



Judith Ayling

Year called 1998

Email judith.ayling@39essex.com

Before being called to the Bar in 1998 Judith worked for many years in academic publishing with Cambridge University Press, specialising in linguistics and philosophy.

Qualifications

Runner-up in Middle Temple Mooting Competition: 1998

Bar Council Certificate of Honour: 1998

Inns of Court School of Law: Bar Vocational Course (Graded Outstanding: 8th in year): 1997-8

City University (1996-7): Common Professional Examination (Commendation): 1996-7

Queen Mother Scholar of Middle Temple

Cooke Prize and Tilley Prize from King's College; Entrance Exhibitioner; Senior Scholar;

King's College, Cambridge: First Class Honours in French and German: 1983-7

Practice Areas

Clinical Negligence

Commercial Contracts

Costs

Insurance & Reinsurance

Personal Injury

Professional Negligence

Recommendations

She is recommended for Costs Litigation and Personal Injury by Chambers & Partners 2010 and for Costs Litigation by the Legal 500 2009.

Quotes

"makes the client feel at ease through her ability to speak in layman's terms."Chambers & Partners 2010

"paperwork, preparation and diligence catch the eye"Chambers & Partners 2010

?a sensible, thorough and polished advocate? Chambers & Partners 2009

?dots every 'i' and crosses every 't'? Chambers & Partners 2009

"meticulous on detail, with a good commercial perspective" Legal 500 2009

Cases

Costs

Parkers v Martin [2009] EWCA Civ 883

On the facts a judge had been entitled to allocate costs in accordance with liability because he had regard to a notional counterclaim.

Melina Serpes v Her Majesty's Commissioners for Customs and Excise 22 December 2008 (VAT Tribunal 22.12.08)

Litigant in person unable to recover costs of her time in the VAT Tribunal.

Peakman v Linbrooke Services Ltd 13 November 2008 [2008] EWCA Civ 1239

The allocation of a case to the multi-track because of a counterclaim that should not have been brought should have been taken into account by the trial judge.

Roger Barlow v Lucy Ewart Perks (Sup Ct Costs Office) 19 October 2007 Lawtel 31 October 2007

A conditional fee agreement was not valid and enforceable because there had been material non-compliance.

(1) K Fosberry (2) B Fosberry (3) BJ Rice & Associates v Revenue & Customs (Ch D) 25 May 2007 [2008] EWHC 3344 (Ch)

A conditional fee agreement was unenforceable where it had various deficiencies that were significant enough to prevent substantial compliance with the Conditional Fee Agreements Regulations 2000.

Myatt v National Coal Board (No.2) 16 March 2007 [2007] EWCA Civ 307; [2007] 1 WLR 1559; [2007] 4 All ER 1094; The Times 27 March 2007; [2007] 4 Costs LR 564

CA: solicitors ordered to pay half costs of unsuccessful appeal concerning the enforceability of their CFA

Various Claimants v Gower Chemical and others (CC) 28 February 2007 Lawtel 8 March 2007

Regulation 5(1) CCFA Regulations laid down matters that had to be inserted into a CCFA.

Joseph Lahey v Pirelli Tyres Ltd (CA) 14 February 2007 [2007] EWCA Civ 91

It was not open to a costs judge in advance of an assessment of costs payable to acceptance of a Part 36 payment.

Professional Negligence

Nicholas Drukker & Co v Priddle Brewster & Co 12 December 2005 [2005] EWHC 2788 (QB); [2006] 3 Costs LR 439

Articles

Maintenance and Champerty (May 2005, Katharine Scott and Judith Ayling)

Appointments

Junior Counsel to the Crown B Panel: 2009

Experience & Expertise

Clinical Negligence

Contract/Commercial

Costs

Including CFAs, CCFAs, recoverability of success fees and insurance premiums, both detailed assessment and appeals; regular appearances in the SCCO and the High Court; listed in the Legal 500 and Chambers and Partners).

Insurance

Personal injury

This includes employer's liability and public liability, for example accidents at work, occupier's liability, disease and work-related upper limb disorder, stress at work, catastrophic injury. Judith regularly conducts both Fast and Multi-Track litigation, acting for claimant and defendant. She also undertakes health and safety prosecutions and CRU appeals. She has acted with QCs in chambers on several very high-value cases, again for both claimant and defendant.

Professional liability

Including solicitors' negligence, auditors' negligence, insurance brokers' negligence. Most of Judith's work in this area arises out of solicitors' negligence in the conduct of personal injury actions. She regularly acts for defendants in this area.

Additional Information

Publications

Editor of Cordery on Solicitors

Lectures

Central Law Training January 2009 & 2010: Costs

Central Law Training April 2004: Conditional Fee Agreements

Central Law Training January 2004: Current issues in costs

Central Law Training November 2004: Public law and costs

In-house seminars on Conditional Fee Agreements (success fees and insurance premiums)

In-house seminar on the interaction between personal injury claims and community care/NHS provision March 2005

Invited speaker on costs at Association for the Victims of Medical Accidents annual conference June 2005

Practical Law Company: Seminar on recent costs law with Jeremy Morgan QC and Benjamin Williams (May 2007)

Seminars on care and accommodation claims

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