



1 CROWN OFFICE ROW

## Jim Duffy

Call: 2012



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

He is a member of the Attorney General's Panel of Counsel ('C' Panel) and has particular experience of prison law and employment claims, acting on both sides. He is due to appear for the Home Secretary in an immigration appeal in 2021.

Jim was previously Judicial Assistant to the current President and Deputy President of the Supreme Court, Lord Reed of Allermuir and Lord Hodge.

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 LL.M 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 Shepherd and Wedderburn LLP.

A former Editor of the UK Human Rights Blog, Jim continues to sit on its editorial team.

*'Thinks innovatively on cases and is able to provide succinct advice to clients whilst respecting the particular sensitivities of their case.'*

**Legal 500 2021**

# Clinical Negligence

---

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

- **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 QC and Henry Witcomb QC 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

---

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

- **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

---

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 QC, 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

- **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 QC & Iain O'Donnell.
- Led by Elizabeth-Anne Gumbel QC in case considering whether local authorities owe any duty at common law to children at risk of harm.
- 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. 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 recently appeared as junior counsel in a judicial review relating to the joint enterprise murder conviction of [Anthony Davis](#).

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.

# Employment & Equality

---

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

---

Jim is currently instructed in the Undercover Policing Inquiry. He is the author of two LexisNexis PSL Practice Notes on public inquiries.

## Child Abuse Compensation Law

---

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.

### 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 QC & 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.

### Appointments

---

- Attorney General's C Panel of Junior Counsel to the Crown (2019 – present)
- 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)

## 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](#).
- *2018 Paris – London Bar Exchange*, Counsel Magazine (2018)