Gus Baker

Year of Call: 2015
Direct Access: No

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Gus' practice focuses on employment, pensions, commercial litigation (including arbitration) and professional negligence disputes arising from his core practice areas.

He is recommended by Legal 500 and Chambers and Partners:

"A junior who makes complex arguments with ease, and always comes up with creative solutions – a lateral thinker." – Legal 500

"Gus excels in client service and vision, not only wanting to get a result for the client but to take the matter forward and add value wherever possible. He is more than capable on his feet and not scared to take on a challenge with his persuasive knack." – Chambers and Partners

Gus acts for primarily acts for corporates but also regularly accepts instructions from senior executives, charities, trustees, and other individuals.

Areas of Expertise

Employment

Gus has extensive experience in handling employment cases in the High Court, Employment Tribunal, and in appellate proceedings. Gus' expertise covers a wide range of matters, including commercial employee competition and business protection disputes, whistleblowing and discrimination claims. Gus is frequently engaged to represent clients in cases that are exceptionally sensitive, or involve substantial sums.

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Gus' clients include Premier League football clubs, FTSE 100 companies and high net worth individuals occupying senior management roles. Gus is experienced at conducting internal investigations and advising on difficult decisions in relation to disciplinary action (both an employment and regulatory context) on behalf of organisations.

Recent example cases include:

- AB v A Private Equity Company (ET) [2023]: Allegations of sexual assault, discrimination, harassment and victimisation against a global private equity firm.
- A Construction Company v Former Director and Senior Employee [2022]: High Court (KBD) multimillion pound litigation concerning conspiracy to injure by unlawful means and breach of fiduciary duty. Successful application for springboard relief.
- A Technology Business v A Former Director and Rival Technology Business (High Court) [2021]: Unlawful means conspiracy allegations against a former employee and rival company.
- C v A Large Investment Bank [2020] (ET): Hard fought and high value employment tribunal litigation following whistleblowing concerning alleged breaches of FMSA 2000.
- Head of a Higher Educational Institution vs Former Employer (ET) [2020]: Represented the former head of a higher education institution in proceedings against her former employer. The claim included allegations of sex discrimination.
- XY v A Premier League Football Club (ET) [2020]: Represented a Premier League Football club in ET claim concerning allegations of race discrimination.
- Glover v Lacoste UK Limited [2023] ICR 1243: Instructed with the support of the Equality and Human Rights Commission in a leading case on the application of PCPs in maternity discrimination.
- Elston v Robbie's Photographic Limited [2019] UKEAT 0282_18_0705: Perversity finding regarding victimisation claim.

Pensions

Gus Baker is an experienced pensions barrister who is frequently instructed in significant claims of high value and sensitivity.

Gus acts for trustees, employers, defendant solicitors and administrators in part 8 claims, professional negligence proceedings, and applications for rectification.

Recent cases include acting for a representative beneficiary in a large Part 8 Claim, advising (unled) employers of a scheme in relation to various mistakes in historic deeds and various work bringing and resisting claims on behalf of scheme members in connection with negligent mistakes and representations made by employers and administrators.

Commercial Disputes

Gus has a broad commercial disputes practice which often have an international dimension. He is frequently instructed in high-value commercial disputes ranging from breach of contract, fraud, misrepresentation, business, insolvency, finance, joint venture, shareholder, and matters involving force majeure and illegality across multiple sectors.

He is also regularly instructed on multi-million-pound international arbitration matters with experience under the LCIA and UNCITRAL rules.

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More widely, Gus frequently acts in cases in which urgent injunctive relief is sought against individuals and businesses in relation to confidential information, these cases often require counsel to work at speed to secure urgent injunctions.

Recent instructions include:

- Instructed, led by Andrew Spink KC, 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;
- 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;
- Advising and drafting pleadings in professional negligence actions with regards to purchases of high end cars and boats;
- Instructed to advise on issues relating to agency and apparent authority in proceedings against a global law firm;
- 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;
- 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 KC;
- 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;
- Instructed in a case concerning expulsion from an LLP agreement and the express duty of good faith;
- Acting in a seven figure fraud and conspiracy and conspiracy claim involving breaches of fiduciary duties by senior individuals impacting third parties;
- Representing a Bank in a claim for breach of contract and misuse of confidential information, in addition to claims under section 138D of the Financial Services and Markets Act 2000;
- Acting in high value claims for unpaid contractual bonuses against banks;
- Advising and acting in group claims involving banks and contractual discretions in mortgages;
- Representing solicitors in high value commercial litigation;
- Instructed in claims on behalf of pension trustees against scheme administrators;
- Acting in the leading multiple derivative claim (McGaughey and Davies v Universities Superannuation Scheme Ltd [2022] EWHC 1233 (Ch);
- Acting in negligence claims against solicitors and barristers.

Professional Negligence

Gus is regularly instructed in professional negligence claims often involving those against solicitors, surveyors and pensions professionals including scheme administrators (acting both for claimant trustees and defendant solicitors)

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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 spread betting 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.

Financial Services

Gus is regularly instructed in financial services litigation, acting both for and against banks. Gus has particular expertise in mis selling 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;
- Advising 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 mis selling and the COBS rules (here).

Health & Safety

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

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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.

Memberships

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

Awards

- Recommended as a Rising Star by Legal 500 for Employment
- Recommended as 'Up and Coming by Chambers & Partners for Employment

Recommendations

Privacy Policy

See Gus Baker's Privacy Policy here

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