



Joel McMillan

Called in 2014 +44 (0)20 7583 9241

Joel has a busy and successful general common law practice. His particular focus is on personal injury and employment, but his interests are wide ranging and he has considerable experience in contractual disputes, property, credit hire, insurance, and travel law.

Joel is in court or tribunal on a daily basis, appearing in trials, appeals, CCMCs, interim applications and disposal hearings. He acts for claimants and defendants/respondents in more or less equal measure. He prides himself on thorough preparation, effective advocacy and tenaciously advancing his clients' interests.

Joel also has a thriving paperwork practice. He routinely advises on liability, quantum and tactics; and drafts pleadings across a wide range of practice areas. He is pleased to have been told by his clients that his written work is comprehensive, easily understood and commercially aware.

Joel is qualified to take instructions directly from members of the public under the Public Access Scheme.

Personal Injury

Personal injury is Joel's bread and butter. He acts for claimants and defendants in Fast Track and Multi-Track claims across the full spectrum of personal injury litigation, including cases involving road traffic accidents, occupier's liability, employer's liability, the Highways Act, the Animals Act and the Package Travel Regulations.

As well as being adept at dealing with liability, Joel is fully conversant with all of the causation, evidential and quantum issues that arise in this area. He also has extensive experience of claims involving allegations of dishonesty (further information can be found under 'Civil Fraud').

Location

Farrar's Building,
Temple,
London, EC4Y 7BD
United Kingdom

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Joel appears in hearings at all stages of a case and his court work is complemented by a busy paperwork practice.

A few recent examples of Joel's work include:

- Successfully acting for a claimant in a six-figure employer's liability case involving multiple defendants. Liability was initially in issue and there was a significant loss of earnings claim
- Acting for one of the defendants in a complex, multi-party occupier's liability claim, and successfully arguing that the relevant defendant was not an occupier for the purposes of the Act
- Acting for a claimant in an ongoing road traffic accident Multi-Track claim involving chronic pain and complex medical evidence

Joel is willing to consider instructions on a CFA basis.

Civil Fraud

Joel has extensive experience of cases involving dishonesty / fraud, and has secured numerous findings of fundamental dishonesty against untruthful claimants. He has also successfully represented a significant number of claimants, against whom dishonesty has been alleged, and secured damages for them.

Joel's experience in this area includes low velocity impacts, staged accidents, induced collisions, occupancy issues, fabricated/exaggerated injuries and fabricated/exaggerated heads of loss. He has a sound knowledge of the relevant statutory provisions, case law and Civil Procedure Rules. He wrote a commentary on the leading cases on fundamental dishonesty of *Howlett v Davies & Anor* [2017] EWCA Civ 1696 and *LOCOG v Sinfield* [2018] EWHC 51 (QB) for the Farrar's Building Personal Injury Newsletter

Joel prides himself on the thorough preparation of a detailed and carefully planned cross-examination, which he sees as being of particular importance in these types of cases.

A few recent examples of Joel's work include:

- Obtaining a finding of fundamental dishonesty against a claimant who had exaggerated her loss of earnings claim, and securing the dismissal of her entire claim pursuant to s.57 of the Criminal Justice and Courts Act 2015
- Persuading a judge to make a finding of fundamental dishonesty against a claimant who had given an untruthful account of a road traffic accident
- Securing a finding that a personal injury claimant had suffered no injury at all with the inevitable consequence that he was found to be fundamentally dishonest

Employment

Joel has a particular interest in employment law and it forms an increasingly significant part of his practice. He acts for both

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claimants and respondents, regularly appearing in trials, preliminary hearings, applications and appeals. In addition, he routinely drafts pleadings and advises on all aspects of claims.

He has been instructed in cases involving unfair dismissal, disability discrimination, race discrimination, sex discrimination, harassment, victimisation, equal pay, whistleblowing, constructive dismissal, breach of contract and wrongful dismissal.

A few recent examples of Joel's work include:

- A successful appeal for a claimant against the dismissal of her claim for victimisation
- A multi-day trial involving claims for whistleblowing, unfair dismissal and breach of a contractual duty to provide shares
- Advising the claimant on remedy in a seven-figure discrimination and equal pay claim

Credit Hire

Joel has extensive experience of credit hire, including several Multi-Track claims pleaded in excess of £100,000. He represents both claimants and defendants, and he is well versed in the full range of arguments surrounding enforceability, need, period, impecuniosity and rate.

He prides himself on keeping up to date with the latest case law in this ever evolving area of law and he has a particular interest in taxi cases.

Joel has also successfully represented clients of credit hire companies who have been pursued directly for unpaid charges.

Joel could point to numerous cases where he has acted for the defendant and had the claim for hire dismissed in its entirety or overwhelmingly reduced, and where he has acted for the claimant and secured recovery in full. A few examples include:

- Reducing the claim for hire by over 90% by successfully arguing that the correct measure of loss in a taxi case was loss of profit and not the cost of hire
- Recovering hire charges in full for a claimant who had not provided full financial disclosure by successfully arguing that the usual debarring order did not bite and that there was sufficient evidence for the court to conclude that the claimant was impecunious
- Representing a signatory to a credit hire contract who was pursued by the credit hire company and successfully arguing that she had no liability for any charges on the basis of misrepresentation

Insurance

Joel has considerable experience of road traffic cases involving uninsured and untraced drivers, and is fully conversant with all of the issues that arise. For example, he recently advised on the potential liability of the various insurers when an uninsured employee of a car wash crashed a customer's car.

Joel also has experience of cases involving misrepresentation / non-disclosure within the context of insurance contracts. For

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example, he recently appeared in a Multi-Track trial in a case involving a driver's non-disclosure of her previous fixed-point penalties and her insurer's attempt to void the insurance policy under the terms of the Consumer Insurance (Disclosure and Representations) Act 2012.

Additionally, Joel has an interest in property damage claims, and cases involving the scope of coverage of insurance policies.

Commercial

Joel has represented businesses and individuals on a wide range of commercial matters including contractual disputes, landlord & tenant, mortgage possession, orders for sale, bankruptcy, and consumer credit. He enjoys these areas of law and intends to continue to develop his practice in them.

A few recent examples of Joel's work include:

- Representing the claimant in a trial involving a contractual dispute over the manufacture and supply of a boat
- Advising a client on the possibility of establishing a beneficial interest in a property under a constructive trust
- Representing the defendant in a Multi-Track trial involving a contractual dispute over the supply of a large number of defective windows
- Obtaining an order for sale of a property jointly owned by two brothers

Travel & International Law

Joel has an expanding practice in claims arising from accidents with an international dimension, including:

- Claims under the Package Travel Regulations;
- Accidents abroad brought in the English courts with the application of foreign law;
- Accidents in this jurisdiction brought against foreign insurers under Rome II.

He has a sound understanding of the relevant legal, procedural and jurisdictional issues. His recent cases include:

- Acting for an English cyclist struck by a car in Paris. The claim proceeded on the Multi-Track under French substantive law and settled favourably shortly before trial;

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- Defending a holiday sickness claim on behalf of a tour operator;
- Advising a claimant on the mechanism for bringing a claim against a Romanian insurance company following a road traffic accident with a Romanian lorry in England.

Given his previous employment leading and managing tours of Western Europe, it is an area in which he has a particular interest.

If you would like to instruct Joel McMillan or would like help or advice in doing so, please call and talk to our excellent clerking team, led by senior clerk Alan Kilbey MBE. Our phone number is +44 (0)20 7583 9241. Alternatively, please email us at chambers@farrarsbuilding.co.uk

For more information about our clerking team, please [click here](#) for the clerks page.

Appointments & Memberships

- Personal Injury Bar Association
- Free Representation Unit
- Education Law Association

Education & Qualifications

Prizes and Awards

- 2017 South Eastern Circuit scholarship to attend the Florida Bar Advanced Trial Advocacy Program at the University of Florida
- 2013 Certificate of Honour for Results in the BPTC, Middle Temple
- 2013 The Times Law Award essay competition: Runner Up
- 2013 The Kingsland Cup national mooting competition: Runner Up (final held in the Supreme Court in front of Lord Carnwath JSC)
- 2012 Blackstone Entrance Exhibition, Middle Temple
- 2011 Jules Thorn Scholarship, Middle Temple

Education

- 2012 – 2013 BPTC, BPP Law School, London: Outstanding
- 2011 – 2012 GDL, City University, London: Commendation
- 1999 – 2003 MA (Hons) History, University of Edinburgh: First Class

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Previous Employment

Before converting to law Joel was on the Civil Service Fast Stream. Joel's experiences in Whitehall included training MPs on the new parliamentary expenses system, drafting a Cabinet paper, working in the private office of a Secretary of State, and advising Ministers on the development of Government policy.

Prior to that, Joel led and managed cultural tours of Western Europe for groups of multi-national clients, giving lectures on the history of the countries and guided tours of a number of cities, including Paris, Rome, Florence, Venice, Barcelona, Vienna, Berlin, Amsterdam and London.

Personal Interests

Joel and his wife have recently started a family but he still makes time for cycling, theatre, travel, cooking, and playing football and tennis. He also has a keen interest in history and politics.

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