

12

King's Bench Walk

Philip Mead

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AREAS OF EXPERTISE

International & Travel, Personal Injury, Employment & Discrimination, Insurance, Aviation

Philip joins the International and Travel Group of 12KBW with an established practice in the field of cross-border personal injury and employment law. He has been named as a Star Individual in Chambers & Partners for several years in respect of International and Travel Claims and has appeared in the leading cases on jurisdiction and conflict of laws. Philip has particular expertise in the field of European law, in respect of the application of the Judgments Regulation and the Rome II Regulation.

Philip's personal injury practice involves claims of the utmost severity and includes the following areas: road traffic accident claims, direct actions against foreign insurers and compensation bodies, employer's liability claims, product liability claims, fatal accident claims, package holiday claims and maritime and aviation claims.

Philip's employment practice has involved peripatetic and overseas workers, seafarers, claims against foreign embassies and international organisations, in relation to claims for breach of contract, discrimination and breach of statutory rights.

Philip has received instructions directly from foreign lawyers and foreign clients. He is able to act on a direct access basis without the need to instruct an English solicitor.

Aviation

Philip has an established practice in the field of cross-border personal injury and employment law, appearing in the leading cases on jurisdiction and conflict of laws. He has particular expertise in the field of European law, in respect of the application of the Judgments Regulation and the Rome II Regulation.

His international practice includes, Injury, employer's liability, product liability and fatal accident claims, package holiday, maritime and aviation claims. Philip's employment practice involves peripatetic and overseas workers, seafarers, claims against foreign embassies and international organisations, in relation to claims for breach of contract, discrimination and breach of statutory rights.

Philip is instructed in cases where there is a dispute as to the jurisdiction of the English Courts, in particular, Philip has experience of both cases requiring permission to serve out of the jurisdiction and those cases where permission is not required but jurisdiction is disputed.

He has particular knowledge and experience in dealing with the following issues; Bringing proceedings against foreign domiciled Defendants, Joinder and service of foreign Defendants, applying foreign limitation; Applying foreign substantive law to liability and contributory negligence, quantifying claims according to foreign law, using direct rights of action against foreign insurers and applying foreign law to fatal accident claims

Recent cases;

Hoteles Pinero Canarias SL v Keefe [2016] 1 WLR 905 (CA) Jurisdiction; direct right of action against an insurer; joinder of tortfeasor; Judgments Regulation, Article 11(3) (appeal pending before the Supreme Court);

Cook v Virgin Media Ltd [2016] 1 WLR 1672 (CA) Jurisdiction; Scotland; civil procedure; forum non conveniens; strike out; personal injury (the leading case on intra-UK jurisdiction);

Rai v Ministry of Defence (9 May 2016; QBD) Conflict of laws; torts; choice of law; Rome II Regulation, Articles 1(1) and 4; acta iure imperii; employer's liability;

Qualifications & Awards

Philip has been called to give expert evidence before the Legal Affairs Committee of the European Parliament.

Appointments & Memberships

Member of PIBA, Pan-European Organization of Personal Injury Lawyers (General Board Member for England and Wales) TATLA; ELBA; ELA; BEG; UKAEL.

Directories

Named as a Star Individual for Travel: International Personal Injury in Chambers & Partners 2017. Praised for being "completely on top of the myriad of European and international regulations," he is often instructed in high-value claims arising from RTAs and package holidays. He predominantly acts for claimants against insurers, compensation bodies and employers. "He knows the area inside out and back to front." "He is extremely experienced, well known and well recognised." "Philip is an excellent advocate who has been involved in some of the leading cases on private international law and jurisdiction."

"He is incredibly knowledgeable in relation to any claims involving cross-border disputes. He is an advocate of the highest calibre." *Chambers and Partners, 2021*

"He has a very good manner with clients and instantly puts them at ease." *Chambers and Partners, 2021*

"He provides pragmatic and commercial advice." *Chambers and Partners, 2021*

"He is one of the most innovative and informed counsel in the field of using EU Law, Conflicts of Law and comparative law in both domestic and cross-border tort law – particularly personal injury and travel law." *The Legal 500, 2021*

"A true specialist in European law and foreign jurisdiction claims. He is excellent at distilling complex legal issues into practical guidance." *Chambers and Partners, 2020*

"Almost needs no mention as one of the barristers with a big brain for all things private international law." *The Legal 500, 2019*

"Great on jurisdictional issues and a tactical mastermind" *The Legal 500, 2019*

"Philip's knowledge of cross-border issues is beyond impressive and he seeks innovative approaches to difficult issues. He teams that with an approachability and sensitive manner." *Chambers & Partners, 2019*

"He has an excellent breadth of knowledge in the area, and his advocacy skills come to the fore when dealing with complex issues." *Chambers & Partners, 2019*

"An absolute all-rounder; an intellectual with a very approachable and engaging manner." *Legal 500, 2018*

"He is outstanding with jurisdiction issues where he is quick to the point, explaining it easily to clients." *Legal 500, 2018*

"He has a great command of European law issues and how they affect domestic cases." *Legal 500, 2017*

"Extremely cerebral and on a higher plane when it comes to the machinations of Europe." *Legal 500, 2017*

"...an excellent advocate who has been involved in some of the leading cases on private international law and jurisdiction." *Chambers & Partners, 2017*

"...completely on top of the myriad of European and international regulations." *Chambers & Partners, 2017*

"He is a delight to work with and very much views litigation as a team approach." *The Legal 500, 2016*

"He is very bright and knows EU law and cases to an extent that most people don't. He always makes time in the morning or the evening for a call, and he is a real brainbox." *Chambers & Partners, 2016*

"Recommended for cases involving conflicts of law." *Legal 500, 2015*

Publications

Co-Author and editor of books on Personal Injury Compensation in Europe (2003) and (2005)

Cases

Rai v Ministry of Defence (9 May 2016; QBD) Conflict of laws; torts; choice of law; Rome II Regulation, Articles 1(1) and 4; acta iure imperii; employer's liability

Cook v Virgin Media Ltd [2016] 1 WLR 1672 Conflict of laws; jurisdiction; Scotland; civil procedure; forum non conveniens; strike out; personal injury

Hoteles Pinero Canarias SL v Keefe [2016] 1 WLR 905 Conflict of laws; jurisdiction; direct right of action against an insurer; joinder of tortfeasor; Judgments Regulation, Article 11(3)

Hasan v Shell International Shipping Services (PTE) Ltd (14 January 2014; EAT) Jurisdiction of the Employment tribunal; breach of contract; discrimination on grounds of race; seafarers; unfair dismissal

Nemeti v Sabre Insurance Co Ltd [2014] PIQR P12 Civil procedure; personal injury; amendment of parties; limitation; foreign road traffic accident

R (on the application of the United Road Transport Union) v Secretary of State for Transport [2013] IRLR 890 Employment; working time; international drivers; EU law; principles of effectiveness and equivalence

Commissioner of Police of the Metropolis v Maxwell [2013] Eq LR 680 Employment; discrimination on grounds of race and sexual orientation; victimisation; harassment; limitation

Edwards v Chesterfield Royal Hospital NHS Foundation Trust [2012] 2 AC 22 Employment; breach of contract; disciplinary procedures; loss of reputation; recoverable loss; unfair dismissal

Ministry of Defence v Wallis [2011] ICR 617 Jurisdiction of the ET; overseas employees; discrimination on grounds of

sex; territorial scope; application of EU law

Jacobs v Motor Insurer's Bureau [2011] 1 WLR 2609 Conflict of laws; applicable law; compensation against Compensation Body; implementing EU Directives; foreign road traffic accident; uninsured driver

Diggins v Condor Marine Crewing Services Ltd [2010] ICR 213 Jurisdiction of the ET; seafarers; place of work; unfair dismissal

Knight v AXA Assurances [2009] Lloyd's Rep IR 667 Conflict of laws; proper law; measure of damages and interest; foreign road traffic accident

Spackman v London Metropolitan University [2007] IRLR 744 Employment; quantum meruit; deductions from wages; breach of contract; industrial action

Daniels v Commissioner of Police of the Metropolis (5 July 2006; QBD) Employment and personal injury; harassment; psychiatric harm; occupational stress

ASLEF v Brady [2006] IRLR 576 Employment; unfair dismissal; gross misconduct; fairness; reasons for dismissal

Lawson v Serco [2006] ICR 250 Employment overseas; jurisdiction of the ET; territorial scope; unfair dismissal

Chaudhary v STA Appeal Panel [2005] ICR 1086 Employment; jurisdiction of the ET; medical boards; race discrimination; right to a remedy; statutory appeals

Owusu v Jackson (Case C-281/02) [2005] QB 801 Conflict of laws; jurisdiction; EC law; forum non conveniens; Brussels Convention

Williams v J Walter Thompson Goup Ltd [2005] IRLR 376 Employment; disability discrimination; reasonable adjustments; constructive dismissal

Yearwood v Commissioner of Police of the Metropolis [2004] ICR 1660 Employment; discrimination; agency; liability of the principal; police officers

Susie Radin Ltd v GMB [2004] ICR 893 Employment; employee consultation; redundancy; protective awards

BMA v Chaudhary (No. 1) [2003] ICR 1510 Employment; abuse of process; doctors; promotion; race discrimination; time limits

Transco v O'Brien [2002] ICR 721 Employment; employer's duties; trust and confidence; enhanced redundancy payments

Mann v Secretary of State for Education and Employment [1999] ICR 898 Employment; collective redundancies; insolvency; redundancy payments; set-off