



1 CROWN OFFICE ROW

## Jim Duffy

Call: 2012



Jim Duffy has extensive experience across clinical negligence, inquests and inquiries, personal injury, human rights, tax and employment and discrimination.

He is a member of the Attorney General's Panel of Counsel ('B' Panel) and has particular experience of prison law and employment claims, acting on both sides.

Jim was previously Judicial Assistant to the current President and Deputy President of the Supreme Court, Lord Reed of Allermuir and Lord Hodge. Led by Sarabjit Singh KC, he appeared and made submissions in the Supreme Court in *Majera (Rwanda) v Secretary of State for the Home Department*.

Prior to transferring to the Bar, he spent three years working as a solicitor, first qualifying in Scotland and then in England & Wales. He specialised in international and domestic human rights claims.

Jim graduated from the University of Glasgow in 2005 with a First in Law with French Language and the class prize. He previously spent a year at Paul Cézanne Université in Aix-en-Provence. In 2016, he was one of four barristers to be selected for an exchange to the Paris Bar.

As a Rotary Ambassadorial Scholar, Jim obtained an LLM from the University of Toronto in 2007. He went on to intern at the Office of the UN High Commissioner for Refugees in Geneva before training at the commercial law firm Shepherd and Wedderburn LLP.

Jim is a member of the [UK Human Rights Blog's](#) editorial team and is a Public Law and Personal Injury Expert for the LexisNexis PSL service.

Jim is also co-presenter of [Law Pod UK](#).

*"Jim is exceptionally thorough, hardworking and easy to get on with. He doesn't take unnecessary points, which increases the focus on the important ones."*

*"Jim is always approachable and good with clients, able to explain the legal and procedural position in a clear and focused manner."*

*"Very hardworking and very clear and detailed advices prepared in tricky cases."*

## Clinical Negligence

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Jim has a wide-ranging clinical negligence practice for both claimants and defendants. He is currently instructed in a number of claims brought by children in relation to the late diagnosis of congenital hip dysplasia. He has a particular interest in claims relating to consent. He appeared as junior counsel before the Court of Appeal in *ABC v St George's Healthcare*, which concerned the extent of a hospital's duty to disclose to relatives the existence of a serious genetic disease in a family member.

### Selected Cases

- **Williams v Betsi Cadwaladr Local Health Board (2022)**: Acted for the Claimant, whose husband committed suicide after calling his local psychiatric unit earlier the same day seeking help. Six-day High Court trial.
- **SM v A health trust (2022)**: Representing claimant in vaginal mesh claim. She alleges that she suffered a serious auto-immune response.
- **Daley v Dr H and Dr H (2021)**: Acted for both Defendants in claim relating to delayed diagnosis of cancer.
- **JC (2020)**: Represented Claimant seeking damages for negligent delay in treatment leading to an amputation.
- **HH (2020)**: Acted for Claimant following assault from another patient.
- **B (2020)**: Successfully defended GP surgery in wrongful birth claim.
- **CN & GN v Poole BC[2019] UKSC 25**: UK Supreme Court considered the extent to which local authorities and their employees owe a common law duty to protect children from harm caused by third parties.
- Appeared (unled) on behalf of an NHS Trust in the trial of a £1m cervical cancer claim.
- **ABC v St George's Healthcare NHS Trust**: Acted as junior counsel to Elizabeth-Anne Gumbel KC and Henry Witcomb KC in the Court of Appeal in an important case on consent and confidentiality obligations in relation to genetic conditions.
- Junior counsel for the Defendant in a high value spinal cord injury case.
- Represented an NHS Trust in defending a complex case concerning a failure to detect a cancerous lesion on the brain.
- Defended a GP accused of failing to diagnose a cerebral infarction.
- Advised the claimant on limitation in a claim relating to delayed diagnosis of skin cancer.
- Defended a dentist in a periodontal disease case.

# Inquests

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Jim appears in inquests on a regular basis and has considerable experience representing Interested Persons at inquests.

He has represented families in cases spanning a wide range of medical issues, including iatrogenic bowel injury, sepsis and dementia. Recently He represented the family of Natasha Wild, a young woman who was tragically killed by her boyfriend, who was a paranoid schizophrenic. The jury recorded a number of failings by police, the local authority and the NHS Trust that had been treating him.

Jim also often represents clinicians on behalf of medical defence organisations and represents the Ministry of Justice in prison death inquests. Recent cases have involved venous thromboembolism, neonatal deaths, a failed tracheostomy following tongue ablation surgery, and suicide. He has particular experience of inquests in a mental health context and of the role of Article 2 in inquests.

## Selected Cases

- **Rita Britten inquest (2022)**: Represented son of a psychiatric in-patient who choked on an apple and was found to have suffered 'neglect'. Prevention of future deaths report concerning choking guidance relating to larger patients.
- **Gosport inquests (2022)**: Instructed by a number of families whose elderly relatives died at Gosport War Memorial Hospital in the 1980s and 1990s. They seek fresh inquests.
- **WMP inquest (2022)**: Representing the parents of an otherwise healthy infant who died tragically following a failure to administer Vitamin K during the ante-natal period.
- **Stefan Quagraine inquest (2022)**: Appeared for family of a 23 year-old poet and musician who died after contracting COVID-19 in the early days of the pandemic.
- **Brenda Burbeck inquest (2022)**: Represented a GP in relation to the death of an elderly patient in circumstances where her blood thinning medication had been paused following a road traffic accident.
- **Chanel Nelson inquest (2022)**: Represented the family of a young woman who died on the operating table during an operation to remove a benign tumour.
- **Chloe Lumb inquest (2022)**: Appeared on behalf of the husband of a 24-year-old mother of two. She died as a result of a hospital's failure to diagnose an aortic dissection.
- **T Inquest**: Acted for Animal and Plant Health Authority at inquest into the death of man from salmonella.
- **Y Inquest**: Represented GP in high profile inquest into the death of pregnant woman who committed suicide.
- **O Inquest**: Acted for family in Article 2 inquest into death of woman who died in psychiatric care due to myocarditis caused by clozapine toxicity.
- **W Inquest**: Represented an Edinburgh-based GP practice at death of a student from anorexia nervosa.
- **Wild Inquest**: Complex Article 2 inquest into death of young woman who was unlawfully killed.
- **Patterson Inquest**: Represented the family of woman whose death was contributed to by medical neglect.

- **Peter Maher Inquest:** Represented a GP who carried out a mental health assessment on the deceased. This two-week jury inquest involved complex Article 2 ECHR issues and multiple state agencies.
- **TJ Pimm Inquest:** Appeared for the family in an Article 2 inquest where jury found that adequate precautions were not taken to manage a young man's suicide risk.
- **XW inquest:** Acted for the family of Mr W, who ended his life in a Birmingham hospital.
- **ED inquest:** Appeared on behalf of the deceased's treating GP.
- **ETF inquest:** Represented an orthopaedic surgeon in a complex venous thromboembolism case.
- **NW inquest:** Currently acting for the family of a woman killed by her schizophrenic boyfriend having successfully argued that the investigation engages Article 2 and requires a jury.

## Personal Injury

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Jim has an established practice in personal injury acting on behalf of claimants and defendants, including in abuse claims. He was led by Elizabeth-Anne Gumbel KC, appearing for the appellant children in *CN & GN v. Poole Borough Council*. The Supreme Court considered whether and in what circumstances local authorities might owe a duty at common law to children at risk of harm.

He has been instructed in a number of cases involving E-Coli 0157 and has defended several claims brought by members of fitness gyms. He has also acted for insurers and injured persons in claims arising from road traffic accidents and represented claimants and defendants in numerous occupiers' liability claims.

He also produces practice notes on personal injury law for LexisNexis PSL.

## Selected Cases

- Acted for man who sustained a brain injury after falling down a set of stairs at a bar. Successfully resisted application to withdraw a pre-action admission.
- Secured withdrawal of admission as to where an accident had taken place in case concerning an accident in a transit zone at a ferry port.
- Represented family in civil damages claim under HRA against police.
- **CN & GN v Poole BC[2019] UKSC 25:** UK Supreme Court considered the extent to which local authorities and their employees owe a common law duty to protect children from harm caused by third parties. Led by Lizanne Gumbel KC & Iain O'Donnell.
- Sexual abuse by a secondary school teacher upon a pupil.
- Sexual assault of a work experience student by a company employee.
- A local authority's failure to intervene in a case involving the repeated sexual abuse of children within a family home.
- Abuse by a class teacher upon a primary school pupil.

## Public Law

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Jim has built upon his previous experience as a solicitor involved in high-profile judicial review claims by

acting for prisoners seeking to challenge decisions relating to their security categorisation. Since his appointment to the Attorney General's Panel, he has also receives instructions in defendant judicial review work.

Jim has helped prisoners serving indeterminate sentences to argue that the prison authorities have failed to enable them to demonstrate, at or near the end of their tariff periods, that they are suitable for release or for transfer to open conditions. He appeared as junior counsel in a judicial review relating to the joint enterprise murder conviction of [Anthony Davis](#). Led by Clodagh Bradley KC, Jim acts for a number of fertility clinics in a judicial review challenge to 'traffic light' guidance issued by the Human Fertilization and Embryology Authority in relation to so-called 'add-on' treatments.

He also regularly uses his human rights law experience to inform his approach to cases across his other practice areas.

Jim was instructed in the Undercover Policing Inquiry from 2017, before stepping down in 2020. He was led by Sarabjit Singh KC in *Majera*, a Supreme Court case relating to the bail powers of immigration tribunals.

## Employment & Equality

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Jim advises and represents employees and government departments in tribunal claims.

He has experience of cases involving unfair dismissal, TUPE transfers, whistleblowing, holiday pay, indirect and direct discrimination and discrimination arising from a disability.

### Selected Cases

- **Eirian Morris v Carmarthenshire County Council:** obtained significant damages following the unfair dismissal of a former ski centre coordinator at Pembrey Country Park in Carmarthenshire. Following a five-day hearing, the tribunal held that Mr Morris had been unfairly dismissed, but that he had not been dismissed as a result of his alleged whistleblowing disclosures.
- **P & Others v CMY:** acted for the successful claimants in a heavily contested TUPE transfer case involving a group of nursery workers. The tribunal initially reconsidered its decision to find for the Claimants, but upheld that decision following written submissions.
- **Perratt v City of Cardiff Council:** disability discrimination relating to Asperger's Syndrome. Jim appeared before the Employment Tribunal where the judge considered himself bound to find for the Respondent due to the EAT decision in Griffiths regarding comparators. The case was [overturned on appeal](#) and remitted to the tribunal for a fresh determination.
- **J & Others v S:** advised the claimant care workers in relation to a holiday pay claim.
- **CAM v HMRC:** Represented HMRC in an unfair dismissal claim (decision pending).

# Public Inquiries

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Jim was instructed in the Undercover Policing Inquiry from 2017, before stepping down in 2020. He is the author of two LexisNexis PSL Practice Notes on public inquiries.

# Child Abuse Compensation Law

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Jim acts on behalf of sexually abused children and vulnerable persons in claims against employers, local authorities and institutions. He has been instructed as junior counsel in numerous cases and has also assisted senior members of chambers in relation to a high-profile group litigation. Jim has represented applications to the Lambeth Council Compensation Scheme in relation to historic abuse claims.

## Selected Cases

- **CN & GN v Poole BC[2019] UKSC 25:** UK Supreme Court considered the extent to which local authorities and their employees owe a common law duty to protect children from harm caused by third parties. Led by Lizanne Gumbel KC & Iain O'Donnell.
- Sexual abuse by a secondary school teacher upon a pupil.
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- Abuse by a class teacher upon a primary school pupil.

# Tax

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Jim is developing a practice in indirect tax cases, with a particular interest in VAT, customs duty and post-Brexit issues. He is a member of the Attorney General's B Panel of Counsel. In *Caerdav v HMRC*, Jim resisted on behalf of HMRC a complex customs and VAT assessment appeal involving the importation of an aircraft.

## Appointments

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- Attorney General's B Panel of Junior Counsel to the Crown (present)
- Attorney General's C Panel of Junior Counsel to the Crown (2019 – 2022)
- Solicitor in England & Wales (no longer practising) (2011)
- Solicitor & Notary Public in Scotland (no longer practising) (2010)

## Awards

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- Inner Temple Pegasus Award (Paris Bar Exchange) (2016)

- Advanced International Advocacy Course, Keble College, Oxford (2015)
- Scholarship for US Supreme Court Exchange, Clark Foundation for Legal Scholarship (2014)
- Rotary Academic Ambassadorial Scholarship (2006)
- University of Toronto, International Human Rights Program Fellowship (2006)
- Scholarship for LLM degree, Clark Foundation for Legal Scholarship (2006)
- Glasgow Bar Association, Criminal Defence Moot Prize (2006)
- McCormick Prize for the Most Distinguished Graduate in Law, University of Glasgow (2005)
- Joint-President, Glasgow University Law Society (2004-2005)

## Education

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- Master of Laws (LLM), University of Toronto (2007)
- Diploma in Legal Practice, Glasgow Graduate School of Law (2006)
- Bachelor of Laws (First Class), University of Glasgow, Law with French Language (2005)

## Memberships

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- HRLA
- BHRC
- PNBA

## Publications

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- Contributor and former Commissioning Editor of the [UK Human Rights Blog](#).
- Co-presenter of [Law Pod UK](#).
- Contributor to the 1COR Quarterly Medical Law Review (QMLR)
- *2018 Paris – London Bar Exchange*, Counsel Magazine (2018)