



Jesse Crozier

Year of Call: 2009

Jesse has a busy practice spanning the breadth of employment and commercial law, with a particular focus on litigation. He is regularly instructed to appear in the High Court, County Courts and Employment Tribunals, as well as appearing in the Employment Appeal Tribunal, the Court of Appeal and the Supreme Court.

Jesse's lay clients commend him for being "brilliantly professional and completely practical" and for doing a "wonderful job." Solicitors praise his "superb" advocacy and for doing a "stellar job." His cross-examination has been complimented by judges as "a model of its kind," by instructing solicitors as "brilliant," and by opponents as "extremely robust." He prides himself on a wholehearted focus on getting the best possible outcome for his clients.

Recommendations

'He has notable expertise in appeals, whistleblowing and discrimination claims.' - *Employment, Legal 500 2019*

Employment

Jesse has a broad employment and equality practice, acting for both claimants and respondents/defendants. His workload covers the full range of employment rights, whistleblowing and discrimination, restrictive covenants and confidentiality issues, collective rights and industrial action, contractual claims, and TUPE. Jesse's employment work often overlaps with his commercial practice, and he is often instructed in claims arising from agency/consultancy contracts and employment-related aspects of professional liability and insurance law. The majority of Jesse's practice is litigation based, but he also undertakes non-contentious advisory work and investigations/internal appeals. He is regularly instructed in the Employment Tribunals and County Courts, as well as appearing in the High Court, Employment Appeal Tribunal, the Court of Appeal and the Supreme Court.

His client base includes multinational and FTSE 100 companies, police forces and NHS trusts, SMEs, charities and trade unions, and senior executives. He is a member of ELA and ELAAS and undertakes pro bono work via the FRU / BPBU where appropriate.

Recent work includes:

- *P v Commissioner of Police of the Metropolis* [2017] UKSC 65 – represented the Respondent in case concerning judicial immunity of police misconduct panel and interplay with directly-effective EU rights under the Framework Directive (sole counsel at first instance and before EAT ([2014] All ER (D) 272); led by Tom Linden QC in Court of Appeal and Supreme Court);
- *Harris v Windstar Management Services Limited* [2016] ICR 847 - represented the successful claimant at first instance and on appeal in establishing territorial jurisdiction of employment tribunal over peripatetic merchant seaman;
- *Various v Shipping Group* – instructed to act for 25 merchant seamen in establishing territorial jurisdiction for the purposes of individual

redundancy payments and unfair dismissal claims;

- *Choksi v Royal Mail* UKEAT/0105/17/LA – represented the claimant in successfully arguing that ET had exceeded its jurisdiction on remission from EAT;
- *Mace v Aquatronic Group* UKEAT/0290/17/JOJ – represented successful claimant in appeal concerning proper approach to substitution;
- Instructed to obtain injunction to enforce non-dealing/non-solicitation and confidentiality obligations (settled by undertakings);
- Successfully resisted an injunction application seeking specific performance of an employment contract;
- *X & Y v Retailer* - instructed (with Andrew Burns QC) for respondent retailer in sensitive whistleblowing case, involving interim relief application and dispute over Claimants' reliance on privileged and confidential material; also instructed in related proceedings for injunctive relief in relation to retention and use of confidential information ;
- *W v Investment Management Co* – instructed for claimant in substantial disability and sex discrimination claim valued at £11m (trial in June 2018)
- *S v HP Plc & HB Ltd* - instructed in High Court dispute concerning consultancy agreement and remuneration, bonus and profit share in construction industry;
- Advising both commercial clients and claimant employees on a range of TUPE issues, including in relation to proceedings for failure to inform and consult, measures arising from insourcing transfer, and claims between transferee and transferor in relation to failure to provide employee liability information;
- *B v NS* – instructed in claim concerning proper interpretation of reg.13A of the Working Time Regulations 1998 (additional leave) and claimant's ongoing employment entitlements once in receipt of long-term PHI benefit
- *S v Solicitors Firm* – instructed for defendant solicitors in professional negligence action arising from solicitors' alleged failure to pursue discrimination claim
- *W v Employment Agency* – instructed for successful respondent in case concerning proper interpretation of the Agency Worker Regulations 2010
- *Abaya v Leeds NHS Trust* EAT/0258/16/BA – acted pro bono in successful appeal concerning the correct approach to making a costs award and the application of third-party means in assessing the paying party's means (pro bono)
- *Galilee v Commissioner of Police of the Metropolis* UKEAT/0207/16/RN – acted for respondent in appeal concerning the date on which a claim added by amendment is deemed to have been brought
- *Z v Finance House* – advising claimant on settlement of career-long PHI entitlement and termination payment from employer (c.£1.5m);
- Advising commercial clients on a range of TUPE issues, including in relation to proceedings for failure to inform and consult, measures arising from insourcing transfer, and claims between transferee and transferor in relation to failure to provide employee liability information;
- *Sitz v Oppenheimer Europe* [2013] EqLR 1209 - represented the successful claimant (with Andrew Burns QC) in high-profile sex discrimination, victimisation and unfair dismissal claim against an international brokerage house. Significant media interest, including The Times, The Times Magazine, Telegraph, Evening Standard, Daily Mail);
- *USDAW & Ors v Barratts*
 - represented the successful individual and union claimants in obtaining maximum protective award and in establishing TUPE transfer and automatically unfair dismissal in relation to Barratts entering administration

in 2011 and again in 2013; obtained protective awards in favour of over 100 employees;

- *City Link strike* - represented CityLink (led by Timothy Brennan QC and Andrew Burns QC) in claim for injunctive relief to prevent a strike. Strike called off at the last minute. Also advised CityLink on its response to wider industrial dispute;
- *Royal Mail Group v Lall* UKEAT/0228/12; [2013] All ER (D) 272 - appeal concerning substitution in unfair dismissal claim and the proper approach to costs under the EAT's costs regime; represented the successful claimant in resisting an appeal (with the claimant's costs awarded in full);
- *B v Insurer* – acting for claimant in a QBD action to recover sums due under PHI policy (with Nicholas Randall QC);
- assisting Robert Glancy QC in *Nayif v High Commission of Brunei Darussalam* [2014] EWCA 1521 (issue estoppel where tribunal declines jurisdiction; stress at work case);

Commercial Litigation

Jesse is regularly instructed in an advisory capacity and as an advocate in commercial matters, including cases with a commercial-chancery cross-over. Much of his commercial work involves professional negligence and/or insurance issues (detailed separately, below). More general commercial experience includes:

- instructed in £multi-million management and loan dispute arising out of overseas property deal;
- instructed by a bank to advise in relation to various claims against it as a CCA 1974 "creditor" to overseas property transactions;
- instructed in various claims pursuing declarations of resulting/constructive trusts arising from property transactions;
- instructed for solicitors' firm in various claims brought under purported claims management arrangements alleging dishonesty and breach of contract;
- acting for talent agent in claim against high-profile musician for breach of contract;
- acted for property developer and agent of BVI SPV in dispute concerning over £1.3 in unpaid commission and profit share;
- instructed in c.£500k dispute over consultancy agreement and bonus/profit-share issues;
- advising property developer on £multi-million company and shareholder dispute;
- acted in High Court proceedings for recovery of sums due under various guarantor agreements (settled following mediation);
- instructed in various claims in the Chancery Division arising from property held in trust, including actions seeking declarations of trust, directions to trustees and associated orders;
- acted for claimant in complex misrepresentation claim arising from the sale of a business (settled following mediation);
- acted for defendant at trial in successfully resisting attempt to set aside Tomlin Order for fraud;
- successfully resisted a claim against a guarantor raising abuse of process issues;
- advising on termination of software distribution agreement;
- advising on exclusion of liability and UCTA in relation to a breach of contract claim

Insurance & Reinsurance

Jesse acts in a range of insurance-related matters, both in an advisory capacity and as an advocate. Recent and ongoing work includes:

- advising in various actions against insurance companies and employers for permanent health insurance and ill-health retirement, including settling career-long loss claim against insurer and employer for in excess of £1.3m; and acting (with Nicholas Randall QC) in QBD action to enforce ombudsman award arising from PHI insurer declining cover;
- Instructed to advise and draft global insurance policy for multinational Plc (with Richard Harrison);
- advising local authority on subrogation/salvage/title issues around recovery of valuable antique;
- instructed for various insurance companies in coverage disputes;
- advising on impact of health insurance policies on personal injury claims;
- acting for defendant insurers in cases giving rise to fraud allegations.

Jesse regularly speaks and writes on insurance related topics. He edited Atkin's Court Forms Insurance title (with Alison Padfield and Sam Nicholls). He has also recently delivered seminars on aggregation and Permanent Health Insurance, and published an article on the *AstraZeneca* decision in the Court of Appeal (BILA journal).

Jesse also gained a broad experience of insurance litigation as Andrew Burns' pupil, including subrogation and indemnity claims, claims under the Third Parties (Rights Against Insurers) Act 1930 and Riot (Damages) Act 1886, and the *EL Trigger* litigation before the Supreme Court [2012] 1 WLR 867, led by Colin Wynter QC. As the pupil of Rob Hunter, Jesse assisted in advising insurance companies on their exposure under employers' and public liability insurance policies.

Professional Negligence

Jesse is instructed in professional negligence claims involving a wide range of professionals, including:

- instructed in various claims both for and against conveyancing and litigation solicitors, including around negligent advice and conduct of litigation, and negligent execution of transactions/deeds;
- instructed for defendant solicitors arising from under settlement of personal injury claims;
- instructed for defendant solicitor in QBD claim for failure to advise and pursue discrimination claim in employment tribunal;
- instructed for defendant actuary in claim arising from expert evidence (with Richard Harrison);
- instructed for defendant insurance broker in claim arising from failure to obtain cover;
- instructed by an Independent Financial Advisor in a professional negligence and contractual indemnity dispute;
- instructed for engineering firm in resisting engineers' negligence set off claim;
- instructed for the claimant in an engineers' negligence and breach of contract claim;
- assisting Andrew Burns in professional negligence actions involving solicitors', barristers' and insurance brokers' negligence, including *Begum v Neejam & Malik*;

Memberships and Associations

ELA, PNBA, COMBAR, PIBA, BILA, FRU

Academic

Bar Vocational Course (Very Competent), BPP Law School

Graduate Diploma in Law (Commendation), City University

BA, Philosophy, Politics and Economics (First Class Hons.), Balliol College, Oxford University

Awards and Scholarships

Inner Temple Sir John Ashworth and Duke of Edinburgh Scholarships (2008)

Inner Temple Exhibitioner (2007 & 2008)

Winner, City University Mooting Competition (2008)

GDH Cole Prize, Balliol College, Oxford (2005)