

Jimmy Ogunshakin

Year of Call: 2022

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Practice Summary

Jimmy has an employment law, commercial disputes and chancery practice. He is an accredited mediator with the Society of Mediators, at Middle Temple. His practice as an advocate and as counsel in mediation is underpinned by a breath of experience spanning over 25 years as a lawyer in public law and commercial law. He qualified as a lawyer in 1999. Before coming to the Bar, he practiced as a solicitor for 22 years, the last 10, as a solicitor-advocate in private practice, specializing in employment law and commercial litigation.

His down-to-earth, pragmatic and strategic approach to delivering legal advisory and advocacy services, has won him praise, and often repeat instructions from clients, whether that be from business, corporate, professional, orlay clients. He has first-hand appreciation of the challenges and pressures on solicitors, medical practitioners, and those caught up in disciplinary and regulatory matters. He is known for seeking common sense solutions to legal problems, applying his broad commercial acumen in achieving outcomes for his clients.

As a solicitor, he has gained substantial civil litigation and housing law experience in the public sector. He has and continues to work with public sector organizations drawing from his experience as a local government lawyer with legal departments which include Birmingham City Council, Leicester City Council, and Sandwell Metropolitan Council. In private practice, he worked as a lawyer in a Top 25 UK International law firm (a member of the then Norton Rose Group), a leading national Trade Union law firm; and a leading national law firm reputed for Social housing law (Legal 500 C & P, Band 1), in a regional law firm specializing in business and property law, where led a team of lawyers in his role as Head of Employment, for a while his own niche law firm. These are just a few of the senior leadership and management roles he has held in both the legal and in the social housing sectors over two decades before coming to the Bar.

Jimmy has acted for several international multimillion-pound concerns in the Automotive, Banking and Consumer Finance, the Health and Social Care, and the Manufacturing sectors.

As an academic, Jimmy was a Visiting lecturer at a University School of law in the West Midlands, where he taught from 2015-19, final year LLB , and postgraduate students on the LPC program, subjects to include a compulsory module (Business Law and Practice), and the elective modules in his specialist subjects of Commercial Law and Practice, and Employment Law and Practice.

Jimmy is authorized by the Bar regulator (BSB') to conduct litigation and he accepts instructions from direct access clients in appropriate cases. He is an accredited mediator and is building his mediation practice as a compliment to his ADR and commercial litigation practice at the Bar.

He also accepts instructions in criminal defence, regulatory prosecutions and in disciplinary cases involving professionals and businesses. He has experience in civil fraud, tax fraud and in environmental protection cases in the courts' courts, appeals in the crown court in road traffic related offences, and in health and safety cases.

Employment Law

Jimmy advises on all aspects of employment and international employment law. He drafts pleadings and contractual documents for businesses. He has substantial experience working with HR functions on a consultancy basis. His employment practice covers advice acting for and defending businesses before employment tribunals, the employment appeal tribunals and the high court.

In non-contentious matters, he advises businesses on their TUPE obligations. In Mergers and Acquisitions transactions, on due diligence checks and exchange of information and privacy issues pre-transfer and post transfer, drafting contractual documents (including service agreements, company policy and procedures, bonus schemes, and restrictive covenants), advising in connection with the sale and purchase of businesses, joint ventures and special purpose vehicles. In relation to business protection – the enforcement of post termination obligations including restrictive covenant and breach of confidentiality proceedings, usually injunctive relief actions, He has advised senior executives including CEOs in FTSE and AIM listed companies on exit strategies and related termination issues.

Jimmy has advised on Industrial relations issues. He previously worked for a leading UK Trade Union law firm and has advised on discrimination, union recognition, collective agreements, TULRCA 1992 protected award and related workplace disputes. He acts for and defends claims in the county courts, employment tribunals, the EAT and High Court. His clients have included international companies, diplomatic missions, trade unions and senior executives in relation to exit strategies.

His employment practice extends to cross-border jurisdiction disputes. He has advised two UK and Irish based diplomatic missions on employment law as it affects their international commonwealth obligations under the State Immunity Act 1974.

Commercial Law

Jimmy started his legal career in the banking sector. He has first-hand knowledge and experience of Banking, Consumer Finance and Property litigation work gained from his time with a Chicago-based UK Consumer Finance Bank (now a part of HSBC).

Jimmy’s Commercial and Insolvency practice covers drafting and advising on terms and implications of commercial contracts, he has experience advising and negotiating terms of company and partnership agreements; commercial agency, distributorship, franchise and marketing agreements; sale of goods and international sale agreements; Intellectual Property rights and disputes.

He regularly appears in the Business and Property Court of the High Court. He has substantial experience acting for and defending business clients in the Commercial Court, and the Insolvency and Companies’ Court Lists, on company law and partnership law matters, and more often in corporate and personal insolvency cases. Jimmy advises on corporate governance and board of director disputes, breach of director’s duties, conflicts of interest or breach of confidentiality claims, director disqualifications, and s.994 unfair prejudice petitions. He advises on personal and corporate insolvency and restructuring matters.

His Insolvency practice covers: -

- advising and responding to bankruptcy petitions,
- applications to set aside statutory demands,
- contested winding-up petitions
- injunctions in restraining presentation and advertisement of petitions,
- interim relief applications - adjournments, s.127 applications (validation orders),
- s.236 applications for requests for further information from directors or other persons to dismissal and rescission orders.

Jimmy has an interest in International Commercial Arbitration and Cross-border jurisdictional disputes. He is also developing an ADR practice drawing on previous experience of mediating commercial litigation, and contentious probate disputes from his time practicing as a commercial solicitor. He is currently pursuing accreditation as a civil, commercial and workplace mediator.

Professional Disciplinary and Regulatory Law

He has experience representing professionals facing allegations of misconduct and other forms of malpractice, before healthcare regulators. He is experienced in representing professionals at interim order hearings, fitness to practice, and sanctions hearings, before the NMC, HCPC, and the CQC (registration and cancellation of registrant care providers and GP surgeries). He has represented professionals in appeals before specialist FTTs, and UTTs and in Judicial Review proceedings in the administrative division of the High court, challenging regulatory decisions.

He has and continues to receive instructions in disciplinary and regulatory matters having represented professionals before allied medical regulatory bodies such as the HCPC, and NMC, from Fitness to Practice to Sanctions committee hearings. He has also undertaken Judicial Review proceedings in the High Court, where regulatory decisions are challenged.

Social Housing law

Jimmy is a ‘hands on’ lawyer. A substantial period was spent undertaking public law work in several local government legal departments to include Birmingham and Leicester City Council, Boston and Sandwell Metropolitan Borough Councils.

Over the last two decades, Jimmy has amassed a breadth of experience working with Boards and Trustees on corporate governance, regulatory risk and compliance issues, resolution of board disputes, drawing from his own NED experience, and various senior leadership roles in the Housing Sector. They include being his appointment as Chairman of the Board of a well-established Social Housing Association.

His work includes Civil, Corporate governance, all aspects of local government law including Housing management, litigation, and homelessness law applications, reviews and appeals; advising senior elected members on constitutional and board governance matters affecting them and their cabinets, Public nuisance, local government law, ASBO/ASBI, local government, and public nuisance related injunctions; contempt of law proceedings in the county and crown courts, planning and regeneration, environmental protection prosecutions in the magistrates’ courts, and defending local authorities decisions in Judicial Review challenges in the High Courts. He has experience of public funded civil work from his practice as a solicitor.

Current Cases

Advising on a £4.3 million (GBP) contract dispute arising out of a breach of a franchise agreement claim.

Advising a Group CEO of an Irish based parent company with two UK subsidiary companies in relation to the exit, removal of a minority shareholder, and a s994 unfair prejudice petition against an underperforming director.

Notable Cases

Successfully obtaining Validation orders for multi-million-pound turnover business clients in the Insolvency and Company Courts at the RCJ (High Court), saving viable distressed businesses in need of financial and corporate restructuring. An enviable track record of successfully securing Validation orders brought under s127 IA 1986, preventing businesses from ceasing trading while CVA and other insolvency procedures are implemented with creditor and court approval.

Advising on the terms of an exit package for an FTSE listed senior executive.

Advising and representing a care provider company in a complex multiparty claim brought by employees recently transferred across under TUPE provisions, in which the client is one of five respondents joined to the litigation and the ensuing proceedings before two employment tribunals.

Represented an agency client company based in Cyprus, in a breach of contract claim brought by the principal in Turkey, against a UK based manufacturing company.

Advised on the enforceability of a Retention of Title clause in a Distribution Agreement between an International Entertainment company and a UK distributor company putting up guarantee of a Third-Party subsidiary divisional company to the value of £45,000,000.00. The ROT clause was intended to be triggered upon insolvency of the UK distributor company (2020-21).

Acting for business clients in defending several worker status related claims before the ET (2019 -20).

Advised two separate Foreign Diplomatic Missions taking and acting on instructions from Ambassadors, Deputy Head of Missions, and Consular lawyers in London on the effect UK and EU Labour laws on their staff, Employee status and the relevance on their special status as diplomats of the Immunity laws of England & Wales (2018-20).

Acted for a Claimant in ADR proceedings intended to avoid protracted litigation in a case agreed between the parties will become disproportionately costly, in a long employment dispute with a major manufacturer of Automobiles involving Unfair Dismissal, harassment and a disability discrimination claim brought under long Relation issues, UK and EU Employment law, Diplomatic Immunity law around the lawfulness of staff dismissals (2018), and successfully representing clients within the haulage and logistics sector in an Import Tax duty dispute against HMRC before the First Tier Tribunal (Tax Chamber) (2018-19);

Advising an International client from Turkey in the textile sector, in a claim against a clearing bank following the unlawful freezing of the client's business accounts causing the client to result to aggressive action against the Bank in order to maintain liquidity and viability with creditors insisting on compliance with contractual terms or compensation for breach of purchase orders (2017-18);

Acted for clients in the mediation process of commercial and probate disputes. The commercial dispute involved a corporate finance dispute involving a lender seeking £400,000.00, from a business client. The finance, revolving loan facility between a lender/investor and an international paint company client, ended in the finance company withdrawing its claim (2017-18). The contentious probate dispute involving a family feud. A challenge of an executor's duty in the discharge of the deceased's affairs by siblings of the executor.

Acted for two directors in the defence of breach of employment, confidentiality and restrictive covenant claims brought by their former employer which resulted in litigation both in the High Court (TCC) and on appeal to the Court of Appeal (Civil Division): Coppage & Others v SafetyNet Security Ltd [2013] EWCA Civ. 1176

Mediation

Jimmy is an accredited mediator. He is registered with the Society of Mediators at The Middle Temple. He has experience of mediation in civil, commercial, and contentious probate disputes. His core practice as an experienced employment solicitor of over 20 years, endows his professional skills and attributes to Workplace disputes.

His mediation practice includes acting as counsel to participants in civil and commercial disputes. Capitalizing on his broad commercial negotiation and client-facing skills drawn from his substantial experience as a practicing lawyer, and as a mediator to bear on the process, to achieve maximized opportunities to reach cost efficient resolutions.

Academic qualifications

- LLM International Dispute Resolution (Queen Mary University of London) (2023)
- LLM International Commercial Law (University of Salford/RKC, Zurich) (2019)
- PGDip LPC and Admission to the Roll of Solicitors (2002)
- Graduate Entry Diploma, Fellowship, (‘FCILEx’) (1999)
- LLB (Hons) Law, UCE Birmingham (1992)

Professional Affiliations Qualifications

- 2023 BSB Accreditations to Conduct Litigation and Direct Access Qualified
- 1992 Student and Member (Call 2022) Honourable Society of Lincoln’s Inn
- 2017 Graduate Member, The Chartered Governance Institute
- 2013 Solicitor Higher Rights (Civil Proceedings) Qualified
- 2012 Member, Association of Corporate Governance Practitioners
- 1992 Fellow, Chartered Institute of Legal Executives

Areas of Expertise

- Employment
- Commercial
- Business Crime
- Housing
- Professional Discipline And Regulatory
- Investigations And Resolutions
- International Arbitration