



Jessica Wilson-Theaker

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Year of Call: 2012

Education

- Manchester Metropolitan University – Bar Professional Training Course – Very Competent
- The College of Law (Chester) – Graduate Diploma in Law – Commendation
- Newcastle University – BA (Hons): Classical Studies & English – High 2:1

Scholarships

- Inner Temple – Major Exhibition Award – March 2011

Publications

Since 2012 Jessica has had a number of short articles on significant cases published in Personal Injury and Employment Law supplements, including:

- O'Brien v Ministry of Justice – Daniel Barnett's Employment Law Update (sole author)
- Vann & Others v Ocidental Companhia de Seguros S.A – PI Brief Update (co-author)
- Churchill & Others v Wilkinson & Others – Lexis Nexis Butterworths PI Supplement (sole author)

Experience

Jessica became a member of chambers in December 2015 following the successful completion of her pupillage. She has a busy Civil practice with a particular focus on Personal Injury, Travel Law and Employment Law.

EXPERTISE

Personal Injury

Jessica represents Claimants and Defendants across a broad spectrum of Personal Injury work, including road traffic accidents, public liability, employer's liability and product liability with a focus on serious injury claims. Jessica also acts in fatal accident claims. She has recent experience of conducting complex and/or high value claims including polytrauma, long-term psychiatric injuries, neurological injuries and pain cases. As an experienced discrimination practitioner, Jessica also has a growing practise in advising and pleading personal injury claims pursued under Equality Act 2010, frequently involving claimants with disability.

Jessica practises in claims on the Fast and Multi-Track of the County Court. Jessica undertakes advocacy at all stages of a claim and conducts trials (Fast and Multi-Track), CCMCs, application hearings, assessment of damages' hearings and appeal hearings. Jessica is frequently instructed to advise in conference in serious injury claims.

Jessica also has a busy paperwork practice and drafts Advices, Particulars of Claim, Defences and schedules/counter-schedules in all Personal Injury matters.

Recent Cases include

- Current instruction in a claim valued in the region of £450,000 for a claimant injured in an accident at work. Liability, medical causation and quantum disputed.
- Advised in conference and in writing in a public liability claim, which settled for a six-figure sum.
- Instructed in a multi-track claim for a disabled claimant injured after an accident in a property. Drafted pleadings alleging multiple breaches of the Equality Act 2010. Claim recently settled.
- Instructed in fast-track road traffic accident trials involving allegations of fundamental dishonesty.
- Two appeals in complex CICA claims, both concerning eligibility for awards under the applicable CICA Schemes.

Clinical Negligence

Jessica has a keen interest in and in-depth knowledge of clinical negligence. She accepts instructions for Claimants and Defendants in clinical negligence claims. She provides advocacy and advisory services across a broad range of clinical negligence claims. Jessica has acted recently in claims involving delayed diagnosis of ectopic pregnancy, birth injury (to mother and child), delayed diagnosis of cancer and radiological errors. Jessica has acted in a number of claims involving complications arising from orthopaedic injuries and/or surgery.

Employment

Jessica accepts instructions in all matters of Employment Law for both Claimants and Respondents. She acts at all stages of claims within the Tribunal and has experience advising prospective Claimants and Respondents on pre and post-termination settlement agreements governed by section 111A ERA 1996. Jessica is regularly instructed to provide written advices and pleadings in a wide range of Employment claims.

Jessica is frequently instructed for Preliminary Hearings on a wide range of issues. She has been instructed in a Preliminary Hearings to determine:

- Strike out applications and applications for deposit orders;
- Employment status;
- Whether a claimant was disabled within the meaning of section 6 EqA 2010;
- Procedural and administrative disputes – including whether an ET1 Claim Form should have been rejected because it contained an incorrect ACAS EC Certificate number;
- Case management directions;

Jessica has experience in conducting judicial mediations and final hearings across a wide range of employment claims. Recent experience includes claims concerning:

- Unfair Dismissal including – “ordinary” unfair dismissal, automatically unfair dismissal following protected disclosures (s103A ERA 1996), automatically unfair dismissal for health and safety reasons (section 100 ERA 1996) and automatically unfair dismissal for a prescribed reason within section 99 ERA 1996.
- Redundancy – encompassing claims for redundancy pay only and unfair dismissal claims;
- TUPE – including dismissal because of a relevant transfer, identity of the dismissing employer and the enforceability of variations to terms within an employment contract following a TUPE transfer;
- Discrimination – including claims founded on allegations of discrimination in all forms on the grounds of sex, pregnancy and maternity, race, age and disability;
- Pay claims – including unauthorised deduction of wages and/or breach of contract;

Accidents Abroad

Jessica undertakes work in a broad range of travel claims with a particular interest in aviation law. She has conducted trials concerning:

- Delayed flight compensation pursuant to EC Regulation 261/2004;
- Compensation under the Montreal Convention for lost baggage;
- Claims founded on breach of contract following a ruined or disappointing holiday;

Jessica gained extensive experience and knowledge of claims arising out of accidents abroad. She has good knowledge of international Regulations and Conventions applicable to this field of work. Since joining chambers, Jessica has experience in accident abroad claims relating to:

- Accidents in hotels
- Injuries sustained in the course of sports and leisure activities
- Injuries sustained whilst traveling by air and rail.