



## JAMES LADDIE QC

### MAIN AREAS OF PRACTICE:

Arbitration  
Civil actions against the police  
Commercial and corporate law  
CSR, investigations and audits  
Discrimination and equality  
Election law  
Employment law  
Healthcare, mental health and  
mental capacity  
Human rights law  
Media and information law  
Mediation  
Public law  
Sports law

Called to the Bar 1995

Appointed to Silk 2012

### CONTACT:

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Alison Scanes, Senior Practice  
Manager  
alisonscanes@matrixlaw.co.uk

Called in 1995 and awarded silk in 2012, before he was 40, James Laddie practises principally in the fields of employment, discrimination, commercial, police and human rights law. James was awarded the Legal 500 Employment Silk of the Year 2017 and was nominated for that award and Chambers & Partners Employment Silk of the Year in 2016.

### EMPLOYMENT AND DISCRIMINATION

Within this area, he has a diverse practice but he has a particular emphasis on appellate work and complex and high-value claims of all types. Recent years have seen a focus upon claims which attract press interest. He maintains an even balance of claimant and respondent/defendant work, and is as interested in advising on policy-related matters as he is in representing clients in courts and tribunals.

#### Reported Cases and Appellate Practice

James appears regularly in the appellate courts. He has been involved in more than 40 reported cases in the last few years, extending across the full range of employment and discrimination law.

#### Discrimination

A very substantial part of James's practice involves discrimination claims of all types, from test cases involving a discrete point of law, to multi-month high-value claims. He appeared for the lead claimant in *Igen v. Wong* [2005] ICR 951, the leading case on burden of proof in discrimination claims.

He has a particular interest in disability discrimination law, confirmed by an extensive list of reported cases including *J v. DLA Piper* [2010] ICR 1052, *Sheffield Forgemasters v. Fox* [2009] ICR 333; *Paterson v Commissioner of Police for the Metropolis* [2007] ICR 1522; *H M Prison Service v Beart (No.2)* [2005] ICR 1206; *Swift v Chief Constable of Wiltshire Constabulary* [2004] ICR 909; *Beart v H M Prison Service* [2003] ICR 1068; *College of Ripon & York St John v Hobbs* [2002] IRLR 185. He has achieved many high profile successes at first instance, including in *Port v. GMTV* (dispute over whether claimant's seizures were genuine) and *Beart* (where the final award of c.£500,000 remains one of the highest tribunal awards under the DDA).

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## DIRECTORIES' RECOMMENDATIONS

### HERE'S WHAT THEY SAY

"A brilliant tactician and original thinker."

Chambers & Partners 2019  
(Employment, Band 1)

"Excellent tactical advice and a fantastic manner with clients." "A real team player who is brilliant with clients."

Legal 500 2018  
(Employment, Band 1)

"A tremendous operator who prepares meticulously and can recall information flawlessly off the top of his head."

Legal 500 2018  
(Election Law, Band 1)

"An extremely impressive trial advocate. His legal arguments are excellent, his court manner is firm and he is a tenacious fighter for his clients. An extremely hard worker."

Legal 500 2018  
(Police Law: Mainly Claimant)

"He is a brilliant cross-examiner, very impressive with clients, and gauges the mood of the Tribunal very well."

Chambers & Partner 2017  
(Employment, Band 1)

"He has a flair for advocacy and a passion for the rights of victims, and is excellent both with clients and in negotiation." "He is a thorough and experienced trial advocate."

Chambers & Partners 2017  
(Police Law: Mainly Claimant)

### Sex discrimination and harassment/equal pay/part-time workers

James has successfully represented claimants and respondents in sex discrimination and allied fields. James represented the Muslim twin sisters in *Fariad v. Tradition* (2008), reported in the press as being one of the highest settlements in any employment tribunal claim. In 2016, he successfully defended the respondent bank in *Al-Belghiti v. Jefferies* and the respondent Member of Parliament in *Campbell v. Lehman Bros and others*. Both of these claims of sex discrimination and harassment were withdrawn following James's cross-examination of the claimants. He has extensive experience of representing financial institutions in sex discrimination and equal pay claims and he has a detailed knowledge of the regimes governing gender pay reporting and bonus capping.

### Race discrimination

Successful representation of claimants includes *Riaz v. City of London Police* (first successful race claim against the respondent) and *Stark v. Digital Vision* (discrimination on grounds of German nationality). Recent successful representation of respondents includes *Pan v. Portigon* (discrimination on grounds of Chinese race) and *Haritaki v. SEEDA* (discrimination on grounds of Greek nationality).

### Age discrimination

James has advised in several age discrimination claims and appeared in one of the first appellate cases, *Loxley v. BAE Land Systems* [2008] ICR 1348. He is representing the claimant in the Court of Appeal in 2017 in *Air Products Systems Ltd v. Cockram*, concerning age discrimination and LTIP schemes.

### Non-employment discrimination

James has been involved in a number of cases involving discrimination in the provision of goods and services, and non-employment discrimination by public authorities, particularly the police. He appeared for the claimant in the leading case on the use of assessors in race discrimination claims, *Cary v. Commissioner of Police for the Metropolis* [2015] ICR 71.

### Whistleblowing/Financial Services

He has been involved in many of the most significant reported whistleblowing cases, including the following leading cases in the Court of Appeal in the last year: *Wilsons Solicitors v. Roberts* [2018] EWCA Civ 52 (availability of damages in detriment claims brought against LLPs); *Nurmohamed v. Chestertons* [2017] IRLR 837 (the scope of the public interest test); and *Day v. Health Education England* [2017] ICR 917 (whether whistleblowing protection is available to junior doctors and agency workers). He also appeared in *Bolton School v. Evans* [2007] ICR 641 and *Kuzel v. Roche* [2008] ICR 799.

He has conducted dozens of whistleblowing cases, including: *De Groot v. BNP Paribas* (successful defence of dismissal against backdrop of FX rate fixing); *Holden v Connex* (successful representation of train driver dismissed for raising concerns about railway safety); *Mba v. HMRC* (represented whistleblower disciplined following disclosures about "sweetheart" tax deals).

He has appeared in many applications for interim relief, including a rare example of a successful application in *Chowdhury v. Ealing NHS Trust* (2010).

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Many whistleblowing claims arise in the financial services sector. James has extensive experience of representing parties in this area, and is entirely comfortable with the regulatory framework established by the FCA. James has expanded his practice to include financial services regulation and he represented two of the individuals in the FSA disciplinary proceedings arising out of the 'Split Cap' collapse.

### **Commercial Employment Law**

James frequently represents parties in High Court employment litigation e.g. claims for breach of confidence and in respect of restrictive covenants, as well as other types of contractual claim.

He has appeared in many reported cases in this area. Recent examples include: representation of Andy Coulson in his successful claim for legal fees (*Coulson v. NGN* [2013] IRLR 216); representation of the defendants in the breach of confidence/restrictive covenant case of *Farnsworth v. Lacy* [2013] IRLR 198 and the bonus claim in *Locke v. Candy & Candy* [2011] IRLR 163; representation of the claimant musicians in claims for injunctive relief in *Ashworth v. Royal National Theatre* [2014] IRLR 526; representation of the claimant covenantee in *Prophet plc v. Huggett* [2014] IRLR 797.

He also has extensive experience of both bringing and defending claims under the Protection from Harassment Act 1997 and is the author of the relevant chapter in Bullen & Leake. It is increasingly common to find employers complaining of harassment by employees, and vice-versa. James is well-equipped to handle such claims; he has obtained injunctions on behalf of employers preventing harassment in both the UK and abroad, and successfully appeared in one of the very first reported harassment cases: *DPP v. Lau* [2000] 1 FLR 799. His litigation experience extends to both bringing and defending committal proceedings.

### **Media/Press Reporting**

A particular focus of James's practice in recent years has been the representation of parties in high-profile litigation, as well as the representation of media organisations. Many of the cases referred to above attracted considerable press attention, reflecting the increasing public interest in employment issues. Consequently, James is very familiar with the involvement of the media in litigation, including issues relating to the making of restricted reporting and privacy orders. He represented Sir Elton John in tribunal proceedings in 2016 and in the connected privacy-related applications: *Fallows v. News Group Newspapers* [2016] IRLR 827. He has an active interest in media law and undertakes some defamation and privacy work. He represented a well-known party at the Leveson Inquiry.

### **Other Employment Experience**

James's experience extends to other areas of employment law. He has been involved in many cases relating to statutory employment rights including:

- Unfair dismissal (*Tansell v. Henley College Coventry* [2013] IRLR 174; *Balls v. Downham Market High School* [2011] IRLR 217; *Anglian Home Improvements v. Kelly* [2005] ICR 242)
- Annual leave (*Sumsion v. BBC (Scotland)* [2007] IRLR 678) • Employment status (*RNLI v. Bushaway* [2005] IRLR 674; *Clark v. Clark Construction Initiatives* [2008] ICR 635)
- Transfer of undertakings (*Meter U Limited v. Ackroyd* [2012] ICR 834; *Capita Health Solutions v. McLean* [2008] IRLR 595)
- Jurisdiction and state immunity (*Republic of Yemen v Aziz* [2005] ICR 1391)

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- Territorial jurisdiction (*Tradition v. X and Y* [2009] ICR 88, *YKK Europe Ltd v Heneghan* [2010] ICR 611).
- Human rights: *Begraj v. Heer Manak* [2014] IRLR 526 (bias); *Copsey v. WWB Devon Clays Ltd* [2005] ICR 1789 (Sunday working)
- Trade unions: applications for injunctions where industrial action has been threatened; claim for damages for unlawful industrial action; claims against trade unions for unjustifiable discipline of a member (*Massey v. UNIFI* [2007] IRLR 902). He has also appeared in the Central Arbitration Committee and before the Certification Officer.

### Investigations

James accepts instructions as an investigator into workplace grievances and disciplinary allegations. He also accepts instructions as a decision-maker (first-instance or, more typically, as an appeal panel). Such instructions are more common now that employers recognise the benefits of ensuring that such issues are addressed by individuals who are wholly independent of the business.

### POLICE LAW AND ASSOCIATED HUMAN RIGHTS WORK

James has undertaken civil actions against the police and associated human rights work throughout his practice and is recognised as a leading silk in the directories.

The bulk of this work consists of actions for assault, wrongful arrest, false imprisonment and malicious prosecution. He has successfully represented claimants against different police forces following trials before juries and judges sitting alone. Examples of such work include *Francis v. CoP* for the Metropolis (all torts - £65,000 damages) and *Ford v. Ch. Constable of South Wales* (all torts - £22,500 damages).

His experience in this field extends to actions for conversion/trespass to goods (*Mills v. National Crime Squad* and *Ch. Constable of Kent Police* - £13,000 damages) and misfeasance in public office (*Geraghty v. Ch. Constable of Greater Manchester Police*).

He has also acted in litigation arising out of the first trial for the murder of Damilola Taylor.

### COMMERCIAL LAW

James conducts increasing amounts of commercial law, initially arising out of his employment practice, but now extending to non-employment related contractual and commercial disputes. He has a developing commercial arbitration practice including claims involving foreign jurisdictions, conflicts of law, fraud and conspiracy.

### ELECTION LAW

James appeared for the petitioner, Elwyn Watkins, in his successful challenge to the election of Phil Woolas in Oldham East & Saddleworth on the ground that he had published falsehoods about his opponent, the first such successful challenge in 99 years (*Watkins v. Woolas* [2010] EWHC 2702 QB).

He represented the independent mayor of Tower Hamlets in the challenge to his election: *Erlam v. Rahman* [2015] 1 WLR 245. He is currently advising a number of MPs in respect of investigations into allegations of breaches of electoral spending rules in the 2015 General Election.

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## LECTURES AND PUBLICATIONS

James is a contributing author to Butterworths Employment Law: Practice, Precedents and Procedure (2007) and is the author of the chapters on discrimination and harassment in Bullen & Leake & Jacob's Precedents of Pleadings (2012, 17th ed.). He frequently contributes articles to employment law journals and lectures on subjects of current interest.

## PRO-BONO WORK

Appears in the EAT under the ELAAS scheme and is instructed by the Bar Pro Bono Unit.

## LEISURE INTERESTS

Family

Playing blues harp and boogie-woogie piano and dreaming of getting the band back together

Cricket, Cycling, Cryptic Crosswords and other activities beginning with "C"

James is regulated by the Bar Standards Board and accepts instruction under Standard Contractual Terms, details of which can be found on our website under Code of Conduct.