

Jane McCafferty KC

Silk: 2019 Call: 1998

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Jane took silk in 2019 and is ranked in Chambers and Partners and the Legal 500, from 2022 editions: "She is a demon of the courtroom and it is a genuine pleasure to watch her cross-examine others in court, as she is in total control of the situation." "She just terrifies the other side, who you see trembling as she is so good, and she is forensic – you find yourself applauding her in court." Jane practices in commercial, partnership/LLPs and employment law with particular experience in litigation involving team moves, restrictive covenants, misuse of confidential information, breach of fiduciary duty, civil fraud and contractual disputes. Jane's practice frequently involves multi-jurisdictional disputes and complex, high value litigation in financial services and regulated markets.



One of the best cross-examiners and impresses with her work on difficult cases

LEGAL 500

Recent cases include: A v B; Hewlett Packard v Manchester Technology Data AJ [2019] EWHC 2089 (Ch)) (practice guidance on approach to inspection and interrogation of digital data under search and seize order); Gallagher v Bishopsgate Insurance Brokers [2019] (alleged team move and breach of fiduciary duty); ICAP Management Services Limited v (1) Berry (2) BGC [2017] EWHC 1321 (QB) (no TUPE transfer upon share acquisition); Marathon Asset Management v Seddon [2017] I.R.L.R. 503 (Wrotham Park damages for theft of confidential information); and Hosking v Marathon Asset Management LLP [2017] Ch 157 (landmark case on the meaning of 'remuneration' in the context of forfeiture of profit share upon breach of fiduciary duty).

Expertise

Recent cases

ICAP v Berry

[2017] IRLR 811; [2017] 3 COSTS LR 531, [2017] EWHC 1321 (QB), QBD, JUNE 6 2017

Sale of the entire shareholding in a business to another company did not amount to a transfer for TUPE purposes when the two businesses remained distinct.

Tymon v (1) Clarkson and (2) BBC

2016

Instructed for former *Top Gear* presented Jeremy Clarkson in the race discrimination claim brought by a BBC producer after the well-publicised 'fracas'.

EG Solutions PLC v Hughes, HQ16X01432

2016

Instructed in claim to enforce restrictive covenants against former employees and new employer after contested hearing for interim relief.

Hosking v Marathon Asset Management LLP

[2016] EWHC 2418 (CH)

Senior junior in this landmark case on the meaning of 'remuneration' in the context of 'claw back' of profits following breach of duty. Far-reaching ramifications for remuneration in financial services funds which are structured as LLPs.

Dr Eva Carneiro v Chelsea FC and Jose Mourinho

2016

Instructed to advise Chelsea FC on aspects of high profile discrimination employment tribunal claim brought by former team doctor

Kingswood IOPTUS Steele Limited v Apex & others

2016

Sole counsel instructed on application for injunctive relief on behalf of corporate and individual defendants in claim alleging breach of contract and conspiracy in setting up in competition/diverting business following previous merger of companies.

Deer v University of Oxford

[2015] EWCA CIV 52

Sole counsel for the University before the CA which held that a former employee did not suffer a detriment for the purposes of the victimisation provisions of the Equality Act 2010 when her former employer, relying on legal advice, decided not to respond to a Subject Access Request under the Data Protection Act 1998 in order to preserve its position in litigation.

Achievements

Education

First class degree in Law from Newnham College, Cambridge.
George Long Prize for Jurisprudence
Scholar of Newnham College and a Squire Scholar of the University.
First in LLM in European Community Law (Cantab)
Placed first in University in the Law and Policy of the Single European Market.

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A very impressive senior junior of silk quality

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Absolutely superb, she is possibly the best senior junior I have ever worked with. Phenomenal in every respect

CHAMBERS & PARTNERS

“

Technically excellent

CHAMBERS & PARTNERS

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Continues to display a level of skill and professionalism beyond her year of call

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A super-brain, who is exceptionally brilliant on financial services matters because she really understands the sector

CHAMBERS & PARTNERS



A “superstar” experienced in complex multi-party litigation who “focuses her energy on the things that matter

WHO'S WHO LEGAL



Her contribution to cases is simply stunning

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She has an encyclopaedic knowledge of cases and combines personability with razor-sharp advocacy

CHAMBERS & PARTNERS



She is very, very clever, and also clearly a fighter, and it is that combination which makes her so deadly

CHAMBERS & PARTNERS