

James Reckitt

James is a specialist civil practitioner with particular interests in property disputes, commercial dispute resolution, and personal injury/clinical negligence litigation.

He is known for his attention to detail and is always keen to advise with precision whilst ensuring that the commercial merits of the situation remain in clear focus. James is highly approachable and is committed to building lasting professional relationships with both solicitors and lay clients.



Commercial Dispute Resolution

James accepts instructions in all areas of commercial dispute resolution including breaches and construction of contracts, breaches of trust and fiduciary duty, as well as general debt recovery.

James has particular experience in claims against insurers involving the Third Parties (Rights Against Insurers) Acts 1930 and 2010, and has also represented clients in claims involving bribery and the unfair relationship provisions of the Consumer Credit Act 1974.

Notable recent cases include:

- A v Various – multi-track claim against multiple insurers under the Third Parties (Rights Against Insurers) Act 2010 for damages arising from property damage allegedly caused by the insured, involving arguments about limitation, whether the damage was covered by the insurance policies, and also the issue of apportionment of liability between the insurers.
- S v H – application concerning the vexed legal question of whether the limitation clock is paused upon an insured's insolvency for the purposes of a claim against the insurer under the Third Parties (Rights Against Insurers) Act 2010, and whether the case of FSCS v Larnell [2005] EWCA Civ 1408 applies in the context of that Act.
- H v A – representing the claimant in a claim for damages arising out of the defendant's breaches of an agricultural tenancy resulting in deterioration of the farmland, and the defendant's failure to transfer SPS entitlements upon termination of the lease.

YEAR OF CALL

2016

AREAS OF PRACTICE

CIVIL

Company & Commercial
Credit Hire
Motor Insurance Fraud
Personal Injury
Property

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- S v C – trial of a claim for delivery up of goods and damages for loss of business profits after the defendant failed to repair work equipment that was vital to the claimant's business, and unlawfully withheld that work equipment after termination of the contract.
- J v J – trial of a claim by a worker against her former employer for unpaid wages over the course of several years, including complex arguments about incorporation of standard terms and several alleged variations of contract.

Trusts and Property

James receives instructions in matters concerning boundary disputes, nuisance, charging orders, and residential possession hearings. He also accepts instructions in cases involving implied trusts and TOLATA.

James also accepts instructions on commercial landlord and tenant matters (including contested lease renewals and applications for relief against forfeiture).

Notable recent cases include:

- C v C – 3 day multi-track trial in which damages and an injunction were claimed as a result of a neighbour dispute which had escalated beyond control, involving extensive CCTV evidence and allegations about the defendants' monopolisation of communal parking spaces.
- R v O – obtained mandatory injunctions for the rebuilding by the defendant of a party fence wall that had been unilaterally demolished, and the unblocking by the defendant of a drain that had been deliberately blocked.
- B v H – representing the claimant in a claim for declarations that a residential property was held on trust for the claimant by the PRs of the deceased's estate, and defending a cross-claim for possession brought by the mortgagee due to mortgage arrears that had accrued since the death of the deceased.
- G v W – 2 day multi-track trial concerning an application for relief against forfeiture of a commercial lease for breach of covenant, involving complex arguments about contractual interpretation, competition law, the terms on which relief was to be granted, and what impact the Covid-19 pandemic should have on the terms of relief.
- F v A – advising on the procedure for obtaining a vesting order in respect of trust property where all of the trustees had died.

Personal Injury and Clinical Negligence

As well as regularly representing a mixture of claimants and defendants in road traffic cases (including those where causation of injury is challenged on the basis of LVI), James is regularly instructed in cases involving accidents at work, occupier's liability, the Highways Act, the Animals Act, and clinical negligence.

Notable recent cases include:

- D v H – representing the claimant at a JSM in a claim arising out of an accident where the claimant fell from height at work, and suffered permanent life-changing injuries as a result. The claim

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involved the preparation of a complicated schedule of loss with Ogden calculations for future losses, including loss of earnings, loss of pension, and future care.

- Re B – representing the family of the deceased at a 3 day inquest concerning the death of a patient from sepsis, where the coroner concluded (having heard evidence from experts from three disciplines) that omissions on the part of the clinical team made a more than minimal contribution to the patient’s death.
- H v U – advising on quantum in a claim arising from the defendant’s negligent installation of an implant on the wrong side of the claimant’s head, resulting in two avoidable operations, and marked psychological injury.

Memberships

The Honourable Society of Lincoln’s Inn – Hardwicke Scholarship

Qualifications

University of York, Law (LLB) – First Class Honours

BPP Law School (Leeds) – BPTC – Excellence Scholarship