

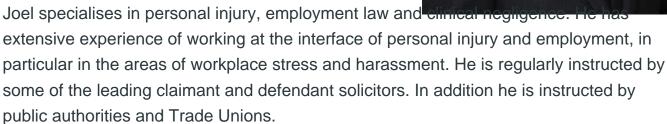
# Joel C. T. Kendall

Call: 1993

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### **AREAS OF EXPERTISE**

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



Joel regularly provides lectures on a variety of employment and personal injury areas, including the operation of the Johnson exclusion area, a difficult and complex subject affecting both personal injury and employment litigation.

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

## Insurance

Joel's experience in this area includes:

- Motor insurance declaration proceedings and related litigation
- Permanent health insurance policy wording disputes

# **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** 

## **Directories**

Joel has a very incisive approach providing clear, concise, robust advice. He is a tenacious but pragmatic litigator has a first rate technical understanding of the law and is highly regarded by both clients and instructing solicitors – Legal 500, 2025

Rapidly identifies the key issues in the case - Legal 500, 2014

#### 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.

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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

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