



Gus Baker

Year of call
2015

Email
gus.baker@outertemple.com

Gus' practice focuses on employment, pensions, commercial litigation, professional negligence and financial services disputes.

He is regularly instructed to advise and represent clients in courts and tribunals at all levels and has appeared in the High Court, the Court of Appeal and the Employment Appeal Tribunal as well as in various County Courts, Employment Tribunals and Crown Courts.

Gus' clients include FTSE 100 companies, senior executives, NHS trusts, major banks and individuals.

Gus regularly provides training and CPD sessions for leading firms. He is the co-author of the chapters of Butterworths Financial Regulation Service dealing with the FCA's Conduct of Business Sourcebook. Gus is also the co-author of the latest edition of the Law Society's *Employment Law Handbook* and is the editor of the chapter in Tolley's *Employment Law Service* regarding the fairness of dismissals.

London

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Commercial & Chancery

Gus has a broad commercial practice and is able to advise and provide representation in relation to pensions, financial services, and general commercial matters.

Recent examples of Gus' work include:

- being instructed, led by [Andrew Spink QC](#), to advise and draft legislation for a public authority in the Middle East in preparation for planned reform of jurisdiction's statute on company law
- being instructed, unled, in a matter relating to the insolvency of one of the last remaining deep coal mines in the UK, Hatfield Colliery
- acting as part of the counsel team for Grant Thornton UK LLP in the multi-million-pound conspiracy claims brought by Robert Tchenguiz in the Commercial Court
- advising a private equity fund on a series of claims brought by a former CEO of a portfolio company, including questions of jurisdiction
- advising and representing banks in claims by consumers
- representing solicitors in professional negligence actions
- advising and drafting pleadings in professional negligence actions with regards to purchases of high end cars and boats
- being instructed to advise on issues relating to agency and apparent authority in proceedings against a global law firm
- being instructed as part of a junior counsel team in international arbitration proceedings in relation to the breach of a joint venture agreement
- representing Defendants in breach of contract and claims under the Financial Services and Markets Act 2000 in the County Court
- being instructed to attend court on behalf of a major bank in a complex case relating to manipulation of the dollar Libor rate, assisting [Michael Bowes QC](#)
- advising on Part 36 offers in cases concerning breaches of the Financial Services and Markets Act 2000 and the enforceability of agreements, assisting [David E Grant](#)
- assisting [Benjamin Burgher](#) in a case concerning expulsion from an LLP agreement and the express duty of good faith

Gus regularly provides advice on disclosure and privilege issues in large commercial cases as part of a team of junior counsel.

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Professional Negligence

A significant part of Gus' practice involves acting in professional negligence claims, in particular claims against solicitors, surveyors and pensions professionals.

Gus was recently instructed on behalf of the claimants (led by Patrick Lawrence QC and David E. Grant) in a five-week, high value, multi-party professional negligence claim against a pension scheme administrator, a firm of solicitors and a silk in a claim arising out of the decision of Newey J in *Gleeds Retirement Benefits Scheme* [2014] EWHC 1178. The claim resolved on the first day of trial.

Examples of Gus' work include:

- successfully acting for defendant solicitors in proceedings (including an appeal) concerning allegedly negligent advice on limitation;
- a large claim against a surveyor concerning a negligent valuation;
- acting on behalf of a trading company in claims relating to allegedly negligent advice and administration of CFD, forex and spreadbetting accounts;
- claims against conveyancing solicitors concerning negligent tax advice;
- acting on behalf of a FTSE 100 bank in claims concerning the allegedly negligent administration of various financial products;
- a claim against scheme administrators concerning financial advice (or the lack thereof) given to pensioners.

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Employment & Discrimination

Gus has a busy employment law practice and regularly undertakes multi day hearings against more senior counsel. Gus' clients include banks, FTSE 100 companies, public sector organisations and individuals. He is experienced at advising senior managers and employees on how to achieve exits on favourable terms.

Gus undertakes a significant amount of advisory work, including advising on TUPE transfers, pensions/employment crossover issues, holiday pay and restrictive covenants.

Where cases litigate, Gus provides robust advocacy. His submissions have been described as being advanced "*seductively*" and "*with skill and detail*" by Langstaff J (see *Dynasystems for Trade and General Consulting Ltd and Others v Mr M Moseley* UKEAT/0091/17/BA).

Gus' experience in litigating commercial, pensions and personal injury disputes means that he brings a broad perspective to his employment work, which often assists when there are complex issues involving damages and remedies.

The following are recent examples of Gus' work:

- advising a national supermarket on holiday pay related issues;
- succeeding in an appeal before Eady J overturning the ET's decision on victimisation and unfair dismissal – *Ms I Elston v 1) Robbie's Photographic Ltd 2) Mr W McRobbie* UKEAT/0282/18/RN
- representing a firm of solicitors in a civil appeal in relation to a professional negligence claim arising out of the handling of employment advice and litigation;
- representing a large bank in claims for disability discrimination made by a senior employee
- advising the directors of a Dubai owned business on potential claims being brought by a former CEO
- representing various FTSE 100 companies in claims for disability discrimination
- acting in a multi week sexual harassment case on behalf of a senior individual
- acting in a multi week race harassment case, involving allegations of racially motivated assault with significant personal injury damages claimed
- acting for a senior manager of a large retail distributor on claims for unfair dismissal, breach of contract and non-payment of a contractual bonus
- being instructed by the Government Legal Department in a High Court employment action involving over 70 claimants
- acting in a claim for disability discrimination brought against the Secretary of State for Justice

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- acting for an individual in a case listed for three weeks involving racially aggravated workplace violence
- advising senior solicitors in major firms in relation to claims against their employer
- acting in multiple discrimination and whistleblowing claims concerning serving police officers
- being led by [Natasha Joffe](#) in the Court of Appeal in *Rabess v London Fire and Emergency Planning Authority* [2016] EWCA Civ 1017.

Gus is the co-author of the Law Society's "*Employment Law Handbook*", 7th edition. He is the editor of the chapter in *Tolley's Employment Law Service* (published by *Lexis Nexis*) dealing with the fairness of dismissals.

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Financial Services

Gus is regularly instructed in financial services litigation, acting both for and against banks. Gus has particular expertise in misselling claims and is the co-author of the chapter of *Butterworths Financial Regulation Service* dealing with the FCA's Conduct of Business Sourcebook.

Gus' recent work includes:

- advising, acting and drafting pleadings in claims brought against banks under the Consumer Credit Act 1974
- representing high street banks and lenders in multi-track claims brought by consumers
- acting on behalf of consumers and businesses in large misselling claims, including drafting submissions and pleadings and advising on disclosure
- providing advice on whether undertakings were carrying out regulated activity in breach of the general prohibition in FSMA 2000
- acting in claims brought by a spread betting company under Section 138D of FSMA 2000
- advising a bank on the impact on the applicability of the FCA's Senior Managers and Certification regime to an internal disciplinary investigation

Gus is able to combine his knowledge of pensions and employment law with his experience in financial services litigation. He is the author of a recent article in the *New Law Journal* concerning pensions misselling and the COBS rules ([here](#)).

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Pensions & Trusts

Gus has been instructed, and assisted other members of Chambers, in numerous cases relating to pensions law. He has a particular interest in professional negligence claims and the intersection between employment and pensions law.

Gus was recently instructed on behalf of the claimants (led by Patrick Lawrence QC and David E. Grant) in a five-week multi-party professional negligence claim against a scheme administrator, a law firm and a silk in a claim arising out of the decision of Newey J. in *Gleeds Retirement Benefits Scheme* [2014] EWHC 1178.

Examples of Gus' work include:

- acting in a claim, led by Andrew Short QC, concerning whether pay increases in a large scheme were pensionable;
- advising on whether an interim payment application was available in multi-party professional negligence proceedings;
- assisting [David E. Grant](#) in advising and drafting pleadings in a variety of High Court matters concerning rectification of pension deeds and appeals to the High Court from the Pensions Ombudsman;
- advising on various issues concerning a scheme administrator's failure to equalise benefits;
- being instructed (led by [Nick Stallworthy QC](#) and [James Rickards](#)) in a case concerning the rectification of a deed;
- assisting [Andrew Short QC](#) in a case concerning the doctrine of *res judicata* and the Pensions Ombudsman.

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Health, Safety & Environment

Gus is experienced at representing corporate defendants in the Crown Court and Magistrates Courts in relation to health and safety and environmental law matters. He is a member of the Health and Safety Lawyers Association ('HSLA') and is able to draw on his experience in employment and personal injury law to assist clients facing regulatory prosecutions relating to accidents at work.

Recent examples of Gus' work include:

- representing corporate defendants in the Crown Court in relation to an HSE prosecution
- representing commercial fishermen in a multi day in a prosecution under the Fisheries Act 1981 by the Marine Management Organisation ('MMO')
- representing a family at an inquest relating to a fatality in a hospital ward.

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Appointments & Memberships

- Association of Pensions Lawyers
- Industrial Law Society
- Employment Lawyers Association
- COMBAR
- Health and Safety Lawyers Association



Read Gus's privacy policy [here](#).

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Recommendations



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