



Tamar Burton

Year of Call: 2012

Call Clerk on 020 7827 4000

PRACTICE AREAS

Clinical Negligence | Discrimination & Equality | Employment | Personal Injury | Professional Discipline

HIGHLIGHTS

Tamar Burton frequently appears in the Employment Tribunal and County Courts. She has appeared in the High Court, EAT, Court of Appeal, Supreme Court and Court of Justice of the European Union. She accepts instructions in clinical negligence, personal injury, regulatory, employment and discrimination law.

"A wonderful advocate who is dominant in court and exceptionally well prepared." **Legal 500 2022**

OVERVIEW

Tamar Burton's practice has a strong focus on clinical negligence, personal injury, employment and discrimination work.

CLINICAL NEGLIGENCE, PERSONAL INJURY & INQUESTS

Tamar exclusively acts for claimants in her clinical negligence and personal injury work.

Tamar has been appointed as junior counsel to the Infected Blood Inquiry, chaired by Sir Brian Langstaff. Within the Inquiry, she has a particular focus on the impact of blood-borne viruses on infected people and their families.

She is currently being led by William Latimer-Sayer QC in more than 80 claims for individuals with narcolepsy and cataplexy.

She appears led and unled in a range of clinical negligence cases involving claims against GPs, dentists and individual clinicians. She has a particular interest in informed consent and co-authored the chapter on consent in Lewis & Buchan A Practical Guide. She is regularly instructed to draft pleadings, for conferences with experts and for procedural applications in front of the QBD Masters, in addition to RTMs and trials.

She is currently being led by Simon Taylor QC and William Latimer-Sayer QC in cerebral palsy cases. She has expertise in drafting complex, multi-million pound schedules of loss in these cases. She has experience of contested High Court quantum trials. Tamar has a particular interest in the assessment of damages and is currently the Assistant Secretary to the Ogden Working Party.

In her personal injury work, she has acted for individuals and bereaved families following train crashes, accidents at theme parks and in school playgrounds as well as those injured on the roads and in workplaces. She is dedicated to achieving the best possible outcome for those who have suffered life-changing injuries.

She also regularly appears in coronial courts, acting exclusively for families. She has been instructed in jury and non-jury inquests involving deaths at work, in care homes, in prisons and in hospitals. In particular, she has an interest in deaths arising from procedures in private hospitals and deaths, especially of adolescents, in mental health settings.

EMPLOYMENT & DISCRIMINATION

In her employment and discrimination work, Tamar acts for employers and employees in the tribunal and the civil courts.

Tamar has a particular interest in litigation concerning the gig economy and worker status. She was successful in representing a cycle courier, instructed on behalf of the Independent Workers of Great Britain trade union, against Addison Lee. She appeared unled. The result was widely reported, for example: <https://www.theguardian.com/uk-news/2017/aug/02/addison-lee-suffers-latest-defeat-in-legal-row-over-gig-economy-rights>. She successfully resisted the Respondent's appeal in the EAT ([2018] ICR 1826), led by Peter Oldham QC. The Respondent's permission to appeal was rejected by the Court of Appeal.

She continues to act in cases for the Independent Workers of Great Britain on worker status.

She appears in the EAT on a led and unled basis. She was led by Chris Milsom in the EAT in *Chandhok v Tirkey* [2015] IRLR 195, which was the first case to consider whether caste-based discrimination falls within s. 9 of the Equality Act 2010.

Tamar has been involved with claims brought by judicial and non-judicial office holders for pensions under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 arising from the Supreme Court's decision in *O'Brien v Ministry of Justice* [2013] I.C.R. 499.

Tamar was instructed in the Court of Justice of the EU in *O'Brien v Ministry of Justice* (Case C-432/17) and in the Supreme Court as a junior to Robin Allen QC and Rachel Crasnow QC in *Miller and O'Brien v MOJ* [2017] UKSC 46.

She was instructed in the EAT in an appeal concerning non-judicial office

holders and in the assessment of remedy in *O'Brien v MOJ*, led by Rachel Crasnow QC on each occasion. She is currently instructed by a number of fee-paid judges in pursuing claims arising from the *O'Brien* litigation.

In a crossover between her injuries and employment work, Tamar also has specific expertise in representing those who are victims of sexual assault and exploitation in employment and civil claims, where limitation is frequently in issue.

Prior to commencing pupillage, Tamar was a litigation executive at Slater & Gordon. She was heavily involved in representing those sexually assaulted by Jimmy Savile and attended the Dame Janet Smith inquiry with clients. She also had responsibility for multiple product liability claims arising from the DePuy ASR hip implant and assisted on clinical negligence claims against the breast surgeon Ian Paterson.

Tamar previously worked as an intern at Hackney Community Law Centre specialising in housing, social security and employment law.

She is a volunteer for FRU and the Bar Pro Bono Unit.

AWARDS

Diplock Scholarship, Middle Temple for the GDL

Diplock Scholarship, Middle Temple for the BPTC

Slate Award for outstanding work on the Jimmy Savile case

REFERENCES

Legal 500 2022 "A wonderful advocate who is dominant in court and exceptionally well prepared."

APPOINTMENTS AND MEMBERSHIPS

Assistant Secretary to the Ogden Working Party

Junior Counsel to Infected Blood Inquiry

Employment Lawyers Association

Industrial Law Society

Personal Injury Bar Association

AvMA

FRU

PUBLICATIONS AND TRAINING

Co-author of the chapter on consent in Lewis & Buchan A Practical Guide

Co-author of chapter on personal injury in Bullen & Leake

Tamar regularly gives talks to solicitors on a range of clinical negligence, personal injury and employment law topics.

QUALIFICATIONS

BA in History, University of York

MA in the History of International Relations, London School of Economics
(Distinction)

HIGHLIGHT CASES

- *O'Brien v Ministry of Justice (No.2)* C-432/17
CJEU considered the future effects principle and its application to the question of when time starts to run in pension claims. Led by Robin Allen QC and Rachel Crasnow QC
- *Addison Lee v Gascoigne* [2018] ICR 1826
EAT dismissed the Respondent's appeal in gig economy case. Led by Peter Oldham QC.
- *Gascoigne v Addison Lee* (2200436/2016).
A claim on behalf of a gig economy cycle courier. She appeared unled.
- *Miller and O'Brien v MOJ* [2017] UKSC 46.
The Supreme Court considered the EU-derived Future Effects Principle and made a preliminary reference to the CJEU. Junior to Robin Allen QC and Rachel Crasnow QC.
- *Chandhok v Tirkey* [2015] IRLR 195
The first case in the EAT to consider whether caste-based discrimination falls within the confines of s.9 Equality Act 2010. Junior to Chris Milsom.
- *Moultrie v Ministry of Justice* [2015] IRLR 264
An EAT appeal concerning the pension entitlement of medical members in the First-Tier Tribunal and the meaning of the "same or broadly similar" test under the PTWR. Junior to Rachel Crasnow QC.
- *Charles v Tesco* (UKEAT/0074/15/MC)
An EAT appeal concerning the finding of contributory conduct. She appeared unled.