

James Kinsey

Call 2018



Clerks' Details

 Rachel Williams

 0151 242 8840

Memberships

- PIBA (Personal Injury Bar Association)
- ELBA the Employment Law Bar Association
- ELA (Employment Law Association)
- CBA (Criminal Bar Association)

Appointments

- Grade 1 Prosecutor for the CPS
- Junior Junior assisting the Attorney General's Civil Panel Counsel

Employment CV

Overview

James regularly acts for claimants and respondents in Employment cases and has experience in a range of matters involving unfair dismissal including constructive dismissal, wrongful dismissal, discrimination and equality law claims, redundancy related claims, holiday pay, restrictive covenants, unlawful deduction of wages, worker status.

Recent cases:

- Successfully represented the Respondent at a four-day disability discrimination and unfair dismissal trial. Whilst the dismissal was procedurally unfair the compensation was reduced by 100% on the basis of Polkey and to reflect the contribution of the Claimant to the dismissal. Moreover, the s.15 EqA 2010 claim was dismissed.
- Remedy hearing for damages in a claim for unfair dismissal, wrongful dismissal and non-payment of holiday pay.
- 3-day multi-handed ET claim involving a complex construction of contractual clauses re enhanced redundancy payments and claims for statutory redundancy pay.
- Acting as a junior junior for the respondent producing witness statements in a complex disability discrimination claim against the HMRC in a claim pleaded beyond £2 million.
- Acting for the respondent in a constructive dismissal claim arising out of company policies implemented during Covid 19 Lockdown.
- Unfair dismissal claim on grounds of redundancy primarily involving an unfair selection of employees.
- Advising a firm of solicitors involving the proposed dismissal of a company director.

Recommendations

“I’m not sure if this is possible but I would like to pass on my sincere gratitude to Mr Kinsey who represented me, he was absolutely fantastic and a credit to his instructing solicitors!”

“I would also ask you to pass on my gratitude to my barrister. What an excellent choice of an individual to represent me, your solicitors, himself and his Chambers. It must be noted that immediately I was placed at ease by his attitude although incredibly professional and knowledgeable he was also human without the aloofness one would associate with a barrister. The questions and instructions given to me enabled me to go into court, answer and stand up to cross examination and give honest consistent responses which resulted in the successful outcome of my claim.”

“I’m glad you felt relaxed with James. He is lovely and a great barrister, with a particular eye for detail.”

Client testimonials

Publications and Talks

[Third Parties Rights against Insurers: A review and cautionary tales for claimants](https://www.exchangechambers.co.uk/third-parties-rights-against-insurers-a-review-and-cautionary-theses-for-claimants/)
<https://www.exchangechambers.co.uk/third-parties-rights-against-insurers-a-review-and-cautionary-theses-for-claimants/>

[Zooming in on a new nirvana](https://www.exchangechambers.co.uk/zooming-in-on-a-new-nirvana/)
<https://www.exchangechambers.co.uk/zooming-in-on-a-new-nirvana/>

Clinical Negligence Webinar (2022): Interim Payments. A challenging tool, how to make them work in your favour: Judicial support or Judicial stricture?

Education

Qualifications:

- The University of Birmingham 2011-2014 (English Literature 1:1 BA (Hons))
- The University of St Andrews 2014-2015 (English Literature 1:1 MLitt)
- GDL 2015-2017: Distinction (The University of Law)
- BPTC 2017-2018: Outstanding (BPP University)

Scholarships/Prizes:

- Diplock Scholarship 2017-2018 (Middle Temple)
- Excellence Award Scholarship 2016 (BPP University)
- Urquhart Scholarship 2014 (The University of St Andrews)

Beyond the Bar

James is a keen sportsman having rowed internationally as a junior for Great Britain and when time permits now trains and races in marathons and half-marathons. He also enjoys spending time relaxing with family.