

12

King's Bench Walk

Thomas Pacey

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AREAS OF EXPERTISE

Employment & Discrimination, Personal Injury, Credit Hire, Fraud

Employment & Discrimination

Thomas has a wide range of experience in this area (including in Scotland) acting for both Claimants and Respondents. He is regularly instructed by partners in leading firms and entrusted with conduct of high-value cases and multi-week trials. He has also developed a loyal client base amongst some of the country's leading insurers. His practice encompasses the crossover between employment law and commercial law. He is qualified for Public Access and as such can be directly instructed by non-lawyers and members of the public. He is available to assist with internal grievances, disciplinary hearings, appeals and mediations. He has particular expertise in:

Unfair Dismissal

Thomas has enjoyed conspicuous success representing claimants in their claims for unfair dismissal. He recently successfully represented the Procurator Fiscal for Inverness in her six-figure claim for unfair dismissal. As part of this he cross-examined the Crown Agent which was the subject of media coverage. His work has encompassed constructive dismissals as well as claims relating to procedural unfairness. On the respondent side he has successfully represented Local Authorities, sole traders, partnerships and limited companies. He has niche expertise in claims relating to dismissal by reason of retirement.

Sample case:

Acted for the Respondent Local Authority in a six-figure unfair dismissal and discrimination case which settled on terms favourable to the Respondent on the first day of trial.

Discrimination

Thomas has conducted a host of cases in this area encompassing discrimination on grounds of race, age, disability, sex and pregnancy. He has particular experience of defending cases involving high risks to Respondents' reputations. On the claimant side he has been very successful in securing substantial awards in respect of injury to feelings on behalf of his clients.

Sample case:

Acted for the Claimant in a six-figure settlement of her pregnancy discrimination claim against a leading City institution.

Company / commercial

As a result of his extensive employment practice, Thomas is experienced in matters relating to directors' duties, directors' disputes and shareholder disputes.

Sample cases:

Successfully represented a director and shareholder in a 2 week trial relating to breaches of directors' duties and failure to pay retained profit.

Advised the directors of a major media organisation on the dismissal of a rogue director and the proper construction of their Shareholder Agreement.

Equal Pay

Thomas has a strong advisory practice in this area as well as extensive advocacy experience. He has specialist knowledge of cases in which there is a lack of transparency in the pay structure. He is equipped to advise on large-scale public sector claims as well as individual and group private sector claims.

Sample case:

Successfully represented the Claimant in a four-week equal pay trial against one of the largest media organisations in Scotland. The company's entire pay structure will be revised in the light of the judgment.

TUPE and collective rights

Thomas regularly advises on the duty to inform and consult as well as the transfer of contractual terms and liabilities. He has substantial advocacy experience acting for both Claimants and Respondents in this area.

Sample case:

Successfully represented three of the Claimants in a class-action against one of the country's leading hospitality companies.

Whistleblowing

Thomas has expert knowledge in this area and is regularly instructed to advise and represent both Claimants and Respondents.

Sample case:

Substantial whistleblowing proceedings which were heard at a 2-week trial in Glasgow in 2014. The case involved very serious allegations of misappropriation of public funds and abuse of Directors' duties. Thomas subsequently appeared successfully at the Employment Appeal Tribunal in Edinburgh in relation to this matter.

Personal Injury

Thomas appears regularly in fast track matters and has conducted a number of multi track cases through to trial. He has experience of acting in substantial High Court litigation as junior counsel and has appeared in the High Court in his own right on interlocutory matters.

He has an extensive paperwork practice and is happy to advise on a CFA. Particular expertise includes road traffic accidents, employers' liability of all kinds, sports injuries and cases in which medical causation is disputed.

Credit Hire

Frequent involvement with road traffic cases has enabled Thomas to develop a specialist credit hire practice. He acts mainly for defendants and has wide experience of drafting Statements of Case, with particular knowledge of those involving the Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008. Trial work is frequent and has been conducted on all tracks; Thomas has appeared in claims with values in excess of £50,000. He is available to provide in-house training and updates on the law to those instructing.

Fraud

Thomas has wide experience of defending claims involving dishonesty. These include low velocity impacts, staged accidents and deliberately induced accidents (especially 'slam-on' cases). Thomas is available to attend fraud conferences out of Chambers at the convenience of the client. He deals with all paperwork aspects and is able to draft specialist pleadings at short notice. He has particular experience of cases featuring surveillance evidence.

Qualifications & Awards

Certificat Supérieur de Droit Français (Sorbonne)

BA (Oxon)

Exhibitioner (Lady Margaret Hall, University of Oxford)

Winner, Oxford University Law Society Mooting Competition, Trinity 2004

Represented Oxford University at the annual Varsity Moot, 2004

Bedingfield Scholar (Gray's Inn)

Memberships

Personal Injuries Bar Association

Employment Lawyers Association

Cases

Harvey v Plymouth City Council, High Court, October 2009. Junior counsel in this novel case relating to occupiers' liability.