

Joel C. T. Kendall

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AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Employment & Discrimination, International & Travel, Insurance, Product Liability, Inquests, Aviation

Joel specialises in high value and complex personal injury work and clinical negligence. He also practises in the field of discrimination in the provision of services and education. He has extensive experience of catastrophic brain injury, spinal injuries and chronic pain. He is adept at working at the interface of personal injury and employment, in particular in the areas of workplace stress and harassment. He is regularly instructed by some of the leading claimant and defendant solicitors. In addition he is instructed by public authorities and Trade Unions.

He is listed as a Leading Junior in Personal Injury in both The Legal 500 (band 3) and Chambers and Partners (band 4). He is recognised as being “*efficient, quick and very good at setting expectations*” and as having “*a fantastic legal mind and client manner*” as well as “*a very incisive approach providing clear, concise, robust advice*”.

Outside the law Joel’s interests include classical music, cinema and Wycombe Wanderers FC.

International & Travel

Joel acts frequently for cabin crew in personal injury claims against UK-based international airlines. In addition he has experience of passenger claims for personal injury under the Montreal Convention. In the last year he acted for the successful Claimant, a member of cabin crew, in the trial of a personal injuries claim against a well-known airline arising out of the negligent piloting of the plane on landing.

Qualifications & Awards

Astbury Scholar of the Middle Temple (1993)

BA (Hons) Jurisprudence, Exeter College Oxford (1992)

Memberships

Personal Injuries Bar Association

Employment Law Bar Association

Cases

Oxford Said Business School Ltd v Heslop EA-2021-00268-VP (EAT), [2021] 11 WLUK 179 – an emphasis on the principles enunciated in *DPP Law Ltd v Greenberg*, that appellate tribunals should be slow to conclude that an employment tribunal has not applied applicable legal principles when they have been correctly stated

H v M (2021) – acted for Defendant at the JSM of a severe brain and orthopaedic injury case. Settlement achieved (led by Paul Russell QC)

R v MML (2021) – acting for the Claimant in a severe brain injury case. A substantial six figure sum was obtained at a JSM

L v S NHS Trust (2020) – acting for the Claimant in a catastrophic injury clinical negligence case. Following resolution of liability an eight figure sum was obtained at JSM (led by William Featherby QC)

Re PH (deceased) (2019) – acting for the family at the JSM and subsequent approval hearing in respect of a fatal accidents claim arising out of the Croydon tram crash in 2016

N v SMH NHS Trust (2019) – acting for the Claimant in a catastrophic above-knee amputation case where liability and causation were in dispute. A substantial seven figure sum was obtained at a JSM

G4S Cash Solutions (UK) Ltd v Powell UKEAT/0243/15 – guidance on whether the duty to make reasonable adjustments encompassed pay protection when the employee is moved to a lesser role

Enamejewa v British Gas Trading Ltd UKEAT/0347/14 – the first authority on the proper interpretation and application of r.38 of the 2013 ET Rules relating to reinstatement of cases that have been struck out for non-compliance with unless orders

Olulana v LB Southwark [2014] EWHC 2707(QB) – workplace stress claim. Considered the jurisdiction of the High Court in relation to claims under the Equality Act 2010

Boylin v The Christie Hospital [2014] EWHC 3363 (QB) – workplace stress claim. Considered the principles underlying the Protection from Harassment Act 1997 and common law negligence in relation to psychiatric injury of employees

Hodgson v Carr November 2014 – 2 day High Court trial (Newcastle DR) on liability only in catastrophic injuries road traffic accident claim

Burden v Stevenage Borough Council UKEAT/0587/10/ZT – guidance on affirmation in constructive dismissal cases and drawing inferences of discrimination

Veakins v Kier Islington Ltd [2009] EWCA Civ 1288 – Guidance on the proper interpretation of the Protection of Harassment Act 1997.

Sayers -v- Cambridgeshire CC [2006] EWHC 2029 (QB), [2007] IRLR 29 – no justification for imposing cause of action for breach of statutory duty in respect of regulation 4 of the Working Time Regulations 1998.

G4S Justice Services (UK) Ltd -v- Anstey & others [2006] IRLR 588, EAT: retrospective operation of TUPE after transfer.

Securicor Security Ltd -v- Toujani [2005] All ER (D) 240 (Jull) – reverse burden of proof in discrimination cases.

Pitt -v- Industrial Roofing Ltd [2005] All ER (D) 392 (Apr) – interpretation of s.1(3)(b) of the Fatal Accidents Act 1976.

Laing O'Rourke Group Services v Woolf & Jones UKEAT/0038/05: strike out for non-compliance with tribunal orders.

Securicor Custodial Services Ltd v Williams UKEAT/0042/02: causation in discrimination case, race specific discrimination.

Hockney & Marshall v DW Bennett & Sons (1), Johnson (2), Barton (3) CA 19.10.00, Lawtel AC9900060: apportionment

of liability in road traffic accidents