

BRIAN McCLUGGAGE



YEAR OF CALL

1995, Middle Temple

DEGREE & EDUCATION

MA (Hons) Law, Cambridge University
LLM, University of Toronto

Middle Temple Fox Scholar

ASSOCIATIONS

Employment Lawyers Association
Personal Injury Bar Association
British Insurance Lawyers Association

"...one of the best juniors in Manchester"

Legal 500 2012

"Absolutely superb"

Chambers & Partners 2012

"The 'absolutely superb' Brian McCluggage has established a thriving employment law practice alongside his personal injury work. His recent efforts include Keith Baker v Totesport, where he successfully defended bookmakers against a £500,000 DDA claim brought by a senior manager."

Chambers & Partners 2012

APPOINTMENTS

Fee paid Employment Judge (appointed 2010)
Junior counsel to the Crown (Provincial) –
"Treasury Counsel" (appointed 2002)

PROFILE

Brian McCluggage has a strong tribunal based practice, with a particular emphasis on disability discrimination law.

Mr. McCluggage enjoys the distinction of being rated in Chambers & Partners as a notable practitioner in both the Employment Law and Personal Injury sections. There is great advantage to an advocate, and ultimately the client, in terms of breath of perspective in having ability and experience in more than one area of litigation.

His bulk of his instructions are on behalf of government departments and 'blue chip' companies, though he is just as pleased to act on behalf of SME's and for claimants. He is mainly instructed in high value or 'difficult' cases and is adept at dealing with voluminous documentation and lengthy hearings.

He has often advised and acted for solicitors firms with regard to their own internal employment affairs.

He is an accomplished advocate, with particular skill in cross-examination of both lay and expert witnesses.

Particular experience includes:

- Disability Discrimination cases. Mr. McCluggage has substantial expertise in this field and his experience of high value personal injury work means that he is conversant with medical issues and evidence.
- He has significant experience opposing litigants-in-person at court and tribunal, where he is known to be firm but fair, whilst

ensuring that clients' interests are properly protected.

- Constructive dismissal cases.
- Discrimination cases in the civil courts e.g. provision of goods and services.
- Restrictive Covenant/wrongful dismissal cases in the civil courts.
- Technical issues such as estoppel/abuse of process, private international law issues, time points.

Amongst many other EAT and tribunal cases, recent interesting instructions include:

- *Baker v. Totesport* (2010): acting on behalf of the Tote at ET in successfully defending £500k DDA claim brought by senior manager.
- *Johnson v. Lord Chancellor's Advisory Committee* (2009): defending disability discrimination claim brought by prospective magistrate.
- *Phillips v. HMRC* (2009): defending disability discrimination claim brought by solicitor applying to Government Legal Service.
- *Cummings & ors v. Ministry of Justice* (2009): defending Prison Service in civil claims brought by convicted murderers and terrorists in respect of alleged religious discrimination concerning prayer in cells.
- *S v. Credit Agricole* (2008): High court wrongful dismissal proceedings on behalf of City banker asserting £500,000 bonus.
- *Sharma v. Manchester City Council* [2008] IRLR 336, [2008] ICR 623 (EAT): PTW discrimination.



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- *Westwood v. Employment Tribunal Service* (2007): ET: acting for Employment Tribunal Service in 2 week high-value disability discrimination case brought by tribunal clerk.
- *Monk v. Body Creation* (2006) Preston County Court: successful case on behalf of disabled teenager (supported by DRC) against tattoo parlour that refused to provide services.
- *Khan v. Heywood & Middleton NHS Trust* [2007] ICR 24 (Court of Appeal) [2006] IRLR 345 (EAT): leading procedural employment case on question whether a claimant can recommence withdrawn proceedings.
- *Cavendish v. Stagecoach plc.* (2003 to 2005): ET and EAT: defending proceedings against litigant-in-person making serious allegations of corruption against witnesses, judges and legal representatives.
- *TGWU & others v. Manchester Airport plc* (2004): ET and EAT: on behalf of the respondent in unfair dismissal and s.188 collective redundancy proceedings following reorganisation of security service at the airport following 9/11.



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