



Richard Stubbs

Call: 2005
Specialisms: Administrative and
Public, Agriculture, Business,
Chancery, Costs, Employment,
Mediation

Richard Stubbs

TEL 0191 232 1927

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SPECIALISMS

Business & Property Litigation

"Fantastic. Very pragmatic and well respected." "He is thorough, he thinks outside the box and he's very user-friendly" Commercial Dispute Resolution, Chambers UK 2019 Richard is a busy member of Trinity's Business & Property Group, regularly appearing in the High Court and County Court on matters from multi-day cases to applications as well as having appellate experience at up to Court of Appeal level. Richard is recognised in the national directories for his business & property work. He represents clients from individuals to large corporates and has been on the Attorney General's Panel of Counsel for many years; now on the Regional A Panel. Richard's practice covers:

Commercial

All forms of commercial and consumer disputes, sale of goods, restraint of trade, commercial fraud, company and partnership law, directors' duties (including disqualification), shareholder disputes, professional negligence and financial mis-selling.

Insolvency

Richard regularly deals with insolvency matters covering all aspects of corporate and personal insolvency. He deals with bankruptcies, voluntary arrangements, administrations, liquidations and all forms of petitions and applications.

Contentious Probate

Richard is regularly instructed in probate and trust matters including Inheritance Act claims.

Property

Richard accepts instructions in all areas of landlord and tenant; residential, commercial and agricultural. His property work includes housing disputes, easements, rights of way, boundary disputes and restrictive covenants

Employment

"His knowledge of the law and excellent cross-examination technique marks him out as one of the leading employment barristers" Legal 500 2021 Richard is well recognised for his employment expertise and is regularly instructed for multi-day hearings in all areas of employment and discrimination law. He regularly acts for individuals, unions, NHS Trusts, local authorities and companies. He has appellate experience in the Employment Appeal Tribunal and the Court of Appeal. His practice includes restraint of trade, discrimination, equal pay, whistleblowing, TUPE, unfair and wrongful dismissal and breach of contract, Richard is recognised for his employment work in the national directories as well as having been appointed as Regional A Panel Counsel on the Attorney General's Panel.

Sports

Richard's practice covers sports law across various sports from football, rugby and boxing to show jumping and he is experienced in appearing before regulatory sports bodies in arbitrations as well as being a panel member of the FA National Anti-Discrimination Chairman's Panel and a RFU Disciplinary Officer.

Mediation

Richard is an ADR Group Accredited Civil and Commercial Mediator. His mediation practice covers all of the areas in which he accepts work as a barrister. Trinity Chambers has facilities to undertake mediations.

NEWCASTLE UPON TYNE

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CASES

Business and Property

Allen (trading as David Allen Chartered Accountants) v Dodd & Co Ltd [2020] EWCA Civ 258, [2020] 2 WLR 1070 Court of Appeal Inducement to breach a contract, having succeeded against the former employee but not the new employer at trial. The appeal was ultimately unsuccessful, however clarified law regarding what legal advice is required to support a suggestion that there was insufficient knowledge to have induced a breach of contract. Utilitywise Plc v Various, High Ct, Business and Property Courts in Newcastle, 2018 Successfully obtained undertakings and final orders in restraint of trade cases against former employees who had moved to competitors and then succeeded in proving breach in contempt of court proceedings. Hickey v Commissioners for HMRC [2017] UKUT 0308 (TCC) Successfully appealed FTT judgment on the basis of calculation of potential lost revenue where part of a VAT period is repeatedly delayed to the following period but always paid; albeit late. Upper Tribunal held that correct calculation was on delayed tax basis as opposed to normal rule basis proposed by HMRC, which had been accepted by FTT, resulting in a reduction to the penalty imposed by over £147,000. Re Cosyseal Insulation Limited (in Administration) [2016] EWHC 1255 (Ch) Appeared for director and connected company in preference, TUV and breach of duty claims totalling over £2 million. Cash flow and balance sheet insolvency test - Eurosail & Casa Estates considered. Smith & McDonnell v British Boxing Board of Control, Warren & Hobson, High Ct, Liverpool District Registry, 13th April 2015 [2015] 4 WLUK 112 Successfully resisted application to remove British Boxing Board of Control as arbitrator of dispute between manager and boxer under section 24 of Arbitration Act 1996. Gelley v Shepherd [2013] EWCA Civ 1172 Appeared for Respondents in case on possession of commercial land, section 58 LRA 2002, the effect of fraud on foreign judgments, withdrawal of concessions and raising new points on appeal. Wood v Durham County Council UKEAT/0099/18/00 Successfully resisted appeal that Appellant's removal of goods from shop without paying could fall within Equality Act 2010 due to post traumatic stress disorder and dissociative amnesia. ET and EAT accepted that it represented the excluded condition of a tendency to steal under Equality Act 2010 (Disability) Regulations 2010 Graysons Restaurants v Jones & Secretary of State [2018] ICR 670 Appeared for Claimants at first instance and on appeal concerning whether equal pay arrears of pay transferred to transferee on TUPE transfer in insolvency situation. EAT held that SoS liable for first 8 wks of arrears and balance transfers to transferee – protecting Claimant's rights to arrears. Judgment subject to appeal to Court of Appeal. Nexus v Anderson [2018] ICR 1207 Successfully resisted Respondent's appeal of finding that correct construction of a pay rise for Claimants meant that their shift allowance should be calculated by reference to the full amount of that pay rise. Case concerned whether ETs had jurisdiction to construe terms of a contract in unlawful deduction from wages claims. STUC v Hakim EATS/0008/17/JW [2017] 12 WLUK 223 Acted for STUC in appeal of victimisation finding. Arnold v St Helens Council, Liverpool ET, 2015 Successfully appeared for Claimants in equal pay claim for pay protection afforded to comparators. Case valued by Respondent at over £70 million. Northumberland Tyne & Wear NHS Foundation Trust v Geoghegan UKEAT/0048/13 Appeared successfully at EAT in overturning Tribunal's judgment. EAT allowed appeal on grounds of perversity and errors of law in analysis of reasonable adjustment and protected disclosure claims as well as on time points and date of knowledge of disability. Guidance on judgments in strident terms. Lawrie v Rotherham, Doncaster & South Humber NHS Foundation Trust & Secretary of State [2013] EqLR 1013 - 1014 Appeared successfully for Claimants in test case on GMF defence based on Emmanuel and market forces. Brownbill v St Helens & Knowsley Hospitals NHS Trust, CA [2012] ICR 68 and EAT [2010] ICR 1383 Appeared successfully at the Employment Appeal Tribunal and overturned a decision that unsociable hour enhancements did not represent a separate, less favourable term for the purposes of an Equal Pay Act 1970 comparison and subsequently succeeded in having that decision upheld in the Court of Appeal. Representing Macclesfield Town FC Before English Football League Disciplinary Commission in successfully appealing the points sanctions imposed against it in an initial disciplinary commission hearing and then in two subsequent disciplinary commission hearings following breaches of English Football League (EFL) Regulations. Both hearings concerned the late payment of players and the non-fulfilment of fixtures. Subsequently appeared before League Arbitration Panel for appeal of Commission decision.



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WHAT OTHERS SAY

"Richard has an excellent range of knowledge on all civil disputes and the clients feel very at ease as to how he delivers his advice and assistance. Very diligent and thorough. Excellent manner with clients and in terms of the delivery of his advice. Client focused and user friendly. Very good advocate" Commercial Litigation, Legal 500 2021

"Recognised for his wide-ranging expertise in corporate and commercial disputes, as well as employment and property mandates. His practice spans all forms of consumer and commercial contract disputes, and breach of confidentiality, restraint of trade, partnership and shareholder litigation". "He takes a high level of care to understand the background of the matter at issue and he is commercially astute. His technical knowledge is impressive."

"He's very good on his feet, and he takes a lot of information and analyses and processes it very quickly." Commercial Dispute Resolution, Chambers UK 2021

"Best known for his experience advocating in complex employment matters, and regularly appears for a variety of clients, from individuals to local authorities and large corporates. He is well versed in handling multi-day hearings, TUPE, discrimination, equal pay and protected disclosures". "He is a highly knowledgeable and skilled barrister who can quickly grasp the essentials of any case. He turns around work very quickly and to a high standard. He also has excellent advocacy skills and presents cases in a persuasive and effective manner." "An excellent advocate who is great to work with, highly knowledgeable and always puts witnesses at ease." Employment, Chambers UK 2021

"A superb advocate." "He's an effective cross-examiner and very good at finding the cracks and exploiting them. He is also pragmatic and level-headed." Employment, Chambers UK 2020

"He is extremely strong on his legal knowledge and also excellent in his advocacy skills." "He provides high-quality and practical advice both in conference and in written format." Commercial Dispute Resolution, Chambers UK 2020

"Extremely Capable and great with clients." Commercial, Banking, Insolvency and Chancery Legal 500 2020

"Good with clients and excellent before tribunals." Employment, Legal 500 2020

"Thorough, well prepared, organised and easy to deal with. He has a good manner with clients and a welcome knack of explaining complex issues in an easy to understand way. His advocacy skills are impressive" Chambers UK 2019



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"Very well liked by clients," "Excellent with clients, on paper and on his feet before the judge." "He has an approachable attitude and blends pragmatic solutions with determined advocacy." Commercial Dispute Resolution, Chambers UK 2018 "He's commercially aware and prepared to understand the client's perspective and importance." "He's well prepared, good with clients and witnesses and easy to deal with." Employment, Chambers UK 2018 "His experience includes directors duties, commercial fraud and shareholder disputes" Commercial, Banking, Insolvency and Chancery Law, Legal 500 2017 "Recent cases include TUPE, discrimination and unfair dismissal claims" Employment, Legal 500 2017 "Best known for his experience advocating in complex employment matters and regularly appears for a variety of clients from individuals to local authorities and large corporates. He is well versed in handling multi-day hearings, TUPE, discrimination, equal pay and protected disclosures." "Very impressive and he's quieter and more amicable in approach but he's tremendously effective. He's a very strong opponent." Chambers UK 2017 "He has an ability to grasp complex facts quickly and to get to the key issues, making them simple when often they are not." Commercial, Banking, Insolvency and Chancery, Legal 500 2016 "He is not easily fazed." Employment, Legal 500 2016 "He has proven to be knowledgeable, forceful and very impressive to clients." Chambers UK 2016 "He has a top-class manner with clients." Legal 500 2015 "a "respected" insolvency practitioner whose "straightforward and practical advice" make him "extremely well thought of" at the North Eastern bar. Who's Who Legal UK Bar 2015 under Insolvency and Restructuring." Regularly instructed on multi-day hearings of high value. He handles complex equal pay, TUPE and discrimination claims, and acts for individuals, local government, and NHS trusts. "He is highly intelligent, hard-working, extremely level-headed and very much a team player. He is a clear and compelling advocate who copes extremely well with pressure, and if the situation demands he is also able to work very quickly. He is a delightful person to work with." "He is brilliant. He is going to be a real star in the future. "Represented the claimant in a GMF defence test case against the Doncaster & South Humber NHS Foundation Trust." Chambers UK 2015 "He has a superb grasp of the law and is excellent with clients" Legal 500 2014 "Has a broad employment practice covering unfair and wrongful dismissal, equal pay and discrimination claims." Chambers UK 2014 "highly recommended" Legal 500 2013 "at Trinity is "future star" Richard Stubbs. Sources were quick to highlight Stubbs' "superb" advocacy and mastery of cases. Highly regarded for his work for claimants in equal pay cases, he maintains a broad employment practice." Chambers UK 2013 "an extremely strong and persuasive advocate" Legal 500 2012 "A "star in the making," "...spot-on sense of judgement" and a "highly measured approach" that "gets results," say sources." Chambers UK 2012 'competent and sound advocate', and gives opinions that are 'nothing short of outstanding' (Commercial, insolvency and property) 'leader in his field' (Employment) Legal 500 2011 "Richard Stubbs is attracting a wealth of praise for his "diligence, client care skills and superb advocacy." One solicitor commented: "His judgement is absolutely spot-on. He will definitely go far at the Bar." Chambers UK 2011

APPOINTMENTS

• Attorney General's Regional Panel A of Counsel • Football Association's National Panel of Chairmen for Anti-Discrimination Cases • RFU Disciplinary Officer • Association of International Accountants Complaints Reviewer • Equality & Human Rights Commission Preferred Panel of Counsel 2010 - 2014 • ADR Group Accredited Civil and Commercial Mediator • Falkland Islands Approved Lawyer List

MEMBERSHIPS

• Member of the Employment Lawyers Association • Member of R3 – The Association of Business Recovery Professionals • Member of the Industrial Law Society • North Eastern Circuit Commercial Bar Association

LECTURES AND SEMINARS

Richard regularly provides CPD accredited seminars and training, including for MBL Seminars.



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EDUCATION AND AWARDS

• BA (Hons) Law with French, University of Newcastle • Wolfson Scholar, Lincoln's Inn •
Certificat d'Études Juridiques en France, Université Nancy II

ADDITIONAL INFORMATION

Richard regularly acts across the country and has appeared in cases from Aberdeen to Southampton. He has experience of acting against self-represented litigants in Courts and Tribunals on substantive hearings and appeals. Fluent in French, partially qualified in French Law. Trustee of Stroke North East.

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