



*Jimmy Barber*

Call: 2008 (Lincoln's Inn)

LLB European (Magister), University of Exeter (First Class)  
LLM, University of the Saarland (First Class)  
BCL, University of Oxford

## Profile

Jimmy has been a tenant since May 2012. His practice includes a wide range of civil work, including:

- Commercial and Chancery
- Aviation and Travel
- Personal Injury and Clinical Negligence
- Employment
- Public law

He has extensive experience on his feet in the County Court in the multi-track, fast track and small claims tracks, as well as in the Employment Tribunal.

Jimmy spent two terms at the Court of Appeal as judicial assistant to the present Lord Chief Justice, Lord Thomas of Cwmgiedd (while he was President of the Queen's Bench Division).

## Practice Areas:

### General Commercial

He appears regularly in the county courts on interim applications and at final hearings on cases involving credit hire, road traffic accidents, damage to property from water ingress, estate agents' commission, infant approvals and possession hearings. He also appears in the Chancery Division assisting Lawrence Power and on his own cases. He is building an aviation and travel law practice, with particular experience of cases involving Regulation (EC) No. 261/2004, the Montreal Convention and misrepresentation of package holidays.

During pupillage at Crown Office Chambers he worked on [Dhanani v Crasnianski](#) [2011] EWHC 926 (Comm), a two-week case in the High Court regarding the formation of a private equity fund, and the landmark case of [Jones v Kaney](#) [2011] UKSC 13 in the Supreme Court, in which expert witnesses lost their immunity from suit. He also advised on commercial guarantees, the interpretation of insurance contracts, product liability claims, solicitors' negligence and executors' breaches of trust.

Before coming to the Bar, he spent six months working at a commercial solicitors' firm on disclosure and drafting in the case of [SITA UK v Serruys](#), a £91million dispute involving allegations of commercial fraud.

Employment

He appears on behalf of claimants and respondents in the Employment Tribunal at liability and remedies hearings. Recent cases include [S v Jobcentre Plus \(2013\)](#), in which the ET found that his client had been unfairly dismissed on

capability grounds, and D v LFMA (2013), a case of refusal of employment on grounds related to union membership. He has experience conducting cases involving discrimination, breach of contract, unlawful deduction of wages and the right to be accompanied by a union representative.

He is a member of the Employment Lawyers' Association.

### **Aviation:**

Jimmy undertakes court, advisory and drafting work in matters relating to aviation and travel law, including:

- Carriage by air disputes involving EU regulations, the Warsaw and Montreal Conventions and associated passenger, cargo, baggage and delay claims.
- Denied boarding claims.
- Negligence claims, including personal injury, in an aviation context.

### **Recent cases:**

- Acting for airlines in defending claims brought under Regulation 261/2004, where delays were caused by extraordinary circumstances.
- Successfully resisting various claims brought by passengers complaining of e.g. offensive treatment at the hands of airline staff, and of distress and loss of enjoyment as a consequence of erroneous denial of boarding.
- Representing tour operators in various claims for breach of contract and misrepresentation relating to package holidays.

### **Personal Injury and Clinical Negligence**

Jimmy has experience of settling advices on liability, quantum and procedure in personal injury and clinical negligence matters, on cases involving orthopaedic injuries, occupational stress, industrial deafness, road traffic accidents, chronic pain syndrome, the six-pack Health & Safety at Work Regulations, negligent misdiagnosis and nervous shock. He is regularly instructed in the County Courts to attend CCMCs, application hearings and trials.

Jimmy is currently on part-time secondment as in-house counsel to the personal injury team at HMRC Solicitor's Office advising on a wide range of employers' liability cases. He also has considerable experience advising the Ministry of Justice on claims brought against HM Prison Service, the Crown Prosecution Service and the Probation Service for personal injury.

- Recent cases include N v N City Council, in which he successfully represented a claimant who tripped over on a gravel verge in a council-run car park in her claim for personal injury.

### **Public Law**

He is frequently instructed on the Treasury Solicitor's Baby Barrister scheme. He has considerable experience advising the Ministry of Justice on private law claims brought against HM Prison Service, the Crown Prosecution Service and the Probation Service, in respect of claims for personal injury, false imprisonment, trespass to the person, lost property and breaches of human rights. He has also carried out subject access requests and advised on information law rights. For the Department of Health he has drafted a series of schemes for the transfer of assets and property from Primary Care Trusts to new legal entities in the reorganization of the NHS. Recently he advised on the statutory amendments to primary and secondary legislation made necessary by the Marriage (Same-Sex Couples) Bill, and on the tracing of liabilities of NHS hospitals in respect of high profile historic sexual abuse cases.

### **Other Experience**

He has extensive experience conducting multiple and single-day trials in the magistrates' and youth courts both as a defence advocate and as a prosecutor. Notable cases include R v JS & ors [2011], a seven-handed violent disorder case

in the youth court, in which the judge dismissed the case against his client following his cross-examination of a police officer, which revealed breaches of Code D of PACE; and R v MM [2012], in which he successfully defended a client charged with indecent exposure following a legal argument on the interpretation of the Sexual Offences Act. He has appeared in the Crown Court on interim applications, on appeals against sentence and to prosecute breaches of parole.

During his appointment as a judicial assistant at the Court of Appeal, he drafted bench memoranda for the Lord and Lady Justices of Appeal on permission to appeal applications in commercial, employment, immigration and family disputes. He assisted Sir John Thomas PQBD (as he then was) in the Divisional Court, by carrying out legal research and preparing bench memos on criminal appeals, extradition cases and several high profile judicial reviews.

He assisted on Tchenguiz v Serious Fraud Office [2012] EWHC 2254 (Admin), in which search warrants obtained by the SFO to investigate the claimants' alleged involvement in a collapsed Icelandic bank were held to be unlawful, and R (Chong Nyok Keyu & ors) v (1) Secretary of State for Foreign & Commonwealth Affairs (2) Secretary of State for Defence [2012] EWHC 2445 (Admin), an unsuccessful application to judicially review the Secretary of State's decision not to hold a public inquest into British soldiers' involvement in the Batang Kali massacre in 1948.