

## JAMIE SUSSKIND

Call: 2013



Jamie was called to the Bar in 2013 after graduating first in his year from Oxford University. He is building a busy practice in **Employment, Commercial, Sports, and Public Law**. He also brings experience of **EU and Regulatory** matters.

Jamie has recently appeared in the Court of Appeal, High Court, County Court, and employment and sporting tribunals. He is frequently instructed to appear against barristers many years his senior.

His recent and current work includes:

- ***Vanden Recycling Ltd v Kras Recycling BV and others*** (led by Jonathan Cohen QC) in the High Court [2015] EWHC 3616 (QB) and Court of Appeal [2017] EWCA Civ 534 – Jamie acted for the Defendants in complex employee competition litigation.
- ***Multiple Claimants v American International Group & Ors*** (led by Daniel Oudkerk QC and Amy Rogers) – Jamie acts for the Claimants in litigation arising from the US Government bailout of AIG during the financial crisis of 2008.
- ***Willis v JLT and others*** (led by Gavin Mansfield QC and Amy Rogers) – Jamie acted for the claimants in high-value “team move” litigation.
- ***Mathur v Deutsche Bank Aktiengesellschaft and others*** (led by Mohinderpal Sethi) – Jamie acted for the claimant in a multimillion pound whistleblowing, discrimination, equal pay, and unfair dismissal claim arising out of the LIBOR scandal.
- ***R (Campaign Against Antisemitism) v Director of Public Prosecutions*** (led by Brian Kennelly QC)– Jamie acted for the Claimants in a judicial review of the DPP’s decision not to prosecute a neo-Nazi. The DPP quashed her own decision. This case received national coverage from (among other outlets) **The Guardian, The Independent, BuzzFeed**, and the **BBC**.
- ***Potensis Ltd v Bennett*** – secured (as sole counsel) injunctive relief and favourable costs order in the High Court, against a departing real estate employee acting in breach of his post-termination restrictions.
- ***UK Anti-Doping v Duffy*** – successfully argued (as sole counsel) for a reduction in the period of ineligibility from 4 years to 15 months for the respondent rugby league player.

Jamie is a former Fellow of Harvard University’s Berkman Center for Internet and Society. He was awarded Gray’s Inn’s top awards in his GDL and BPTC years, as well as the Arden Scholarship in his pupillage year (“**for students of exceptional merit...a mark of great honour**”), together with the James Hunt Advocacy Prize for the best performance in the Inn’s advocacy programme.

Before coming to the Bar, Jamie worked in politics, including for Tony Blair (2008) and the late Senator Edward

M. Kennedy (2009), who commended Jamie's "**outstanding work**" in the Congressional Record. He was also an experienced advocate: in 2006 he was ranked the #1 schools-level debater in the world.

Jamie is happy to take pro bono instructions where appropriate.

## Employment

### High Court

Jamie has an unusual level of High Court experience for a barrister of his call, and is often instructed to appear against barristers many years his senior.

Recent and current work includes:

- **Potensis Ltd v Bennett** – as sole counsel, Jamie secured an injunction and favourable costs order, in the Queens' Bench Division of the High Court, against a departing real estate employee acting in breach of his post-termination restrictions.
- **Vanden Recycling Ltd v Kras Recycling BV and others** [2015] EWHC 3616 (QB); [2017] EWCA Civ 534 – Jamie acted for the Defendants (led by Jonathan Cohen QC) in complex employee competition litigation.
- **Multiple Claimants v American International Group & Ors** – Jamie is acting for the Claimants (led by Daniel Oudkerk QC and Amy Rogers) in litigation arising from the US Government bailout of AIG during the financial crisis of 2008.
- **Willis v JLT and others** – Jamie acted for the claimants (led by Gavin Mansfield QC and Amy Rogers) in high-value "team move" litigation.

### Statutory Employment Law

Jamie also advises and represents clients across all aspects of statutory employment law, including **whistleblowing, discrimination, harassment, victimisation, redundancy, TUPE**, and questions of **jurisdiction**. Recent highlights have included:

- Securing aggravated damages and substantial damages for injury to feelings for the claimant in a multi-day sexual harassment and discrimination claim;
- Acting for the claimant (a nursery school teacher) in a four-day whistleblowing unfair dismissal claim involving allegations of child abuse. Jamie cross-examined eight respondent witnesses;
- Acting for the claimant in a three-day claim for pregnancy unfair dismissal, discrimination, and victimisation;
- Acting for the claimant/appellant in the ET and EAT in **Ellis v Ratcliff Palfinger** (UKEAT/0438/13/BA) (unfair dismissal/time off for dependants). The EAT noted Jamie's "*careful analysis in his Skeleton Argument and oral submissions*"; and
- **Mathur v Deutsche Bank Aktiengesellschaft and others** (led by Mohinderpal Sethi), Jamie is acting for the claimant in a multimillion pound claim involving whistleblowing detriments and unfair dismissal arising out of the LIBOR scandal; sex discrimination, and equal pay.
- Negotiating a £30,000 settlement for a claimant with learning difficulties in a claim for unpaid wages.

Jamie is the co-author of the "Remedies & Negotiations" chapter in **Termination of Employment** (Butterworths, 2015: 51). He regularly speaks to law firms about trends and tactics in employment matters – most recently Team Moves.

## Commercial

Jamie has a thriving commercial practice, and appears in the High Court and County Courts. As sole counsel, his clients have included Uber, BT, a Brazilian Premiership footballer, and a well-known US Law Firm. He also brings experience of international commercial arbitration, and disputes in the financial services, mining and natural resources, entertainment and media, retail, and hospitality sectors. As a former fellow at Harvard University's Berkman Klein Center for Internet and Society, Jamie takes a keen interest in cases involving a tech angle.

Jamie is often instructed in cases of significant legal complexity, and those which require precise and forceful written and oral advocacy. His recent work includes:

- Drafting the Defence and Counterclaim in a dispute arising out of the operation and sale of a confectionary store chain;
- Drafting the Particulars of Claim alleging fraud and conspiracy in a claim worth circa £100,000;
- Advising a policyholder as to the contractual, tortious and equitable claims available to him against a former commercial partner who negligently failed to secure him adequate health insurance; and
- Advising a well-known PR agency as to the contractual and tortious claims available to it against a former client (outside the jurisdiction) refusing to pay its invoices.

## Public Law & Human Rights

Jamie recently acted successfully for the Claimants (led by Brian Kennelly QC) in a judicial review of the DPP's decision not to prosecute a neo-Nazi for crimes contrary to the Public Order Act 1986. In response to the litigation, the Crown Prosecution Service quashed its own decision. This case received national coverage from (among other outlets) **The Guardian**, **The Independent**, **BuzzFeed**, and **the BBC**.

As a pupil Jamie assisted in various complex and high profile public law matters. He was Assistant Editor for the First Supplement to *De Smith's Judicial Review* (7th Edition, 2013; First Supplement 2014).

Jamie is particularly interested in cases with a human rights aspect. Highlights during pupillage included:

- ***R (on the application of AB) v Secretary of State for Defence*** [2013] EWHC 3908 (Admin) in the Divisional Court (for the Claimant in an Article 2 (investigative duty) claim arising out of a military incident in Afghanistan);
- ***Secretary of State for Justice and others v Sir David Barclay and Sir Frederic Barclay in the Supreme Court*** (for the Advocate to the Court, in an appeal concerning whether the court can review legal advice about international agreements, and the ECHR compatibility of legal reforms on the island of Sark);
- ***R (Chief Constable of West Yorkshire) v Independent Police Complaints Commission*** [2014] EWCA Civ 1367 in the Court of Appeal (for the IPCC in an appeal concerning whether the IPCC is entitled to reach conclusions about the legality of police action, and the impact of Article 6(2) ECHR); and
- ***R (Dale) v Secretary of State for Health*** (for the Secretary of State in a challenge to the decision to implement the recommendations of the Trust Special Administrators at Mid Staffordshire NHS Foundation Trust).

## Sport

Jamie is joint Deputy Head of the Littleton Sports Group.

Most recently, in **UK Anti-Doping v Duffy** Jamie acted as sole counsel for the respondent rugby league player in UK Anti-Doping proceedings, successfully arguing for a reduction in his period of ineligibility from 4 years to 15 months.

In the past he has advised a leading football agent, and as a pupil he was involved in:

- **The Football Association v Phil Smith** (sanctions against a football agent for breach of the FA's Agents Regulations relating to third-party interest in a player) (assisting Nick De Marco);
- **Malkay Mackay v Cardiff City FC; Cardiff City FC v Iain Moody** (disputes between Cardiff FC and its former manager and Head of Recruitment) (assisting Nick De Marco);
- Drafting the Detailed Grounds of Appeal in a challenge by a footballer to the termination of his contract;
- Resisting a challenge to a decision of the British Boxing Board of Control; and
- Advising in relation to the application of EU competition law to sports law.

## EU/Competition

Jamie has received extensive training in EU and competition law, assisting in:

- **Ryanair v Competition Commission** [2014] CAT 3 (a challenge in the CAT to a final decision of the Competition Commission);
- Drafting pleadings in **WH Newson Holding v IMI and others** (follow-on claim for damages arising out of an international fittings cartel);
- Advising in relation to tobacco regulation (involving issues of trade mark, copyright, and free movement of goods);
- Advising in relation to limitation periods in follow-on claims for damages arising out of air freight and air passenger cartels; and
- Preparing the Written Observations of the United Kingdom in Case C-472/13 **André Shepherd** (interpretation of Council Directive 2008/83/EC on minimum standards for the qualification and status of third country nationals).

## Education, Scholarships, Prizes & Publications

### Education:

- 2012-2013: Bar Professional Training Course (BPP)
- 2011-2012: Graduate Diploma in Law (City University): Distinction
- 2007-2010: BA History and Politics (Magdalen College, Oxford): top First in the university

### Scholarships and Prizes:

- Fellowship, Harvard University Berkman Klein Center for Internet and Society
- Gray's Inn James Hunt Advocacy prize (2014)
- Gray's Inn Arden Scholarship (2014)
- Gray's Inn Bedingfield Scholarship (2013)
- Gray's Inn David Karmel Entrance Award (2012)
- Oxford University William Gladstone Memorial Prize (2010)
- Oxford University Gibbs Book Prize (2010)
- Magdalen College Atkinson prize ("*outstanding work in...History Finals*") (2010)
- Oxford Union Edward Tomlinson Memorial Prize for the best speech made at the Oxford Union in the

academic year (2009-2010)

- Magdalen College Angus McIntyre Prize for History (2009)
- Magdalen College Demyship (scholarship) (2009)
- Magdalen College Demyship (scholarship) (2008)
- First Class (Distinction), Preliminary Examinations (2008)
- Youngest ever Captain of the England Schools Debating Team; ranked #1 Debater in the World (2006); #2 debater in the World (2007); Four Nations Debating Champion (2006; 2007)

**Publications:**

- Forthcoming (2018): book with Oxford University Press on the future of political theory/jurisprudence
- *Karl Marx and British Intellectuals in the 1930s* (Davenant Press, Oxford: 2011 ISBN 978-1-85944-063-6)
- Co-Author, "Remedies & Negotiations", *Termination of Employment* (Butterworths, 2015: 51)
- Assistant Editor, First Supplement to *De Smith's Judicial Review* (7th Edition, 2013; First Supplement 2014)
- Jamie has recently begun writing a regular blog series on the **Practical Law Dispute Resolution Blog**

## About Jamie

Before becoming a lawyer, Jamie's background was in politics. He worked for Ed Miliband (2010), Tony Blair (2008), and the late Senator Edward M. Kennedy (2009), who commended Jamie's "outstanding work" in the Congressional Record (24/7/2009). He also briefly worked for Lord Saville during the Bloody Sunday Inquiry, and worked on the London Citizens Living Wage campaign in London Hospitals.

Jamie is passionate about access to justice. He is a trustee of the Islington Law Centre and an Executive member of the Society of Labour Lawyers. He frequently acts pro bono.

Outside law, Jamie's interests include boxing, golf, football, and Middle East politics. In 2011, he spent three months learning Kung Fu in a Shaolin Temple in the Kunyu Mountains of China's Shandong province, an experience from which he is still recovering.

**Languages:** basic French.