



## Chesca Lord

Year of Call: 2011

Call Clerk on 020 7827 4000

### PRACTICE AREAS

Clinical Negligence | Commercial Law | Discrimination & Equality | Employment  
| Human Rights | Personal Injury | Regulatory

### HIGHLIGHTS

Ranked by Who's Who Legal 2017 as an Expert in Labour, Employment & Benefits

### OVERVIEW

Chesca has a broad practice primarily focusing on employment, discrimination, commercial litigation, personal injury and clinical negligence, but also encompassing general civil and human rights law.

## EMPLOYMENT AND DISCRIMINATION

Chesca regularly advises and acts in all areas of employment and equality law, including unfair dismissal, redundancy, contractual issues, whistleblowing, restrictive covenants, TUPE, and costs (including wasted costs). She has particular experience in complex multi-day discrimination Employment Tribunal Hearings across the full range of protected characteristics, and is developing her appellate practice. She is also noted for her expertise in holiday pay, having provided training and/or advice on this rapidly developing area of law to solicitors, individuals and companies (ranging from SMEs to public bodies and major retailers).

Chesca's employment practice incorporates High Court restrictive covenant disputes and injunctions. Her familiarity with civil procedure, including costs budgeting, as a result of her PI/clinical negligence practice is an asset, particularly with employment solicitors more accustomed to Tribunal litigation, who she is able to guide through the process.

Her expertise in personal injury schedules and familiarity with medical evidence also assists in claims involving complex remedy issues and disputed disability status. □

She has undertaken secondments to two leading employment law firms, broadening the scope of her practice and developing her pragmatic, client-focussed approach. At BDBF she advised a number of senior executives on negotiated exits and restricted covenant issues, and represented a technology company who brought a successful injunction against a departing employee. At Herbert Smith Freehills, Chesca developed her non-contentious employment expertise, including advising on corporate transactions, TUPE, and internal grievances and disciplinaries.

## PERSONAL INJURY AND CLINICAL NEGLIGENCE

Chesca specialises in contested quantum-only cases of the utmost severity. She is frequently brought in as junior counsel once liability is admitted or determined in a claimant's favour to draft complex multi-million pound Schedules of Loss..

Since becoming a tenant at Cloisters, Chesca has been involved in the recovery of over £95 million for injured claimants. She has particular expertise in

cerebral palsy arising from clinical negligence at birth or during neonatal care, and catastrophic RTAs resulting in spinal cord or traumatic brain injuries.

She has significant experience dealing with a wide range of controversial quantum issues including accommodation claims following the recent change in the discount rate, claims for hydrotherapy pools and motor homes, complex career-long loss of earnings claims for young adults, cases involving difficult causation disputes and contested interim payment applications.

Chesca's employment law knowledge has enabled her personal injury clients to maximise their damages, for example:

- Being live to potential disability discrimination and other employment law issues where an injured client is attempting to return to work or find work;
- Considering whether a client who lost their employment as a result of their injuries had a separate unfair dismissal complaint;
- Ensuring that future loss of earnings claims are pleaded on the basis of clients' full legal entitlements in respect of wages and holiday/sickness pay and worker status;
- Advising on the impact of changes in law on working time, and its interplay with the national minimum wage, on carer wages;
- Advising on the potential employment law implications of a breakdown in the relationship between an injured client's mother and the care team.

## BACKGROUND

Prior to commencing pupillage at Cloisters Chesca worked for Bloomsbury Law Tutors, giving private Tort Law tuition to university students. She speaks fluent Spanish, having spent six months studying at the University of Salamanca.

## AWARDS

Hardwicke Scholarship, Lincoln's Inn

Cholmeley Studentship, Lincoln's Inn

Buchanan Prize, Lincoln's Inn

## REFERENCES

Who's Who Legal 2017, ranked as an Expert in Labour, Employment & Benefits

## APPOINTMENTS AND MEMBERSHIPS

Personal Injury Bar Association

Industrial Law Society

Employment Lawyers Association

Employment Lawyers Bar Association

Discrimination Law Association

## PUBLICATIONS AND TRAINING

Paul Epstein QC and Chesca Lord, "The role of the national judge in judging a discrimination case: Remedies and sanctions" (Delivered by Paul Epstein QC at the Applying EU Anti-Discrimination Law Seminar for Judges at the European Academy of Law, Trier, in October 2012. Chesca chaired the workshop discussion for the Spanish-speaking delegates)

Dee Masters and Chesca Lord, "Collective redundancy law shake up: reducing the burden on employers?" (PLC Magazine, Jan/Feb 2013)

Wrote sections on Limitation, Research Regulation and Medical Products and Devices for Cloisters' "AvMA Clinical Negligence Conference 2013 Legal Update"

Chesca regularly provides training on a wide range of topics. Recent examples include consent in clinical negligence claims post-Montgomery, using the Ogden Tables, misconduct dismissals, the introduction of shared parental leave, and numerous talks and blogs on holiday pay, including a well-received seminar to

HMPA Wales. Chesca has also been involved in various mock trials.

## QUALIFICATIONS

Oxford University, BA, History

City Law School, GDL and BPTC (Outstanding)

## HIGHLIGHT CASES

### Employment/PI & CN Crossover

- Led by Caspar Glyn QC to act for the Defendant in the largest ever single employment and personal injury claim bought in the UK; a stress claim pleaded in excess of £30 million.
- Advised a leading commodity broking firm about a potential personal injury claim intimated by a former employee with an ongoing multi-million pound whistleblowing claim.
- Advised a senior executive on long-term sickness absence, allegedly caused by their employer's treatment, about their different options in personal injury and disability discrimination. The case settled for a seven figure sum.
- Acted on behalf of a naval worker in which the provider of allegedly negligent medical care was also the employer, with continuing duties to monitor fitness for service.

### Employment and Discrimination

- *Zerolight v Wolff* [2016] EWHC 487 (QB): while seconded to BDBF, successfully applied for interim injunctive relief to enforce restrictive covenants against a former employee.
- *Perry's Motor Sales Ltd v Evans* UKEAT/0275/14/BA: successfully resisted an employer's appeal against a finding of constructive unfair dismissal and failure to make reasonable adjustments.
- *Pegg v London Borough of Camden* [2013] EqLR 75 - instructed by the Equalities and Human Rights Commission to represent the Claimant in a 5-day

disability discrimination claim; secured an award of almost £36,000 after a contested remedies hearing.

- Advised two major national retailers on the ramifications of holiday pay and how to deal with the problem going forwards.
- Acted for a financial sector client in a month-long race discrimination and unfair dismissal trial led by, David Craig (now QC).
- Advised a local authority about a major restructuring involving almost 100 job cuts.
- Acted on behalf of the University and Colleges Union in a 5-day trade union discrimination and whistleblowing case, and provided on-going advice on the management of the claimant's return to work after the trial and long term sick leave.
- Secured a wasted costs award of c. £13,000 against a solicitors firm who had held themselves out as acting for named respondents in a discrimination complaint, but failed to properly advise the respondents of the hearing date.

## Personal Injury and Clinical Negligence

- *Brown v Morley* LTLPI 14/3/2014: led by William Latimer-Sayer in a High Court quantum trial for injuries including an above-knee amputation sustained in a motorcycle RTA. Obtained the then highest recorded settlement for a single amputee after 10 days of a trial involving expert witnesses in 8 disciplines. See press coverage [here](#).
- Junior counsel in numerous birth negligence cases resulting in cerebral palsy, including obtaining a settlement capitalising in excess of £34 million in 2017.
- Obtained an interim payment of over £1.2 million at a contested hearing (led by Patricia Hitchcock QC) to enable a property purchase for a 14-year old girl who had been severely injured by clinical negligence when a few months old.
- Assisted in recovering one of the highest known Criminal Injuries Compensation Awards (capitalised at over £5 million) as Lisa Sullivan's pupil, led by Simon Taylor QC.
- Led by Patricia Hitchcock QC in a successful RTM for a multi-million pound RTA claim involving heavily contested evidence on future earning capacity.