

# Jamie McCracken

Call: 1998

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As part of the Dispute Resolution team Jamie McCracken brings a breadth of experience in common law litigation to businesses and individuals in a wide range of sectors.

He is a confident advisor and advocate who is familiar with the issues that arise across business life.

The overlap of issues in family owned businesses or the competing interests of partners or co-directors have been the source of much of Jamie's work over the past decade. He can deal with the issues that include property disputes, breach of obligations by directors or senior employees, partnership disputes and the myriad of interlinked factors that are found in cases involving owner managed businesses and high net worth individuals.

As part of his practice Jamie has maintained a significant interest in employment law and he regularly appears in courts and tribunals in employment related matters.

As a common law advocate Jamie regularly appears in matters across the civil courts and tribunals.

## Areas of Expertise

### Commercial and Property Disputes

Jamie has successfully advised or represented many high net worth clients or businesses across a wide range of commercial or property disputes.

#### Notable Commercial and Property Disputes cases

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Advising and appearing on respect of a claim brought for unpaid commission payments of £1.8 M. The Claimant is an individual who developed a university course which was developed in conjunction with a professional body who would utilise the qualification as its preferred basis for membership. The case is ongoing and is complicated by the fact that intermediate companies have been

dissolved and require reinstatement and over a prolonged period of time payments had been made to a third party company who were not a party to the agreement.

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Advising and appearing in a claim for damages of £1.5 M for misrepresentation and breach of duty by a bank in the course of the provision of finance facilities to a company. The bank accept giving erroneous information but deny that there was any duty or that this information was causative of loss.

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Successfully defending a claim made by a former husband for a share in the former matrimonial home where the marriage had been dissolved over 40 years earlier and where the husband had failed to play any part in the upkeep of the home during that 40 year period.

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Advising and appearing on behalf of a Claimant who wished to reject an item that had been purchased by him in for just over £100000 on the basis of defects in quality, despite the fact that the item had been manufactured for him on a bespoke basis.

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Advising and appearing in injunctive proceedings brought by a Premier League Football club against an executive engaged by them.

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## Employment

Jamie has a breadth of experience in employment law and has been conducting employment tribunals on behalf of employers and employees since he completed pupillage.

### Notable Employment cases

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Appearing for the Respondent Employer in an 8 day employment tribunal where it was alleged that the working practices of the employer indirectly discriminated against a black designer.

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Appearing for and advising a Claimant who was a senior social worker for a local authority in respect of her claim that she was not promoted for reasons of subconscious racial bias. The claim succeeded on a majority basis with the Employment Judge refusing to uphold the claim but the 2 lay members of the Tribunal accepting the claim.

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Advising and appearing in a 10 day employment tribunal where the Claimant advanced allegations of racial harassment and discrimination in the early part of his employment and where his dismissal was before the conclusion of his probation period.

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Appearing for and advising an employer who was facing allegations of an unlawful dismissal as a result of whistleblowing allegations. The existence of the whistleblowing itself being in dispute but supported by the evidence of an individual who was a trainee solicitor at the point of the hearing.

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Advising and appearing in a complex 8 day hearing in the Employment Tribunal in a claim by a former Managing Director who asserted unfair dismissal in the course of a pre pack Administration, the impact of the TUPE regulations was a central feature of the claim.

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## Personal Injury

As a common law practitioner Jamie undertakes work in personal injury on a regular basis. As a result of his employment work Jamie is naturally drawn to Employers liability cases.

### Notable Personal Injury cases

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Advising and appearing in a claim by individuals injured by falling masonry in the smoking area of a pub. The masonry being dislodged by patrons climbing the wall!

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Advising and appearing in many claims against employers.

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## Education

- LLB(Hons) University of Hertfordshire 1998
- LLM London School of Economics 2000

## Memberships

- London Common Law and Commercial Bar Association
- Employment Law Bar Association