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Jana Sadler-Forster



"What stands out about Jana's work and contributions is the exceedingly high quality and meticulous attention to detail given in conducting investigations in disciplinary matters."

— LEGAL 500, 2021

Year of call: **2012**
Degree: **English Literature and Language (BA Hons, Oxon): First Class (second in year)**

Jana specialises in international human rights and public and regulatory law. She has particular expertise in building and litigating cases seeking accountability for IHRL violations and international crimes, including working with affected communities. Alongside her work in Chambers she works for the Open Society Justice Initiative, part of the Open Society Foundations, where her cases relate to armed conflicts, digital surveillance, corruption and climate justice.

She has expertise across a number of Chambers' other practice areas, including Professional Discipline, Financial Services, and Sport. She has been instructed in a range of different courts and tribunals including the Supreme Court, Court of Appeal, Administrative Court, Commercial Court, Chancery Division, County Court and Employment Tribunal.

Jana is recognised as a leading junior in The Legal 500 2017-2020 for her expertise in Professional Discipline and Regulatory.

EXPERIENCE

Civil Liberties & Human Rights

Jana specialises in seeking accountability for clients for rights violations. Alongside her work through Chambers, she works for the Open Society Justice Initiative, where she builds strategic litigation cases for redress, accountability and legal reform. She has particular experience building cases arising from armed conflicts, including the ongoing conflicts in Syria and Ukraine. Her cases also relate to climate justice and digital surveillance and involve building coalitions with affected communities.

Before joining Chambers Jana assisted the Bangladesh Legal Aid and Services Trust in Dhaka, Bangladesh, and volunteered with a number of NGOs in the field of legal empowerment, including interning with the United Nations Development Programme (UNDP) in Jakarta, Indonesia.

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Cases

CMC instruction

Instructed for a CMC by the Claimant in a trafficking and domestic servitude case in which it is alleged that the Defendant was in breach of its positive obligations under Article 4 ECHR.

A1P1 rights advice

Junior counsel representing a large company in a matter involving A1P1 rights and issues of immigration law.

Public & Regulatory

Jana has been instructed in a number of public law cases, including in the Supreme Court. She has particular experience in regulatory cases, including professional discipline (for which see below) and has expertise in a wide variety of sectors – from financial services to sports. Between 2015-2020 she was one of three Legal Secretaries to the Ethics Board of the International Association of Athletics Federations (IAAF) (now World Athletics), which investigated breaches of the IAAF Code of Ethics. The Ethics Board published a number of high profile decisions relating to corrupt practices in athletics, including surrounding anti-doping processes. Jana developed particular expertise in leading investigations into allegations of financial and other corruption. In 2014 she also spent three months on secondment to the UK Financial Conduct Authority.

"She has an empathetic demeanour; clients trust her."

— LEGAL 500, 2019

Cases

R (Lumsdon) v Legal Services Board

[2015] UKSC 41

Challenge to the legality of the Quality Assurance Scheme for Advocates. Jana was instructed in the first instance case in the Administrative Court, and on appeal to the Court of Appeal and the Supreme Court. While the appeal was ultimately dismissed, the Supreme Court agreed with the Appellants' interpretation of the application of the proportionality principle and in so doing redefined the parameters of judicial review in the EU law context. Counsel for the Claimant appeared pro bono (junior counsel to Dinah Rose QC, Tom de la Mare QC, Mark Trafford QC, Charlotte Kilroy and Tom Richards).

FCA obligations dispute

Successfully represented the FCA in a county court hearing of a claim brought by a formerly regulated firm, involving a dispute as to extent of the FCA's obligations under FSMA.

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Professional conduct investigation advice

Successfully advised an individual in relation to an investigation into his conduct by his professional regulator, the Institute of Chartered Accountants in England and Wales (ICAEW). This ultimately resulted in the ICAEW closing all investigations against the individual.

Fitness to Practise case

Successfully represented an individual in relation to Fitness to Practise proceedings brought by their professional regulator, the Health and Care Professions Council (HCPC). The HCPC concluded, after hearing expert evidence, that the individual's fitness to practise was not impaired (junior counsel to Kate Gallafent QC).

Electricity supplier advice

Junior counsel advising a large electricity supplier in relation to a dispute with its regulator.

Successful FCA defence

Successfully defended the FCA in an application for judicial review in relation to a decision not to take action under Regulation EC No. 2006/2004 on Consumer Protection Cooperation. Application for permission refused by the High Court on the papers as 'totally without merit'. Application for permission refused on the papers by the Court of Appeal.

FCA advice

Junior counsel advising the FCA on an application for authorisation under FSMA.

A1P1 rights advice

Junior counsel representing a large company in a matter involving A1P1 rights and issues of immigration law.

Stockbroker advice

Advising a retired stockbroker on the application of the FCA's rules on inducements and adviser charges to payments made to him under an agreement with his former employer.

Insurance firm advice

Advising an insurance firm on whether a proposed acquisition was compatible with the Prudential Regulation Authority's rule on internal contagion (junior counsel to Pushpinder Saini QC).

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Advice in complaint against mortgage provider
Advising an individual in a complaint against their mortgage provider before the Financial Ombudsman Service.

HMIC information-sharing advice
Advising Her Majesty's Inspectorate of Constabulary (HMIC) on information-sharing powers.

HMIC inspection reports advice
Advising HMIC in relation to its inspection reports.

Electoral Commission advice
Advising the Electoral Commission on its elections guidance.

BBC advice
Advising the BBC on legal privilege in relation to an investigation.

Professional Discipline

Jana is experienced in advising individuals on investigations by their regulatory bodies including health care regulators and accountancy institutions. Between 2015-2020 she was one of three Legal Secretaries to the Ethics Board of the International Association of Athletics Federations (IAAF) (now World Athletics), which investigated breaches of the IAAF Code of Ethics. Jana developed particular expertise in leading investigations in professional discipline cases, including into allegations of financial and other corruption.

"She is very smart and always gives clear and well-structured advice."
— LEGAL 500, 2017

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Professional conduct investigation advice
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Stockbroker advice

Advising a retired stockbroker on the application of the FCA's rules on inducements and adviser charges to payments made to him under an agreement with his former employer.

Yaacoub v GMC

(2012)

Resisting Appellant's appeal against a decision of the GMC's Fitness to Practise Panel that the Appellant's fitness to practise was impaired by reason of sexual misconduct such that his name should be erased from the Medical Register (assisting Kate Gallafent QC).

ICAEW proposed judicial review defence

Defending a proposed judicial review of a number of decisions of the ICAEW, brought by a member in relation to ongoing disciplinary proceedings against her (assisting Kate Gallafent QC).

Financial Services & Banking

Jana has been instructed in a range of financial services cases. In 2014 she spent three months on secondment to the FCA (General Counsel Division) where she undertook a broad range of work including drafting sourcebook rules, advising on discrimination issues arising from the provision of financial services, and advising on judicial review challenges.

Cases

FCA obligations dispute

Successfully represented the FCA in a county court hearing of a claim brought by a formerly regulated firm, involving a dispute as to extent of the FCA's obligations under FSMA.

Successful FCA defence

Successfully defended the FCA in an application for judicial review in relation to a decision not to take action under Regulation EC No. 2006/2004 on Consumer Protection Cooperation. Application for permission refused by the High Court on the papers as 'totally without merit'. Application for permission refused on the papers by the Court of Appeal.

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Insurance firm advice

Advising an insurance firm on whether a proposed acquisition was compatible with the Prudential Regulation Authority's rule on internal contagion (junior counsel to Pushpinder Saini QC).

Advice in complaint against mortgage provider

Advising an individual in a complaint against their mortgage provider before the Financial Ombudsman Service.

R (on the application of London Capital Group) v Financial Ombudsman Service Ltd

[2013] EWHC 2425 (Admin)

Judicial review of a decision of the Financial Services Ombudsman to accept jurisdiction over a complaint by an investor in a forex trading account against the managers of that account (assisting Andrew George QC).

Financial Services Compensation Scheme v IFAs

Acting for a number of IFAs in proceedings in the High Court brought by the Financial Services Compensation Scheme to recover significant sums of money paid out to retail investors who had invested in financial products packaged and marketed by the financial services firm, Keydata (assisting Mark Vinall).

Financial Services and Markets Act advice

Advising a client on whether their proposed business model amounted to provision of regulated financial services under the Financial Services and Markets Act 2000 (assisting Andrew George QC).

Employment

Jana has been instructed by a broad range of clients in employment matters. She acts for both claimants and respondents.

Cases

Constructive dismissal claim advice

Advising a claimant in a constructive dismissal claim against her ex-employer, at which she had held a senior managerial position.

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Rubin v Andrews Angel Solicitors

(2013)

Appeared pro bono on behalf of the Claimant in his Employment Tribunal claim for unlawful deduction of wages.

Grzegorzek v KTD Facades

(2013)

Appeared on behalf of the Defendant in this Employment Tribunal claim for unpaid invoices. The claim involved a dispute about the Employment Tribunal's jurisdiction, on the issue of whether the Claimant was an 'employee' or 'worker'.

Mallinson v RBS

(2013)

Assisted Diya Sen Gupta, who was instructed to defend an unfair dismissal claim brought by the former head of the collateral debt obligations desk, dismissed for gross misconduct (assisting Diya Sen Gupta).

Ostendorf v Barclays Capital Limited Services

(2012)

Employment Tribunal unfair dismissal claim by the former head of Structured Funding. Assisted in defending the claim on behalf of Barclays Capital on the basis of genuine redundancy (assisting Diya Sen Gupta).

Sud v London Borough of Ealing

[2013] EWCA Civ 140

Successfully applied to the Court of Appeal for permission to appeal the Employment Appeal Tribunal's findings on disability discrimination and costs. Court of Appeal case reported at Sud v London Borough of Ealing [2013] EWCA Civ 949 (assisting Diya Sen Gupta).

Sport

Jana has experience representing sports regulatory bodies. In November 2015 she became one of two legal secretaries to the IAAF Ethics Board, which investigates breaches of the IAAF Code of Ethics. To date the Ethics Board has published a number of high profile decisions relating to corrupt practices in athletics, including surrounding anti-doping processes.

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Cases

Isaac Stoute v LTA Operations T/A The Law Tennis Association

Instructed by the Lawn Tennis Association (LTA) to defend a claim of race discrimination under the Race Relations Act 1976 and Equality Act 2010 (junior counsel to Kate Gallafent QC).

LTA disciplinary matter

Acting for the LTA in a disciplinary matter concerning an umpire's involvement in ticket touting, before the Sports Dispute Resolution Panel (assisting Kate Gallafent QC).

Commercial

Jana has experience of trial and advisory work in commercial cases, including trust law.

Cases

Gorgeous Beauty Ltd v Tzu-Wen Liu and Ors

[2014] EWHC 1952 (Ch)

Successfully represented one side of a Taiwanese family in a four week Chancery Division trial, over the ownership of a valuable piece of land in Taiwan. The trial involved serious allegations of fraud, multiple witnesses and expert evidence on Seychelles law (junior counsel to Andrew Green QC).

Life Settlement Consulting Ltd v London Capital Group

(2013)

Instructed on behalf of the Defendant, a spread betting company, in a claim against it in the Commercial Court relating to an internet-based foreign exchange trading scheme, worth £10 million (junior counsel to Andrew Hunter QC and Andrew George QC).

Leone v Calor Gas Limited

(2014)

Successfully defended the Defendant, Calor Gas, in a County Court claim against it for compensation, arising from an interruption to the Claimant's gas supply.

Procedural application

Appeared on behalf of a Claimant in its procedural application for service out of the jurisdiction, relying on Article 23 of the Judgments Regulation (EC no. 44/2001).

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EU Law

Jana appeared as junior counsel in the Supreme Court in a case considering the appropriate standard of review for cases engaging rights under the Services Directive 2006/123/EC and the Provision of Services Regulations 2009/2999.

Cases

R (Lumsdon) v Legal Services Board

[2015] UKSC 41

Challenge to the legality of the Quality Assurance Scheme for Advocates. Jana was instructed in the first instance case in the Administrative Court, and on appeal to the Court of Appeal and the Supreme Court. The point appealed to the Supreme Court concerned the effect of Regulation 14 of the Provision of Services 2009/2999 and the application of the Services Directive 2006/123/EC. While the Appellants lost on the facts, the Supreme Court accepted their submissions on the law, disapproving Sinclair Collis [2011] EWCA Civ 437 and redefining the parameters of Judicial Review in the EU context. Counsel for the Claimant appeared pro bono (junior counsel to Dinah Rose QC, Tom de la Mare QC, Mark Trafford QC, Charlotte Kilroy and Tom Richards).

Successful FCA defence

Successfully defended the FCA in an application for judicial review in relation to a decision not to take action under Regulation EC No. 2006/2004 on Consumer Protection Cooperation. Application for permission refused by the High Court on the papers as 'totally without merit'. Application for permission refused on the papers by the Court of Appeal.

Procedural application

Appeared on behalf of a Claimant in its procedural application for service out of the jurisdiction, relying on Article 23 of the Judgments Regulation (EC no. 44/2001).

Court of Appeal application

Application for permission to appeal to the Court of Appeal from a decision of the Upper Tribunal (Immigration and Asylum Chamber) on grounds of an unlawful extension of the principles set out in Case C-34/09 Zambrano v Office national de l'emploi [2011] ECR I-1177 and the application of Article 12 of Regulation (EEC) No. 1612/68 on a child's right of access to education (assisting Brian Kennelly QC).

Animal rights charity advice

Advising a large animal rights charity in relation to an ongoing challenge to the legality of the approach of the European Chemicals Agency under Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals to testing on vertebrate animals (assisting Brian Kennelly QC).

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Sanctions regime advice

Advising a client on the impact of the EU and US sanctions regimes on a proposed business transaction with an Iranian company (assisting Brian Kennelly QC).

ACHIEVEMENTS

Education

English Literature and Language (BA Hons, Oxon): First Class (second in year);
Graduate Diploma in Law: Distinction; BPTC: Outstanding.

VAT registration number: 168126500

Barristers regulated by the Bar Standards Board