

James Stuart

James specialises in commercial relationship and employment litigation, focussing upon more substantial and complex cases in which the parties are connected by some form of contractual or equivalent relationship, and associated professional negligence and professional disciplinary tribunal litigation. His practice covers cases involving Employees, Directors, Shareholders, Partners, LLP Members, Agents, Commercial Agents, Franchises, Contractors, Professionals, Banks and other regulated Financial Institutions and Contracting Parties generally.

As his recently reported cases illustrate, James appears regularly in the Court of Appeal, all divisions of the High Court, the Employment Tribunals and EAT, and other Professional Tribunals.

James represents Individual and Corporate Claimants and Defendants or Respondents in such matters. In appropriate cases, he is prepared to undertake work on CFA and insurance-funded basis as well as the standard private payment basis.

James has built up considerable experience in recent years in conducting more protracted cases (especially those with substantial documentation or extensive witness evidence) and as a result of the nature of his practice he has developed a reputation for being able to deal with the most legally and factually complex disputes.

James also specialises in Consumer Law.

Further information

Qualifications

- MA (Law) Gonville & Caius College, Cambridge

Memberships

- COMBAR, Employment Law Bar Association, Employment Lawyers Association, TECBAR, Bar Golfing Society

Employment

James deals with a wide range of Employment and



Year of Call: 1990

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Equality cases, involving litigation on service contracts, restrictive covenants, confidentiality, discrimination and wrongful and unfair dismissal, whistle blowing and advising on TUPE and contractual interpretation

As well as High Court litigation, he regularly appears in the Employment Tribunals (throughout England), for both Claimant and Respondent clients.

By way of illustration of the breadth of James's employment practice, some recent cases (where the Written Judgments are available) are:

Wall –v- Ferrero UK Limited– 3303898/2011 – A 3 day trial in June 2012 where James represented the successful Respondent in relation to claims of sex and sexual orientation discrimination and unfair and wrongful dismissal;

Saunders –v- Credit Protection Association plc- 2410211/2011 – Another 3 day trial in April 2012 where James represented the successful Respondents in relation to unfair dismissal, breach of contract and WTR claims.

Benjamin –v- Forest School – 3203461/2011 – where James represented the successful Respondent in January 2013 in a case alleging disability discrimination.

Holian –v- Maple Leaf Bakery UK Ltd 13047661/2011 – in which James represented the successful Respondent in another disability discrimination matter.

Turullols –v-Brambles Holdings UK Ltd 2340295/2009 – A whistleblowing case where James represented the successful Claimant in achieving an Order for Interim Relief – which was at the time one of only a handful of cases where such relief has been granted.

Some reported employment cases in which James was involved include:

Related cases of interest

Fox –v- Ironopolis Film Co [2009] All ER (D) 156 (EAT) — Where James represented the largely successful Respondent in relation to an appeal on issues of sex discrimination.

Hundal –v- Initial Security Ltd [2006] All ER (D) 74 (EAT) — Where James represented the successful party in a race discrimination claim appeal.

Wigmore –v- Vasquez-Guirado [2005] All ER (D) 37 (EAT) — a working time regulations case in the EAT

Aon Training Ltd –v- Dore [2005] IRLR 891 (CA) — Where James represented the successful party in a Court of

Appeal case regarding disability discrimination.

Yokohama –v- Gross [2004] All ER (D) 346 Ch — A High Court case where James represented the successful Claimants in pursuing their director for breach of duty

Murray –v- Newham CAB [2003] IRLR 340 (EAT) — A leading case on disability discrimination

Evans –v- Malley Organisation Ltd The Times 23.1.03 CA [2003] IRLR 156 (CA) — Another leading Court of Appeal decision where James represented the successful Respondent.

Pink Roccade –v- Thacker EAT 0316/03 19.9.03 (EAT) — A disability discrimination