

James Green

Call: 2015

Barrister

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James joined Littleton in October 2018 upon completing his pupillage. He has since built a practice across Chambers' core areas of work, including employment, commercial, and sports law. He is happy to accept instructions in any of these areas.

Recent work has included:

- Successfully defending a major retailer from allegations of discrimination and constructive unfair dismissal in a five-day hearing
- Conducting an internal investigation into allegations of gross misconduct, including the operation of a competitive business, by an employee at a communications agency
- Being led in drafting a defence on behalf of a client facing complex allegations of discrimination brought by a large number of claimants in a non-employment context
- Advising an employee on the construction and enforceability of a complex commission payment plan

Prior to commencing pupillage, James spent a year working at the Court of Appeal as a judicial assistant to the former Lord Chief Justice, Lord Thomas, working on cases such as ***R(Miller) v Secretary of State for Exiting the European Union*** and ***R v Alexander Blackman***. Previously James also worked as a paralegal on international commercial arbitrations at a boutique litigation firm, Joseph Hage Aaronson LLP.

Before becoming a barrister, James lived in Japan for two years as a Daiwa scholar, funded by the Daiwa Anglo-Japanese Foundation, where he studied Japanese and worked as a journalist.

RECOMMENDATIONS

AREAS OF LAW

Employment

James acts for both claimants and respondents on employment law matters. He frequently appears in employment tribunals and is comfortable addressing the full range of employment law claims, including discrimination, whistleblowing, TUPE and

equal pay. James also regularly drafts pleadings for both statutory and common law employment claims, including appeals to the EAT.

James' recent experience includes:

- Successfully obtaining strike out and deposit orders at a preliminary hearing in respect of a claim for discrimination and breach of contract on behalf of a major professional services firm
- Successfully resisting claims of disability discrimination and constructive unfair dismissal on behalf of a major retailer following a multi-day hearing
- Obtaining a six-figure settlement for a claimant alleging whistleblowing, race discrimination and constructive unfair dismissal
- Successfully representing a care home in a claim for unfair dismissal involving safeguarding issues
- Successfully defending a claim for unlawful deduction of wages under the Agency Workers Regulations 2010 and obtaining a significant costs order.

Employment cross-over

James has experience in issues involving the cross-over between employment law and other areas of law, including:

- Drafting a Reply and Defence to Counterclaim on behalf of an electronics company seeking damages for a breach of restrictive covenants by a former employee
- Acting for a company and individual directors in interlocking cases engaging allegations of constructive unfair dismissal, disability discrimination and an unfair prejudice petition
- Providing written advice on prospective claims for breach of contract and unjust enrichment against a former employee who had been overpaid commission
- Drafting a written opinion on the enforceability of restrictive covenants in the context of an LLP
- Drafting an advice note (and subsequently Grounds of Claim) relating to unfair dismissal, breach of contract, misrepresentation and unfair prejudice, following the summary dismissal of a CEO from an organisation which had covered up serious accounting errors.
- Drafting Particulars of Claim seeking damages pursuant to an alleged conspiracy between a recently departed senior manager, his new employer, and over half of the staff of the original employer.

Independent investigations

James has carried out several independent investigations, covering both grievances raised by employees and allegations of misconduct raised by employers. Recent examples include:

- Allegations of bullying raised by an employee in the charity sector in the context of performance management
- An investigation into an employee alleged to have operated a competing business during working hours while in lockdown
- A complex investigation into allegations that four employees in a software company had acted in the interests of competitors
- Allegations of disability discrimination raised by an employee going through a redundancy process

Company and commercial law

James has been involved in a wide range of commercial and company law matters, including:

- Drafting a Defence and Counterclaim on behalf of a software company alleging misrepresentation and repudiatory breach of contract against a purported creditor
- Successfully resisting an interim injunction application on behalf of a utility company

- Drafting a Reply and Defence to Counterclaim for the enforcement of monies owed under a personal guarantee within a factoring agreement.
 - Drafting claims of breach of contract and restitution following a breakdown in the relationship between partners in an LLP
 - Drafting a note on the merits of a claim arising from a factoring agreement, dealing with issues of assignment, contractual and equitable set off, estoppel and waiver
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Sports law

James has gained experience of FA Rule K arbitrations, particularly as related to player/agent contractual disputes, including:

- Drafting submissions in defence of an intermediary accused of fraud, procuring breach of contract and breach of fiduciary duties.
 - Drafting a note on the application of FIFA Regulations to a player on a scholarship contract.
 - Researching and attending an FA Rule K arbitration concerning the consequences of an agent's failure to register as an intermediary in the relevant jurisdiction.
 - Assisting in a high-profile independent review of the British Equestrian Federation.
 - Researching and drafting grounds of appeal against a decision as to the applicable jurisdiction of a claim against a club under Article 7(2) of Brussels I Recast.
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Commercial Arbitration

James has also gained experience of international commercial arbitration, drafting a written opinion on the *res judicata* effect of an arbitral decision reached under an international investment treaty upon a further commercial arbitration.

Education, Scholarships and Prizes

James was the winner of the Times Law Award for an essay, published in the Times, on the relevance of the Magna Carta in the modern world. He was awarded a Lord Denning Scholarship by Lincoln's Inn to complete the Bar Professional Training Course.

Prior to studying law, James studied history at the University of Bristol, attaining a First Class Degree, and a Master's degree in American History at the University of Oxford.

Education

2015: Bar Professional Training Course, Very Competent

2014: Graduate Diploma in Law, Distinction

2010: MSt in American History

2009: BA in Historical Studies, First Class

Scholarships and Prizes

- Winner of the Times Law Award, 2015.
 - Lord Denning Scholarship, Lincoln's Inn, 2014.
 - Daiwa Anglo-Japanese Scholar, 2011-2013.
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