



Year of Call

1979

Year of Silk

1992

Devil Masters

Christopher Haddow QC
Sheriff James Farrell

LinkedIn Profile



Practice Profile

Jonathan has a wide civil practice, predominantly in all areas of public law, complex family law issues, and commercial litigation; special interests include information law and international jurisdiction questions. In addition to his court appearances, he has an active opinion practice.

Jonathan has acted in over 200 reported cases and thousands of unreported ones in the Court of Session, the Sheriff Court, the EAT and employment tribunals, and the Upper Tribunal. He has appeared 14 times in the House of Lords/UK Supreme Court.

He is recommended in the leading legal directories, Chambers UK and Legal500, for Administrative & Public Law; Civil Liberties and Human Rights; Family/Matrimonial; and Commercial Litigation. Chambers, 2015 edition, says 'Well respected for his wide-ranging public law expertise, which has a particular focus on issues of civil liberties and human rights. He is also noted for his expertise in issues arising in the context of immigration, mental health and employment. "He has a certain gravitas and presence in court. He is experienced, and with that comes confidence that you can rely on him in high-profile cases." "He is a class act, with a very wide range"' (Administrative and Public Law); 'Commands great respect for his civil liberties practice, which focuses on family and employment law, and commercial cases with a pronounced human rights element. He has particular experience in appellate matters. "He is an elegant, concise and forceful advocate. I have a very high opinion of him." "He has a fierce intellect, is easy to get along with and is highly communicative." (Civil Liberties and Human Rights) "He really thinks outside the box. He provides very creative solutions." (Family/Matrimonial). The current edition of the Legal500 classes him as a leading silk (Band 1) in Civil Liberties and Public Law, in Commercial Litigation, and in Family Law.

"His strength in oral pleadings cannot be overstated. Whether it is in the Court of Session or before the Supreme Court in London, he brings a mixture of authority, clarity and courtesy to any court proceedings. He appears to consistently enjoy the ear of the court." (Chambers 2014, Human Rights). He 'draws praise for his passion and skill for family law, and is regularly involved in complex and unusual cases' "He is absolutely brilliant and wants to get things settled as soon as possible" (Chambers 2014, Family). 'An acute ability to identify the constitutional point lying behind an issue' ; 'Noted for his willingness to explore different ideas'; and 'A key figure for family law matters' (Legal500

2013). Previous editions gave similar praise: "praised by commentators for his 'great courtroom knowledge' " (Chambers 2013); "a broad practice and a wide range of experience to draw upon. His 'quicksilver intellect' makes him a popular choice for cases with complex international elements" (Chambers 2012); "an almost photographic memory so is able to recall important details instantly" and "enjoys a fine reputation. He is 'intelligent, quick, and good at structuring financial settlements'" (Chambers 2011); "recommended for his sure-footed advocacy" and "a creative and quirky thinker" (Legal500 2012)."

Education & Professional Career to Date

BA Hons (PPE, Oxford); LLB (Edinburgh)

Appointments

- Temporary sheriff (1988–1996)
- Deputy Social Security Commissioner (1994–2002)
- Member of the Equality and Human Rights Commission panel of counsel

Selected Cases

- **Mirza v Salim, 2014 SLT 875**
Successful appeal in Inner House as to damages for wrongful use of interdict
- **Glasgow City Council v Unison, 2014 SLT 716**
Successful appeal in Inner House as to local government responsibility for sex discrimination by ALEOs
- **IA v Home Secretary, 2014 SC (UKSC) 105**
Supreme Court case establishing that a greater weight should be given to the decisions and methodology of the UNHCR in asylum cases.
- **Fox & Partners v Lord Chancellor [2013] EqLR 956 (OH)**
Judicial review of the introduction of Employment Tribunal fees regime
- **Stewart v Stewart's Trs 2013 CSOH 63**
Lengthy proof on challenge to will on grounds of incapacity, followed by successful motion for expenses on agent and client scale
- **Davies v Scottish Commission for the Regulation of Care 2013 SC (UKSC) 186**
Successful appeal in Inner House and Supreme Court on transitional provisions as to care regulation
- **RM v Scottish Ministers 2013 SC (UKSC) 139**
Successful judicial review appeal to Supreme Court; a constitutional milestone in declaring Government's duty to lay regulations before Parliament
- **Eba Petitioner 2012 SC (UKSC) 1**
Successful appeal in Inner House and Supreme Court, leading case on ambit of judicial review of tribunals
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Zelent v Savage 2012 GWD 16-327 (Sh Ct)

High-value cohabitation claim, followed by successful motion for expenses on agent and client scale

- **City of Edinburgh Council v Wilkinson and others 2012 SLT 211 (IH)**
Principles applicable to equal pay claims
- **Craigdale Housing Association & Ors v Scottish Information Commissioner 2010 SLT 655 (IH)**
Freedom of information/personal data
- **Sheltered Housing Management Ltd v Bon Accord Bonding Company Ltd 2010 SC 516 (IH)**
Title conditions
- **Lynch v East Dunbartonshire Council 2010 ICR 1094 (EAT)**
Lis pendens and tribunal jurisdiction
- **Tuley v Highland Council 2009 SC 456 (IH)**
Land Reform (Scotland) Act 2003 and the right to roam

Areas of Practice

- Clinical and Professional Negligence
- Commercial
- Employment, Discrimination and Harassment
- Family
- Media Law, Privacy and Defamation
- Personal Injury
- Property
- Public Law

Publications & Seminars

Eviction and Rent Arrears, 1995

Many seminars and conferences, including the Family Law Association, the Four Jurisdictions annual conference, the Legal Services Agency.

Evidence to Parliament on a number of occasions

<http://www.jonathanmitchell.info>

Directories

Recommended in both Chambers and Partners UK Bar Guide and The Legal 500 for many years.

Additional Information

Ongoing work (in November 2014) is wide-ranging, from the upcoming EAT appeal on equal pay issues in *Fox Claimants and others v Glasgow CC* to high value divorce actions in the Court of Session, pension fund litigation, and cross-border jurisdiction issues. In May 2014, the Justice Committee of Parliament relied heavily on his evidence for its report on the judicial review provisions of the Courts Reform (Scotland) Bill. He acts regularly for the Equality and Human Rights Commission. He has acted as Commissioner in a number of 'dawn raids', and as an expert witness on Scots Law questions in litigations in Germany, France, Portugal, and the United States.