concerned numerous complaint witnesses, as well as challenging cross examination of the complainant. The Defendant was found Not Guilty of all charges.
- R v Omar Mohamed [April 2017] – 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 Muhammed Ahmed [June 2017] – 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.
- R v Mohamed Mohamed and others [January to February 2018] - led junior representing a defendant charged with Conspiracy to Supply Class A Drugs in the Aldershot area. The trial took place for 2 months involving significant telephone material, cell site evidence, expert evidence, bad character applications, and surveillance. Martin and his leader secured his acquittal.
- R v Ayoub Belkaid [2018] EWCA Crim 2488 – appeal against sentence where the sentencing Judge wrongly went beyond the agreed basis of plea. The appellant 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.
- R v Darryl Lee [October 2018] - represented the Defendant charged with Attempting to Cheat the Public Revenue in that he made a fraudulent claim for VAT in the sum of £4.6m.
- R v Crystal Padmore Anderson and others - [January 2019] - represented the first defendant charged with False Imprisonment of two complainants, Conspiracy to Wound with Intent (s.18 GBH), and other drugs offences. The trial lasted two weeks involving very lengthy cross examination of the complainants. The defendant was acquitted of the violent offences bar the drugs matters.
- R v Olashile Balogun [November 2019] - represented the defendant facing charged with Sexual Assault. The case involved DNA evidence, significant bad character evidence, cell site, telephone evidence, and identification evidence.
- R v Abdirahman Abdikarim and others [January to February 2020] - led junior represented the defendant charged with Attempted Murder of two individuals. The case involved voluminous telephone evidence, cell site, bad character, severance of counts, and cut throat defences. The defendant was acquitted of all offences.

## 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