

# 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.

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).



***A "superstar" experience in complex multi-party litigation who "focuses her energy on the things that matter"***

WHO'S WHO LEGAL



# Expertise

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## Employment

Jane's employment practice involves high value claims in the financial services sector including bonus disputes, high profile whistle blowing and discrimination claims, often with an international dimension. She has particular expertise in disputes involving FCA/PRA regulated firms or persons and recently co-chaired ELA's response to the FCA's consultation paper on the FCA's power to issue warning notices.

Jane was senior junior in one of the Lawyer's Top 20 Cases of 2016: the high-profile 'team move' dispute between one of London's most successful fund managers Marathon Asset Management LLP against a departing team of employees.

In 2016, Jane was instructed in the two most high-profile employment tribunal claims of the year. She appeared for Jeremy Clarkson in the well-publicised employment tribunal claim brought by his former producer against the BBC, and advised Chelsea FC in relation to aspects of the tribunal claim brought by former Chelsea team doctor Eva Carneiro.



***Truly superb and a very, very good advocate: she's absolutely amazing on her feet.***

CHAMBERS & PARTNERS

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## Commercial Dispute Resolution

Jane has established a thriving practice as the 'go to' senior junior for commercial disputes involving fraud or wrongdoing by individuals leaving a business to set up in competition, especially where there is an employment or partnership/LLP angle.

A distinguished advocate, Jane has particular expertise in complex, multi-party litigation and arbitrations involving 'team moves', misuse of confidential information or civil fraud by directors, partners and employees. She has specialist knowledge of, and expertise in, the financial services and asset management sectors and is regularly instructed to seek or resist applications for injunctive relief.

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## Recent cases

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## 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.

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## 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'.

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## 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.

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## 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

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## 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.

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## 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

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## 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.

## 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***

LEGAL 500

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

CHAMBERS & PARTNERS

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***Technically excellent***

CHAMBERS & PARTNERS

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

LEGAL 500

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

CHAMBERS & PARTNERS

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

WHO'S WHO LEGAL

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***Her contribution to cases is simply stunning***

LEGAL 500

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

CHAMBERS & PARTNERS

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

CHAMBERS & PARTNERS