

Christi Scarborough

Call 2012

Telephone [020 7831 0222](tel:02078310222)

Email clerks@42br.com



Introduction

Christi joined chambers in 2015. She has a practical, commercial and client focused background, having previously worked in both the advice and IT sectors. Christi brings a conscientious, thorough and well prepared approach to her advocacy. She also sits part time as a Disability Member in the First Tier Tribunal (Social Entitlement Chamber).

Commercial

Christi comes to the bar from a background in both the IT industry and operational management. She has a sound practical commercial focus that she applies to her work. She accepts instructions on a wide range of commercial matters including consumer law, employment disputes, commercial property work, and contractual drafting and interpretation.

Examples of recent work include:

- Advice and advocacy relating to a dispute regarding the terms of a £100,000 commercial loan
- Advising on the landlord's right of termination in respect of a transferred 1954 Act tenancy in circumstances where there had been substantial breaches of planning and health and safety regulations
- Pleadings and advocacy in respect of the enforceability of a £150,000 second mortgage agreement claimed to be for commercial purposes.

Employment

Christi welcomes instructions from both employers and employees. She often appears on behalf of major UK employers dealing with issues such as unfair dismissal, whistleblowing, and discrimination claims. While working at Citizens Advice prior to her time at the bar she frequently assisted employees in negotiation and making

employment tribunal claims. Christi's employment law experience includes appearing for the claimant in the widely discussed case of *Podlasiak v Edinburgh Woollen Mill ET/2701291/13*, where she successfully argued that a contractual token payment in lieu of holiday pay on termination of employment was not permissible under EU law.

Examples of recent work include:

- Representing a major supermarket defending a claim that it had discriminated against an employee by failing to keep in touch during maternity leave.
- Appearing on behalf of a security firm against a claim from an employee dismissed on grounds of conduct who claimed in respect of disability discrimination and breaches of the Working Time Regulations.
- Representing a food supplier in respect of a claim from an employee dismissed for failing to follow health and safety procedure who claimed dismissal on the basis of health and safety whistleblowing
- Appearing on behalf of a counselling charity defending a claim for unfair dismissal on the grounds of race.

Personal Injury and Clinical Negligence

Christi frequently appears in court for both Claimants and Defendants in multi-track and fast track negligence claims. She advises in writing and in conference on both prospects and quantum in these matters. She has particular experience in aviation industry related injuries and also in relation to dental negligence.

Examples of recent work include:

- Appearing for the Claimant at an appeal hearing considering whether the judge had correctly applied the scope of the principle of *res ipsa loquitur* in relation to an aviation accident
- Drafting pleadings and advising on settlement in a claim in relation to a dentist having incorrectly fitted a post crown, thereby causing and failing to diagnose a perforated root.
- Successfully acting for the Claimant in respect of a back injury caused by the Defendant's failure to adequately train their staff in manual handling in a restrictive access environment
- Advising on quantum and settlement in conference in respect of a psychiatric injury sustained during a fatal road traffic accident.

Family Law (Public and private)

Christi has appeared on behalf of the Metropolitan police, local authorities, parents and guardians in care proceedings in the Family and High Courts. She also has experience of private law children disputes and financial remedies work.

Significant work includes:

- Acting for local authorities, parents, grandparents and guardians in care proceedings
- Application to vary a secure accommodation order
- Successfully obtaining an application for an injunction under the inherent jurisdiction to restrain parents from posting confidential information about the child on public websites.

- An application under the inherent jurisdiction to provide for vaccination of a child in the absence of parental consent.
- A long running dispute in respect of a parent unilaterally cutting off contact with the non-resident parent
- Successfully obtaining an order for sale of a former matrimonial home including an order for costs due to the actions of the other party.

Property Law

Christi undertakes a wide range of property law work, and is particularly at home untangling the sometimes complex statutory provisions that are so often the focus in this type of work.

Examples of recent work includes:

- Appeal to the Upper Tribunal in respect of procedural irregularities in relation to a breach of covenant hearing where the defendant was unable to attend on health grounds
- Advising on the landlord's right of termination in respect of a transferred 1954 Act tenancy in circumstances where there had been substantial breaches of planning and health and safety regulations
- Drafting of a defence and representation contesting the validity of a second mortgage on the basis of excessively high interest and failure to obtain FSCS regulation.
- Advising whether a mortgage could be obtained on a property while it was subject to an existing agreement permitting it to be rented out as student accommodation.

Judicial Review

Christi represents claimants and defendants in public law judicial review proceedings. Her recent work includes

- Acting and advising for a local authority in judicial review proceedings related to child safeguarding decisions

Testimonials

- *“Very thorough and accurate in her advices. Fully attuned to the demands of today's busy private practice, giving an attentive and reliable service to solicitors and clients.”*

Professional memberships

- Employment Lawyers Association
- Property Bar Association
- Family Law Bar Association

Selected cases

- Podlasiak v Edinburgh Woollen Mill ET/2701291/13

Education

- Bar Professional Training Course, Nottingham Law School
- Graduate Diploma in Law (Distinction), Oxford Brookes University
- BA (Hons) Mathematics, University of Durham