James Kinsey

Call 2018

Clerks

Neil Wright
0151 242 8814

Chris Brown
0161 817 7146

Appointments

Attorney General's Regional C Panel Counsel

Memberships

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

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

Employment

James is on the Attorney General's Regional C-Panel for Employment work.

James regularly acts for claimants and respondents in Employment cases and has experience in a range of matters involving discrimination and EqA 2010 claims, collective redundancies and TULRCA claims, whistleblowing, unfair dismissal including constructive dismissal, TUPE, wrongful dismissal, redundancy related claims, holiday pay, restrictive covenants, unlawful deduction of wages, worker status.

Recent cases:

- Successful defense at trial of a maternity discrimination claim by a nurse.
- Successful defense of an age discrimination and whistleblowing claim both of which were dismissed by the tribunal.
- Mediation acting for the respondent in a whistleblowing detriment and sexual orientation discrimination claim settled on advantageous terms.
- Mediation acting for the claimant in a race discrimination claim settled on advantageous terms.
- 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

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

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."

Client testimonials

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

"James is extremely astute and has a tactical and practical approach to his cases. He always has a very clear understanding of the commercial aspects of the case. His immense knowledge of complex personal injury matters allows him to get straight to the key issues in each case, knowing exactly when to seek further instructions, whilst having a keen sense of commercial awareness"

Solicitors

Publications

Third Parties Rights against Insurers: A review and cautionary tales for claimants

Zooming in on a new nirvana

Talks

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

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.