

Margherita Cornaglia



Call: 2017

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Profile

Margherita is a barrister specialising in climate and environmental justice, and equality and discrimination. She is developing a specialist practice in strategic climate litigation and is instructed in novel climate and nature litigation, as detailed below. She is experienced in providing advice on case strategies from origination through to funding and development and combines creative thought with climate literacy to assist clients wishing to develop innovative litigation strategies.

Margherita has experience advising on a range of issues across public, human rights, civil and corporate law in the context of climate litigation and experience working with non-judicial mechanisms like the OECD. She is currently seconded on a part-time basis to Mishcon Purpose, where she is assisting the Purpose Litigation team in developing a methodological and informed climate litigation strategy. Margherita is accustomed to working with litigation partners in the UK and abroad, and continues, in her spare time, to work with lawyers, scientists and journalists in Italy, her home country, where she hopes to incentivise greater public and legal engagement with the climate crisis.

Margherita is committed to working within the profession to ensure that lawyers are properly responding to the climate crisis and was recently instructed by the Good Law Project to draft

Lawyers for 1.5: Humanity's Lifeline. Margherita was the founding mind behind Doughty Street's new **Climate and Environmental Justice Team** and is leading internal initiatives which are strengthening the interdisciplinarity and expertise of the newly founded team. Margherita accepts instructions across all areas of climate litigation in advisory and contentious matters.

Margherita also acts in the Employment Tribunals and in the Employment Appeal Tribunal, representing Claimants and Respondents alike. She is ranked Chambers & Partners and as a **Rising Star** in the Legal 500, described as *"able to provide clear, concise advice that gets straight to the heart of a matter - her client care is excellent, and her calm manner puts clients at ease immediately"*.

Margherita envisages that, with increasingly more climate literate young people entering work, the issue of how employers manage climate and biodiversity-related risks and respond to growing pressure on climate from employees will become increasingly central. She is thus looking to combine her climate and employment law expertise to advise employees and employers alike where employee relations and climate law overlap. She is particularly interested in working with employers on properly managing climate-related risks and with trade unions on how to best advise and represent climate activist workers.

Margherita is **Public Access qualified** and accepts instructions on this basis.

Education

LLM, European University Institute

BPTC, City, University of London - Very Competent

BA Law, King's College, Cambridge University - 1st class

Related practice areas

Employment, Discrimination and Equality Law

Administrative & Public Law

International Law

Children's Rights Group

Discrimination

Climate and Environmental Justice

Climate and Environmental Justice

Margherita's current work includes:

Instructed by the Global Legal Action Network in the case of *Agostinho and others v Portugal and 32 other Contracting States*, before the European Court of Human Rights in Strasbourg. Her work in *Duarte* has focused on the applicability of Convention articles to the factual circumstances of the case and has touched upon novel issues such as the relevance of climate anxiety, the understanding of risks to life and wellbeing in light of the best available science, the issue of scientific uncertainty and the limitations or otherwise of anthropocentrism.

Instructed by an NGO to draft an amicus curiae focusing on methane and short-lived climate pollutants, and their relevance to the respect for human rights, before the inter-American court, following Chile and Colombia's request for an advisory opinion on climate change.

Instructed as junior counsel in domestic confidential judicial reviews in the climate mitigation and adaptation contexts.

Instructed as junior counsel in confidential transnational environmental law claims, representing claimants seeking redress from large corporate actors for the loss and damage caused by environmentally irresponsible action.

Advising as junior counsel on a confidential, embryonic greenwashing claim against a large corporate, based on consumer protection law.

Instructed by a large philanthropic climate funder to advise on their voluntary carbon markets legal strategy.

Selected as a delegate to conduct a seven-day investigation into the conditions of indigenous communities and environmental and human rights defenders in Alta Verapaz, Guatemala. Instructed as part of a seven-person team to make and report recommendations to the Guatemalan government, international community and multinational companies, relating to the criminalisation of indigenous communities consequent on agrarian conflict and structural discrimination and induced by the expansion of palm-oil cultivations.

While on secondment at Mishcon Purpose, Margherita is working on the origination, development and funding of strategic climate litigation. She is involved in Mishcon Purpose's existing work litigating against Drax on the issue of bioenergy and bioenergy with carbon capture and storage (BECCS). Her work on Drax has seen her engaging with complex principles of climate accounting, with the concerns underlying the classification of bioenergy as a renewable, the adequacy of the sustainability criteria in The Renewables Obligation Order 2015, as well as the issue of biodiversity loss and environmental harm occurring

abroad. In so doing, she has developed a detailed understanding of carbon accounting in the context of complex and high-emitting supply chains. Additionally, Margherita is working to develop case ideas applying, *inter alia*, the fiduciary obligations under the Companies Act 2006, the protections afforded under consumer protection laws, common law torts and human rights law to hold public and private entities to account in respect of decisions that have an impact on climate and biodiversity. She is also working with Brazilian partners to develop claims to hold corporate actors to account for illegal deforestation caused in the Amazon and Cerrado.

Acting for employee whistle-blowers seeking to rely on the protections afforded in s. 43B(1)(e) of the Employment Rights Act 1996. As noted above, she foresees that employee activism on climate will rise, as will regulatory obligations affecting employers. She intends to build on her existing specialism to advise employers on issues of sustainability due diligence and employees on the protections afforded by employment and discrimination laws to climate activism in the workplace.

Instructed to advise the Serbski Sjem on the German Government's compliance with international law obligations to secure their minority rights and to determine whether the Serbski Sjem meet the definition of indigenous peoples, primarily as a result of their unique connection to their land.

Advising clients on a range of matters, including strategic biodiversity claims, claims relying on the right to a healthy environment and on the rights of nature, greenwashing claims, the protest rights of climate activists and claims to push for the abatement of short-lived climate pollutants.

Margherita's past work includes:

Acting as the first Legal Coordinator for the UNFCCC Climate Champions Team, in conjunction with FILE Foundation. In her role, Margherita was responsible for the Climate Champions' most recent efforts to strengthen compliance and the integrity of voluntary net zero commitments. She also organised a Climate Action Event, within the COP26 Blue Zone, focusing on the opportunities that the law provides for stronger action towards net zero. The event is viewable **here**.

Assisting Lord Carnwath of Notting Hill on his work focusing on the incorporation of rule of law considerations in the COP 26 negotiations. Involved liaising and working with groups such as ClientEarth, The Chancery Lane Project, Legal Response International and the Grantham Institute at the LSE.

Working as a research consultant with FILE Foundation, working on FILE's Network Management and Climate Litigation Project, as well as assisting with research concerning Ecocide Law.

Devilling for Kirsty Brimelow QC in defending Greenpeace UK from prosecution for dropping boulders in the sea to prevent deep-sea trawling.

Providing informal legal advice and assistance to grassroots activists, including providing legal advice on actions against the police in the context of Climate protests and demonstrations (Article 10 and 11 ECHR), providing legal advice on legitimate expectations arising from local government policies prioritising sustainable housing, and providing miscellaneous legal advice to local Extinction Rebellion Groups.

Employment

Margherita has extensive experience representing parties in case management and substantive preliminary hearings and in full merits hearings, as detailed below. She advises and offers client trainings on matters including redundancy, unfair dismissal, TUPE, discrimination, claims under the Working Time Regulations and detriment claims under Part IVA of the Employment Rights Act 1996. Margherita also has experience conducting internal investigations and has been led on two investigations to date: an internal misconduct / whistleblowing investigation and a complex investigation into claims of bullying within a Trade Union.

Recent cases include:

Successfully acted for a senior employee against a large bank, helping secure a significant, six-digit settlement.

Acted (as junior counsel) for a large space agency, helping successfully resolve the claim by resisting it on jurisdictional grounds.

Partially successful in a claim listed for seven days in the Employment Tribunal and for one day in the Employment Appeals Tribunal on behalf of the Claimant against a public authority involving direct discrimination, discrimination arising from disability, unfair dismissal, victimisation and harassment.

Successfully represented the Claimant in a 5-day claim involving issues of pregnancy, religion and disability discrimination under sections 13, 15, 18, 19, 20 and 21 EA, as well as

issues of automatically unfair dismissal pursuant to s. 99 ERA and MAPL Regulation 10, employment status, unlawful deductions and failure to provide written particulars.

Instructed as junior counsel in Azeem Rafiq's institutional racism claim against Yorkshire County Cricket Club. Acted alone in the last substantive preliminary hearing prior to settlement of the claim.

Instructed as junior counsel in a sexual harassment claim by a sportswoman against her former coach.

Instructed on various advisory matters for both Claimants/Respondent to assess merits of claims for LEI cover (Ongoing);

Offers pro bono legal advice to claimant clients of the East London Legal Advice on a regular basis (Ongoing);

Successfully acted for the Claimant in an unfair dismissal claim concerning alleged misconduct due to failure to follow government COVID guidance in a care home context during the first lockdown in March 2020, reported here (May 2021);

Instructed on behalf of the Respondent in a one-day preliminary hearing to determine the Respondent's application for strike-out and deposit order in a complex disability discrimination claim (May 2020);

Instructed with Paras Gorasia to conduct an investigation into allegations of bullying amongst senior individuals within a Trade Union (2020 – 2021);

Successfully acted on behalf of the Respondent in a one-day preliminary hearing to determine disability (December 2020);

Instructed with Paras Gorasia to conduct an investigation into allegations of potential criminal behaviour amongst very senior individuals within a high profile organisation (June 2019);

Instructed in a claim listed for 3 days on behalf of a Claimant in the fashion industry for constructive unfair dismissal against her former employer (August 2019);

Instructed on behalf of one of the largest retailers in the country in a Preliminary Hearing (June 2019).