



1 CROWN OFFICE ROW



Jim Duffy

Call: 2012

Jim Duffy's practice spans clinical negligence, inquests and inquiries, personal injury, human rights and employment.

In 2013-14 Jim acted as Judicial Assistant to Lord Reed and Lord Hodge at the UK Supreme Court and the Judicial Committee of the Privy Council. He worked on cases such as *Montgomery v Lanarkshire Health Board* (consent in clinical negligence), *Cheshire West* (Article 5 ECHR and the mentally incapacitated), *Nicklinson & Lamb* (assisted suicide), and *Osborn* (parole board hearings, human rights and the common law). He took part in an exchange to the Supreme Court of the United States in April 2014.

Jim regularly acts for families, NHS Trusts, doctors and patients at inquests and in clinical negligence claims. He also challenges security categorisation decisions on behalf of life-sentenced prisoners. In July 2018, Jim was led by Elizabeth-Anne Gumbel QC for the appellant children in *CN & GN v. Poole Borough Council*. The Supreme Court considered whether local authorities owe any duty at common law to children at risk of harm.

Since July 2017, Jim has been instructed in the Undercover Policing Inquiry chaired by Sir John Mitting. He also appears in employment claims and has acted for claimants in cases relating to TUPE, unfair dismissal, whistleblowing and discrimination.

Prior to transferring to the Bar, Jim spent three years working as a solicitor, first qualifying in Scotland and then in England & Wales. He represented participants in the Coalition Government's 'Back to Work' schemes, Kenyan nationals accused of involvement in the 2010 Al-Shabaab 'World Cup' bombings in Kampala, and families unlawfully detained at Yarl's Wood Immigration Removal Centre. He also represented civilians and the families of British soldiers in claims relating to the Iraq war.

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. As a Rotary Ambassadorial Scholar, he obtained an LL.M from the University of Toronto in 2007 and worked for the University's International Human Rights

Clinic.

Jim went on to intern at the Office of the UN High Commissioner for Refugees in Geneva before training as a solicitor at Shepherd and Wedderburn LLP. He recently undertook a secondment to Fieldfisher's PI team.

He has carried out teaching and research in public law at the University of Glasgow and assisted the Council of Europe in relation to police brutality and the rule of law in Eastern European states. A former Editor of the UK Human Rights Blog, he continues to sit on its editorial team.

In 2016, Jim was one of four barristers in England & Wales to be selected for an exchange to the Paris Bar where he addressed the Conseil de l'Ordre des Avocats de Paris on advocates' duties towards protected parties.

Clinical Negligence

Jim has significant experience of clinical negligence claims, and is regularly instructed on behalf of patients and their families as well as by healthcare trusts and medical defence organisations. He has a particular interest in consent cases and in material contribution issues.

He has also advised claimants involved in a major group litigation relating to operations carried out by the former consultant gynaecologist, Robert Jones.

Selected Cases

- Appeared (unled) on behalf of an NHS Trust in a £1m cervical cancer claim.
- **ABC v St George's Healthcare NHS Trust**: Acted as junior counsel to Elizabeth-Anne Gumbel QC and Henry Witcomb QC in the Court of Appeal.
- Junior counsel for the Defendant in a high value spinal cord injury case.
- Acted for a claimant in a cauda equina syndrome 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.
- Advised a health trust on contribution proceedings.

Inquests

Jim has considerable experience of representing Interested Persons at inquests.

Jim has represented families in cases spanning a wide range of medical issues, including iatrogenic bowel injury, sepsis, dementia, the sudden death of a young woman and bronchopneumonia in an infant suffering from Noonan's Syndrome.

He also often represents clinicians on behalf of the medical defence organisations. Recent cases have involved venous thromboembolism, neonatal deaths, a failed tracheostomy following tongue ablation surgery, and suicide.

Selected Cases

- **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.

Personal Injury

Jim has acts on behalf of claimants and defendants in personal injury cases outside the clinical negligence and abuse contexts.

He recently advised the parents of children exposed to E-Coli 0157 at a petting farm, and has defended several cases brought by members of fitness gyms. He has also acted for insurers in claims arising from road traffic accidents.

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.

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

Selected Cases

- **CN & GN v. Poole Borough Council [2017] EWCA Civ 2185:** Led by Elizabeth-Anne Gumbel QC in case considering whether local authorities owe any duty at common law to children at risk of harm. Heard in the Supreme Court in 2018.
- 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

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.

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

Jim has been instructed in the Undercover Policing Inquiry since July 2017

Selected Cases

- Junior Counsel in a judicial review over murder conviction of [Anthony Davis](#).

Employment & Equality

Jim has a busy employment law practice. He regularly advises and represents members of trade unions in their 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.

Public Inquiries

Jim is currently instructed in the Undercover Policing Inquiry. As a solicitor, he was involved in both the Al-Sweady Inquiry and investigations by the Iraq Historic Allegations Team. He is the author of two LexisNexis PSL Practice Notes on public inquiries.

Appointments

- Solicitor in England & Wales (no longer practising) (2011)
- Solicitor & Notary Public in Scotland (no longer practising) (2010)

Awards

- 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)
- John Smith Schools Debating Championship Winner (2001)
- English Speaking Union 'Observer' Debating Mace (West and South Scotland) (2001)

Education

- 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

- HRLA
- BHRC
- PNBA

Publications

- Jim is a regular contributor and former Commissioning Editor of the [UK Human Rights Blog](#).

- Contributor to Law Pod UK.