

Darren Finlay

Call: 1994

Commercial & Chancery

Ranked in Tier 1 for Commercial, Banking, Insolvency and Chancery Law – The Legal 500 (2019)

“Recommended for a broad range of commercial and contractual disputes.” – [The Legal 500 \(2019\)](#)

“Incisive, succinct and extremely client-focused.” – [The Legal 500 \(2017\)](#)

Darren Finlay is the head of our [civil team](#).

Darren’s core work includes a wide variety of contract and commercial disputes including litigation over land, boundary and neighbour disputes, chancery matters (including insolvency). He resists or applies for injunctions and associated committal proceedings and matters relating to restrictive covenants, the administration of trusts and the dissolution of or other disputes relating to partnerships and actions on guarantees/indemnities.

Darren also deals with wills and probate matters and Court of Protection or Inheritance Act claims, disputes within companies (such as claims by oppressed minorities), the sale of companies and shares and property, insolvency matters, fraud claims and export trade claims involving letters of credit and contractual claims in respect of a wide variety of matters from large commercial transactions down to faulty goods and services. Darren is fully literate with ICT and experienced in mediation and arbitration.

He also deals with non-contentious matters including drafting insurance and commercial contracts and heads of agreement and business plans for well-known corporate clients.

Darren is approachable and does not stand on formalities, being prepared to assist by telephone and with flexible conferencing and site-visit arrangements to suit clients and instructing solicitors alike.

Professional Negligence

Darren’s experience of professional negligence claims includes solicitor’s negligence, accountant’s negligence, and architect’s and surveyor’s negligence claims, up to and including trial. He also deals with regulatory matters that impinge on professional conduct (including disciplinary hearings) and education tribunal matters.

Common Law

Darren deals with contract cases, holiday claims, timeshare matters, suing for debts, and for breach of contract remedies (including injunctive relief) land disputes (boundary matters, neighbour disputes, rights of way and alike) and advises on trusts and commercial disputes, landlord and tenant and construction cases and many similar such common-law disputes.

Notable cases



Education:

1993 Keele University, BA (Hons) Law, Management Studies (Joint Honours) & Computer Science (First)

1994 Inns of Court School of Law BVC

Career:

1992 Wilde Sapte, New York

1993 University of Oxford, Delegacy of Local Examinations

1994 Head of Civil Team at Sovereign Chambers

2015 Sovereign Chambers becomes Park Square Barristers

2015 Head of Civil Team at Park Square Barristers

- Anthony Pitts & Ors V Andrew Jones (2007) [2007] EWCA Civ 1301 — Court of Appeal case on collateral contracts and enforceability of an oral promise (allied to a commercial dispute) and dealing with the distinction between a guarantee and an indemnity. Darren appeared for the defendant, and the appeal against him was unsuccessful.
- Roger & Pauline Thornton V Mr Alan Burke 2012 Leeds High Court 10 July 2012 – Darren appeared for the claimants in a successful claim against a director of a company who was found guilty of misfeasance under s212 Insolvency Act in transferring all his assets out of the company to a new company but in doing so failed to consider the effect on the claimant creditors.

Public Access

Darren Finlay may accept [Public Access](#) work, where he can be instructed directly by a member of the public rather than a solicitor.

Contact Darren's clerks

[Francine Kirk](#) on [0113 202 8605](#)

[Talia Webster](#) on [0113 213 5207](#)

[Patrick Urbina](#) on [0113 213 5250](#)

Employment

Darren Finlay is the head of our [civil team](#).

Darren deals with unfair dismissal and discrimination cases and has experience of long trials and group litigation. Darren also has experience in professional disciplinary hearings, health & safety prosecutions and defences/mitigation, and partnership and commercial disputes including restrictive covenants.

Darren has advised major local authorities and public clients on redundancies and restructuring and appeared at tribunal and EAT on discrimination, redundancy and unfair dismissal claims for claimants and respondents.

Notable cases

- (2017) D v West Yorkshire Fire & Rescue Authority – representing the respondent. The claim involved a constructive dismissal allegation and allegations of disability discrimination with particularly sensitive issues relating to the Claimants' mental health and suicide attempts – The tribunal ruled against the claimant and in favour of the respondent but added that given the tricky issues involved the matter had been handled in an 'exemplary' way
- (2017) F v West Yorkshire Fire Authority – A firefighter was dismissed for inappropriate comments. There were also allegations that the firefighter had been subjected to less favourable treatment because of protected disclosures made and data protection issues raised in relation to tracker and video evidence used on fire appliances. The case involved a great deal of public scrutiny on social media and sensitivity given the presence of lots of active and former firefighters at the hearing (to watch) or as support witnesses. There were also allegations of bullying against a senior officer. All claims were successfully defended
- (2017) TE v 3 other parties – the claim involved a dispute within a family company over issues of disability and disability discrimination and an unfair dismissal that was alleged to have resulted. After a preliminary hearing on disability the matter proceeded before an economic settlement was reached part way through the trial.
- (2017) Multiples v RLC : The case involved allegations of a TUPE transfer upon the insolvency of a rugby club and multiple claims for protected payments back pay and pay for failure to consult before redundancy and a transfer.. counsel was able to give advice that there probably was not the transfer of an economic entity and that the liquidation and following asset purchase was of a new entity.
- (2014) 44 claimants in a multiple action – successful settlement against a national media company on behalf of cable box collectors who alleged that they had been underpaid as they should have had worker status

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Personal Injury

Darren Finlay is the head of our [civil team](#).

Darren handles cases for defendant insurers (including RTA, EL and PL, fraud, OL and disease work), as well as claimant personal injury (PI) work of all types and including deafness, vibration white finger (VWF), COPD and asbestos cases.

He appears at inquests and in Crown Court health & safety matters (defending companies for breach of regulations and mitigating at sentence hearings).

He provides advice, paper work and advocacy for road-traffic, public liability and employer's liability fraud cases, and has successfully defended all types of case at trial: with a significant amount of insurer backed defendant/fraud work.

His work also extends to knowledge of company law, bankruptcy/insolvency, and health & safety matters, all of which can prove useful when advising in fraud cases.

Notable cases

- Clayton v M&K Enterprises Ltd – successful defence of employers liability claim – a wheel came off a works van resulting in an accident – but the judge concluded the claimant took it off himself
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Civil Fraud

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His work also extends to knowledge of company law, bankruptcy/insolvency, and health & safety matters, all of which can prove useful when advising in fraud cases.

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