

James McHugh

Call 2010

James has extensive experience in dealing with complex disputes nationwide across both England and Scotland. He is valued by clients for his calm and reassuring manner in addition to his ability to get to the heart of a dispute quickly.

EXPERTISE

- Employment & Discrimination
- Business & Property
- Housing
- Civil Liberties & Human Rights

James has been at Trinity Chambers since 2011 and has extensive experience in dealing with complex disputes nationwide across both England and Scotland. He is valued by clients for his calm and reassuring manner in addition to his ability to get to the heart of a dispute quickly. James has been a member of the Attorney General's Regional B Panel of Counsel for a number of years.

James' principal areas of practice include:

Employment & Discrimination

James has a nationwide practice in both England and Scotland covering all areas of employment law, including discrimination, wrongful and unfair dismissal (including redundancy), restrictive covenants, trade union detriment and whistleblowing. James represents both Claimants and Respondents including individuals, trade unions, local authorities, SMEs and large companies.

James regularly accepts instructions in complex, multi-day hearings in both the Employment Tribunal and at appellate level and he also provides advice and drafts pleadings on all aspects of employment and discrimination law.

Notable cases James has appeared in include:

Steer v. Stormsure Ltd [2021] EWCA Civ 887 – represented the Respondent in the Court of Appeal in a landmark decision regarding whether the right to Interim Relief should be extended to dismissals that were discriminatory under the Equality Act 2010. The Claimant had alleged that the failure of domestic law to provide such a remedy was incompatible with her rights under Article 14 of the ECHR. The Claimant's appeal was dismissed.

Cowie v. Scottish Fire and Rescue Service [2022] ICR 1693 – represented the Claimants in the EAT in a case relating to the definition of 'unfavourable treatment' and 'substantial disadvantage' arising out of the operation of the Respondent's Special Leave policy during the Covid-19 pandemic.

Balcerzak v. George Birchall Service Limited [2022] EAT 202 – represented the Claimant in the EAT in one of the only appellate cases to provide guidance on whether it would amount to 'injustice' to reject a claim based on an error in the ACAS Early Conciliation Certificate.



Expertise

Employment

Business & Commercial
Litigation

Property

Social Housing

Civil Liberties & Human Rights

Costs

Inheritance, Probate & Trusts

Regulatory

Insolvency & Restructuring

Administrative & Public Law

Dixon v. Econ Engineering Ltd [2020] ICR 1331 – represented the Claimants in the EAT in a case relating to whether a variable profitability bonus paid to employees fell within the definition of “a week’s pay” for the purposes of s.221(2) Employment Rights Act 1996.

Business & Property

James acts in and advises on a wide variety of commercial disputes in both litigation and ADR for clients from a wide range of industries. He covers all aspects of Business and Property work including commercial and traditional chancery, real property, professional negligence and insolvency.

Notable cases James has been recently involved in include:

Dunelm Geotechnical and Environment Ltd v Bray Cranes Ltd [2023] EWHC 2661 (Comm) – successfully represented the Claimant in a High Court breach of contract dispute relating to whether an industry standard limitation of liability clause had been properly incorporated into a crane hire contract.

Russell Stewart Lacy v. Homeselect Finance (No.3) Ltd [2023] UKUT 231 (LC) – represented the Respondent landlord in an Upper Tribunal case regarding the liability of tenants to pay service charges and the reasonableness of costs incurred under s.27A Landlord and Tenant Act 1985.

Housing

James’ housing practice covers a wide variety of litigation including disrepair, possession proceedings, anti-social behaviour injunctions, closure orders and unlawful eviction. He has a particular interest in cases involving discrimination under the Equality Act 2010.

James is also instructed by landlords and local authorities in relation to statutory nuisance prosecutions brought by tenants under the Environmental Protection Act 1990.

Prior to coming to the bar James worked for a large national advice charity and has experience both advising and working with third sector housing providers.

Civil Liberties & Human Rights

James has extensive experience advising and representing individuals, government departments, local authorities and third sector organisations in claims for discrimination under the Equality Act 2010.

In addition, James has experience advising and representing individuals, local authorities and government departments on claims involving unlawful detention and the Human Rights Act 1998.

APPOINTMENTS

- Attorney General’s Regional B Panel of Counsel

MEMBERSHIPS

- Northern Business and Property Bar Association
- Employment Law Bar Association

LECTURES & SEMINARS

Clerking team



Josh Stewart-Tilling
Lead Employment Clerk
& Civil Clerk
0191 300 9359



Steve Walker
Lead Civil Clerk
0191 245 9589



Paul McNab
Civil & Criminal Silks’
Clerk
0113 3235 955



Aimee Bloxham
Civil Clerk
0191 245 9556



Chris Gibbin
Clerk
01642 247 569

James was recently an Associate Lecturer in Employment Law on the BPTC at Northumbria University. In addition to this James regularly provides seminars and training to solicitors and other professionals on all aspects of employment, business and property law.

EDUCATION

- LLB (Hons) Northumbria University, 2009