

Margherita Cornaglia



Call: 2017

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Profile

Margherita is a junior barrister specialising in employment & discrimination law and in climate & human rights law. She returned to practice in September 2020 following a year spent working as the last Judicial Assistant to Lord Kerr of Tonaghmore at the UK Supreme Court. Margherita continues to treasure her time with Lord Kerr, a period of significant personal and professional growth, which saw her working on cases of high political sensitivity and legal and constitutional complexity, including the Miller No. 2 Prorogation case, Elgizouli and WM Morrison Supermarkets.

Margherita has a keen interest in climate and human rights, and is currently instructed by the Global Legal Action Network on the case of Agostinho and others v Portugal and 32 other Contracting States, currently before Strasbourg.

She has also been appointed to act, between August 2021 and July 2022, as the First Legal Coordinator for the UNFCCC Climate Champions Team, in conjunction with FILE Foundation, detailed below. In her role, Margherita will be fostering links between the Climate Champions and the legal community in the lead up to COP26 and COP27.

Margherita acts regularly in the Employment Tribunals, representing Claimants and Respondents alike. She has extensive experience representing parties in case management

and substantive preliminary hearings and dealing with preliminary issues including disability under s. 6 Equality Act, time / jurisdiction, requests for further information and strike out / deposit order applications.

Margherita regularly 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. She is currently being led in the high profile institutional race discrimination complaint brought by Azeem Rafiq against Yorkshire County Cricket Club. 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.

Margherita is also regularly instructed to represent parties in full merits hearings. Her work as sole counsel includes representing claimants in complex 5-7 day discrimination claims giving rise to complex issues under the Equality Act, detailed below.

Margherita is co-founder of Themis, the Intersectional Women Barristers' Alliance. Margherita intends to make equality and discrimination work central to her practice, building on her experience during pupillage, which saw her working on a number of cases raising issues of equality.

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 & Arbitration

Children's Rights Group

Climate and Human Rights

Margherita continues to dedicate her time to the legal fight against climate change. She has

worked with Lord Carnwath on COP26, she advises her local Extinction Rebellion group on legal obligations to promote sustainable housing, and continues to be involved in a number of climate related projects, including with FILE Foundation, the Chancery Lane Project and her Chambers' Green Team. She is particularly keen to explore the link between gender and climate and to increase her involvement as a barrister within the climate and human rights field.

Recent cases and work include:

- Appointed as Legal Coordinator for the Climate Champions team. The High-Level Champions for Climate Action were established at COP21 and have a UN mandate to work with Non State Actors (businesses, investors, cities, regions and civil society) to strengthen ambition, accelerate action, and facilitate collaboration between parties and non-parties to achieve the goals of the Paris Agreement.

In her role as Legal Coordinator for the Climate Champions, Margherita is tasked with bringing a legal lens to the Climate Champions' key areas of work, from the Race to Zero and Race to Resilience campaigns, to sector-specific actions, to the continuing implementation of agreements such as the Marrakesh Partnership. Margherita is expected to develop a network within the legal community to strengthen and support the Climate Champions' work, while working closely with lead officials within the Climate Champions team in the lead up to COP26 and COP27.

- Instructed on behalf of the Claimants in the *Agostinho and others v Portugal and 32 other Contracting States* by the Global Legal Action Network (Ongoing);
- Key team member of Doughty Street Chambers' Green Team. Working to "green" Chambers, to scope opportunities for climate and human rights litigation, and on miscellaneous projects (e.g. objecting in personal capacity to local tree felling). Margherita is also pioneering a new Environmental Justice Group in Chambers, soon to be launched (Ongoing);
- Assisted 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 (January 2020 – March 2021);
- Research Consultant with FILE Foundation, working on FILE's Network Management and Climate Litigation Project, as well as assisting with research concerning Ecocide

Law (August – September 2020);

- 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 (October 2020 – current).

Employment and Discrimination

Margherita is developing a strong practice in Employment Law, acting for claimants and respondents. Since returning to practice following her time at the Supreme Court she has matured a wide-ranging practice acting in the Tribunals, both in preliminary and full merits hearings.

Recent cases include

- Instructed 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 (July 2021);
- Instructed as junior counsel in Azeem Rafiq's institutional racism claim against Yorkshire County Cricket Club (Ongoing);
- Instructed as junior counsel in a sexual harassment claim by a sportswoman against her former coach (October 2020 – July 2021);
- 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:
<https://www.liverpoolecho.co.uk/news/liverpool-news/care-home-chef-sacked-looking-21251179>

(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);
- Partially successful in a claim listed for 7 days on behalf of the Claimant against a public authority involving direct discrimination, discrimination arising from disability, unfair dismissal, victimisation and harassment (October 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).