



Elizabeth Grace

Year of call
2017

Email
Elizabeth.Grace@outertemple.com

Elizabeth joined Chambers in September 2018 upon successful completion of her pupillage and works across all of Chambers core practice areas. She regularly appears in the County Court and the Employment Tribunal, and has also appeared in the High Court on complex interlocutory matters. She has appeared in the Court of Appeal, and has advised on civil procedure in relation to appeals in both the Court of Appeal and the Supreme Court.

Before being called to the Bar, Elizabeth lectured in Japanese History at the University of Newcastle. She holds a PhD in Japanese and Korean cultural history (Trinity College, University of Cambridge), a Master of Studies in Modern Japanese Literature (Pembroke College, University of Oxford), and a Master of Arts in Japanese and Korean (St. Hilda's College, University of Oxford, first class). She has also spent time at several universities in Japan and Korea, including Keio University in Tokyo and Sungkyunkwan University in Seoul.

In her spare time, Elizabeth is an advocate for improving end of life care and sits on the steering committee of Byw Nawr/Dying Matters Wales. She is an alumna of the United Word College of the Atlantic (UWCAC), where she was also previously a governor.

London

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Employment & Discrimination

Elizabeth has a broad employment practice, and undertakes the full range of Chambers' employment work for both Claimants and Respondents. She is adept at handling complex preliminary matters, as well as multi-day trials and appellate work, and has a particular interest in claims involving discrimination and whistleblowing.

Examples of recent employment and discrimination work includes:

- **Ibrahim v HCA International Ltd** [2019] IRLR 690 (sole counsel), on defamation as a breach of a legal obligation in the context of the public interest test in whistleblowing claims
- **Network Rail Infrastructure Ltd v Crawford** [2019] EWCA Civ 269 (led by Naomi Ling), on the interpretation of "equivalent period" of compensatory rest.
- Defending an NHS trust in the County Court and on interlocutory appeal to the High Court (QBD) against allegations of disability discrimination in relation to the provision of services
- Defending a major transport company against allegations of discrimination in relation to provision of services
- Advising on an appeal to the EAT in relation to the application of the last straw doctrine
- **Ms Paul v The Black E** 2414602/2018 and **Ms Connell v The Black E** 2410451/2018 – Successfully defending a charity against multiple whistleblowing and unfair dismissal claims
- **Mr G Hurley v Suffolk County Council** 3304428/2018 – Successfully representing the Claimant in a complex unfair dismissal claim where the Claimant had been wrongly accused of harming a child

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Pensions & Trusts

Elizabeth regularly advises on occupational pension schemes in both the private and public sector in relation to complaints of maladministration and discrimination. Her advisory work spans complaints to the Pensions Ombudsman, appeals from the Pensions Ombudsman to the High Court, and claims brought in the Employment Tribunal.

Elizabeth has also advised on negligent misstatement, rectification, construction, and the equitable doctrine of laches in the pensions context.

Examples of recent pensions work includes:

- **Booth and Jones v Mid and West Wales Fire Rescue Authority** [2019] EWHC 790 (Ch) (led by David Grant) a case which turned on the meaning of “pensionable pay” across the three Welsh statutory schemes for firefighters
- Advising on an appeal to the High Court from the Pensions Ombudsman following refusal of the scheme trustees to reinstate an ill-health pension
- Advising on a complaint to the Pensions Ombudsman for negligent misstatement in relation to benefits

She co-authors, with Jenny Seaman, the LexisPSL note on the principles governing the construction of pension trust deeds and rules, and has spoken on a range of pensions topics, including appeals to the Pensions Ombudsman and the Financial Ombudsman, and ill-health retirement in the LGPS.

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Commercial and Financial Services

Elizabeth has a growing practice in this area, which includes a regular court appearances for cases involving contractual matters, including breach of contract and misrepresentation, debt claims, and property and regulatory compensation claims.

Elizabeth appears in the Companies Court on a regular basis in relation to aspects of company insolvency, and has experience of winding-up petitions (including injunctions to restrain) and validation orders. She also assists litigants in person as part of the Company Law Pro Bono Scheme (COIN).

Elizabeth has also advised on contracts of insurance, second-charge mortgages, and regulation of Islamic mortgages.

Examples of recent work includes:

- **Jones & Anor v Roundlistic Ltd** [2018] EWCA Civ 2284 (led by David Grant), on whether a term in a lease preventing sub-letting was an unfair term for the purposes of UTCCR
- **Illumina v TDL Genetics Ltd and others** [2019] EWHC 1497 (Pat), advising on the Japanese aspects of the case for trial
- **BMS v Mercantile International Ltd** (unreported), successfully obtaining damages for breach of contract on the basis that the Defendant had ostensible authority to enter into the relevant agreements
- **ATN Marketing v HMRC** (unreported), successfully defended the company from a winding-up petition based on disputed VAT invoices.

Elizabeth is currently instructed as junior counsel to the [Dame Linda Dobbs Review](#), a review into whether Lloyds Banking Group investigated and appropriately reported issues arising from the HBOS Reading Fraud following their acquisition of HBOS in 2009.

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Private Client

Elizabeth has a keen interest in this area, which overlaps with her interests in end of life planning. She has advised on a number of areas, including inheritance tax and potentially exempt transfers, and removal of executors. Elizabeth also has experience of aspects of personal insolvency, including setting aside statutory demands.

Examples of recent work includes:

- Advising on undue influence where P is alleged to have lacked capacity in relation to historical financial transactions;
- Advising on a disputed will;
- **MN v OP** [2019] EWCA Civ 679 (assisting Claire van Overdijk), on anonymity orders in variation of trusts cases.

Elizabeth volunteers as part of the Chancery Litigants in Person (CLIPS) Scheme.

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International

Elizabeth has a strong interest in work with an international element, and welcomes instructions in any of the languages she speaks. She was instructed to advise on Japanese elements of **Illumina v TDL Genetics Ltd and others** [2019] EWHC 1497 (Pat).

Elizabeth has worked on cases involving a number of international organisations, including:

- The European Bank for Reconstruction and Development Administrative Tribunal (EBRD)
- The Pan American Health Organisation (PAHO)

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Clinical Negligence and Personal Injury

Elizabeth has a busy practice in this area, which includes drafting pleadings and advice on both merit and quantum alongside regular court hearings and inquests. Her current caseload consists largely of fast-track and multi-track clinical negligence work, and she has a particular interest in the application of the Human Rights Act to bereavement claims.

Elizabeth undertakes work for both Claimants and Defendants.

Examples of current work include:

- Advising on quantum, including provisional damages, in an unnecessary surgery case;
- Advising on liability and quantum in a complex cholesteatoma case against multiple defendants;
- Advising on liability in a psychiatric harm claim as a result of VTE in an informed consent case.

She is currently instructed on behalf of Claimants injured in the 2017 Grenfell Tower Fire, led by Harry Trusted and Christopher Wilson-Smith QC.

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Appointments & Memberships

- British Japanese Law Association
- COMBAR
- ChBA
- ConTrA
- ELBA

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Awards

- Inner Temple Major Scholarship – awarded for both the GDL and BPTC courses
- City University Postgraduate Law Scholarship – awarded for both the GDL and BPTC courses
- Domestic Research Studentship (DRS), University of Cambridge, competitive research studentship awarded to fund promising research projects across all disciplines (2009 – 2012)
- Japan Foundation Endowment Committee (JFEC) Research Grant
- Rouse-Ball Fund Research Grant, Trinity College, University of Cambridge (awarded twice for doctoral research)
- College Prize, St. Hilda's College, University of Oxford
- Lee Yun Taek Korean Studies Scholarship
- Mitsubishi Trust Yamamuro Memorial Scholarship, Keio University
- Allen Scholar in Oriental Studies, St. Hilda's College, University of Oxford
- Moberly Exhibitioner, St. Hilda's College, University of Oxford
- Great Britain Sasakawa Fund Scholarship
- Kathleen Major Prize, St. Hilda's College, University of Oxford

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Languages

- Japanese (advanced)
- Korean (advanced)
- French (intermediate)
- Spanish (intermediate)
- Welsh (conversational)

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