

Jessica Elliott

Call: 2013



Jessica Elliott has developed a broad practice in the main areas of Chambers' work, particularly in clinical negligence and health law, environmental law, public law and human rights, inquests and coroners, and tax.

Prior to coming to the Bar, Jessica worked for several months as a translator and short-term stagiaire with AG Sharpston at the Court of Justice of the European Union. She has also worked as a part-time judicial assistant to a commercial judge in the Hong Kong High Court. Jessica has lived in Berlin and is fluent in German.

Clinical Negligence

Jessica acts for both claimants and defendants in clinical negligence claims. She has significant experience advising and drafting pleadings across the entire spectrum of medical law, and has a particular interest in the law of material contribution, psychiatric injury and secondary victims.

She is co-author of the chapter on breach of duty in Kennedy and Grubb's *Principles of Medical Law*, and gives regular talks on current developments in the law.

Selected Cases

- **Various Claimants v Ian Paterson:** Instructed on behalf of the claimants as a junior in respect of test cases being brought against a consultant breast surgeon for negligent treatment spanning a decade.
- **Mack v Clarke:** For the successful defendant. The judgment clarified the principles around disclosure of (1) preliminary drafts of expert reports and (2) the circumstances in which an amendment will constitute a withdrawal of an admission under Part 14.

Environmental Law

Jessica developed an interest in all aspects of environmental law when working as a stagiaire at the Court of Justice of the European Union. Since taking up tenancy, she has appeared on environmental and planning matters both led and in her own right, and also undertakes pro bono instructions. Her work has covered a broad range of environmental law, including claims in nuisance and under waterways and environmental legislation, planning judicial review, and hearings in the First Tier and Upper Tribunals.

Selected Cases

- **Southern Gas Networks v Thames Water [2018] EWCA Civ 33:** Defendant water company found liable to SGN for the cost of customer compensation payments made after leaking water mains caused a gas outage in Christmas 2012.
- **R (Holborn Studios) v Hackney Borough Council:** Represented one of two successful claimants in the Court of Appeal.
- **Mott v Environmental Agency:** Led by David Hart QC Court of Appeal confirmed that presence of a continuing legal right was not a bar to a claim under Article 1 Protocol 1 of the ECHR as the circumstances made the effect of the fishing restrictions in question closer to a deprivation rather than a control.
- **Forager Ltd v Natural England:** Junior to David Hart QC on a the first appeal of its kind in the Upper Tribunal against a stop notice issued by Natural England.
- **SGN v Thames Water:** Junior to David Hart QC in the Court of Appeal on a case about the recoverability of compensation payments to consumers incurred by a gas transporter following water ingress into the gas system involving important issues about statutory ouster in the context of claims for damages in nuisance.

Public Law

Jessica is developing a broad practice in public law and human rights, and has been instructed in claims under the Human Rights Act 1998 and Articles 2, 3, 8 and 10 of the ECHR.

Recently she represented one of two successful claimants in *R (Holborn Studios) v Hackney Borough Council*, and acted with Adam Wagner for both claimants in a claim concerning pocket money claims for prisoners in *R (Lazarel) v Central and North West London NHS Foundation Trust*. She has successfully achieved settlements in several claims engaging Article 2 in the context of mental health care.

Jessica is co-author of the sections on breach of Convention Rights in Kennedy and Grubb's *Principles of Medical Law*, and has contributed to several chapters in Dingeman's *Protections for Religious Rights*. Prior to coming to the Bar, Jessica ran a series of human rights workshops in schools with the charity Tolerance International.

Inquests

Jessica regularly represents families and other interested persons at inquests. Her cases have included prison deaths, medical deaths, and deaths arising out of the failure of medical equipment, and she has a particular interest in cases concerning mental health care. She has experience acting in both *Middleton* and *Jamieson* inquests, and regularly advises on a wide range of issues of coronial law.

Selected Cases

- **Molly Russell Inquest:** Represented family pro bono at high profile inquest exploring impact of Instagram on teen suicide.
- **Tim Mason Inquest:** Represented the family at inquest into the meningitis death of student who missed national vaccination scheme.

Tax

Jessica developed an interest in VAT whilst working as a stagiaire for Advocate General Sharpston at the CJEU, and assisted on a number of cases for members of the indirect tax team during her pupillage. She was recently instructed as second junior to represent Baker McKenzie in a dispute concerning tax arrangement for pushed down debt following a leveraged acquisition, where Baker McKenzie ultimately succeeded by demonstrating that the Claimant had failed to challenge the Mexican tax authorities on the recoverability of the tax claimed (*Symrise AG v Baker & McKenzie* [2015] EWHC 912 (Comm)).

Awards

- Justice Kennedy Scholar, International Academy of Achievement (2017)
- Winner of Inner Temple Pupils' Advocacy Prize (2013)
- BPTC Princess Royal Scholar, Inner Temple (2012)
- Duke of Edinburgh Award, Inner Temple (2012)
- GDL Princess Royal Scholar, Inner Temple (2011)
- Pride in Medway Civic Award (2010)
- Fitzgerald Prize, Oxford (2009)
- Heath Harrison Scholarship, Oxford (2007)
- John Jackson Award, Oxford (2006)
- Waugh Scholarship, Oxford (2006)

Education

- Bar Professional Training Course (Outstanding), City University, London (2013)

- Graduate Diploma in Law (Distinction), City University, London (2012)
- BA Classics & Modern Languages (First Class, Top in Year), Exeter College, Oxford (2009)

Memberships

- HRLA
- ALBA
- Amnesty International

Publications

- Co-author of the chapter on breach of duty in Kennedy & Grubb, *Principles of Medical Law*, Oxford University Press.
- Contributor to Dingemans, *Protections for Religious Rights*, Oxford University Press.
- Regular contributor to the UK Human Rights Blog.