



James Tillyard QC

Year of Call: 1978 | QC: 2002

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Overview

James Tillyard has been in Silk since 2002. He has considerable experience in all aspects of family law but in particular care and matrimonial money. He was appointed a Recorder in 1998 and was made a deputy High Court Judge in 2004. He sits in Cardiff, Birmingham and other regional Centres as well as in the RCJ and regularly sits on cases involving matrimonial finance.

Practice Areas

Public Law Children

James Tillyard has been in Silk since 2002. He has considerable experience in all aspects of family law but in particular care and matrimonial money. He was appointed a Recorder in 1998 and was made a deputy High Court Judge in 2004. He sits in Cardiff, Birmingham and other regional Centres as well as in the RCJ and regularly sits on cases involving matrimonial finance. Wide experience of both fact finding and disposal hearings acting for parents, other alleged perpetrators including children, guardians and local authorities. He has particular experience in cases involving complex medical issues which require detailed cross-examination of medical experts. Having said that, he is never happier than when cross-examining on the facts. He likes a "who done it?"

By way of example he has dealt with:

- Salt poisoning
- Poisoning with drugs
- Fabricated/Induced Illness (FII)
- Baby shaking leading to death
- Other fatal injuries
- Sexual abuse by parents, third parties and other children
- Organised paedophile rings
- Chronic neglect leading to very serious physical and emotional harm

Again, by way of example only, at disposal hearings:

- Issues surrounding barely adequate parenting vs adoption
- Where should the child be brought up – within this jurisdiction or abroad?
- Is there a safe parent?
- Do the carers necessarily have to be open and honest with the LA in order to care for a child under a care order?
- How should the Court approach the balance of risk?
- The position of a foster carer who wants to be a long-term carer under a Special Guardianship Order or adoption

Child Abduction and Removal from the Jurisdiction

He has wide experience in child abduction and in Hague Convention cases. He has also undertaken many cases on removal from the jurisdiction – both for and against removal.

Public Law

- Care Standards Tribunal
- Judicial Review
- Breach of Art 6 & 8

Recommendations

Chambers & Partners 2016: "A leading family silk with exceptional experience and a UK-wide reputation in the area. Regularly instructed on high-value finance cases and care proceedings. He is praised by commentators for his technical knowledge." "A very good-quality barrister with a proven record – highly skilled and knows his stuff."

Legal 500 2015: "A leading practitioner in the family finance arena."

Chambers UK 2015: Strong across the board when it comes to family matters, with a particular focus on children's welfare proceedings and financial disputes after a relationship breakdown. He is typically instructed on complex, high net worth cases involving international elements and hidden assets. He is also noted for his expertise in child care cases involving contentious medical evidence "He is extremely tenacious and robust." "He is very good at calculations and presenting cases. Most importantly, he establishes a good rapport with clients."

Legal 500 2014: "Experienced in both high-value financial remedy matters and complex children cases."

Chambers UK 2014: "He is very approachable and very well respected by the judiciary."

Chambers UK 2013: "James Tillyard QC is an equally praised silk at the set, who centres his practice on matrimonial finance matters and childcare work. Sources comment that he is "robust and confident, and makes the client feel comfortable."

Chambers UK 2012: Two of its strongest silks, Jonathan Furness QC and James Tillyard QC, are "both top-rate and comparable to the top London barristers." They are both experienced in all areas of family work, although Furness is particularly associated with childcare work and Tillyard with matrimonial finance'.

Chambers UK 2011: Also attracting a number of important cases is James Tillyard QC who "reassures clients with his experience and robust courtroom manner."

Notable cases

R v Egan (1992) 4 All ER 470 Donovan v Gwent Toys Ltd. (HL) 1990 1 All ER 1018

Wychavon DC v NRA (1993) 2 All ER 440

NRA v Wright Eng. Co.Ltd. (1994) 4 All ER 281

R v D (1996) 2 WLR 1

Environment Agency v Short (1998) EWHC Admin 743

Marlow Child and Family Services Ltd v DPP (1999) 1 FLR 997

Re S (2001) 1 Fam Law 505

Re E (A Child) (2001) All ER (D) 208

Cole v Secretary of State (2003) EWHC 1789 Admin

Re BR and C (Care: Duty of Disclosure: Appeals) (2002) EWCA Civ 1825

Re L (Care: Assessment: Fair Trial) (2002) 2 FLR 730

D v Secretary of State for Health (2002) EWCST 118

Re J (2003) 1 FLR 114

LM v Medway Council (2007) 1 FLR 1698

A County Council v MF (2008) EWHC 3320 (Fam)

Re K (2009) EWCA Civ 987

Re MW (2010) 1 FLR 1093

Re A-C; Re A (Fact Finding: Possible Perpetrator) 2013 EWCA Civ 1321

Bridgend CBC v GM (2013) 1 FLR 987

City and County of Swansea v MB and ME [2014] EWHC 2842 (Fam)

KS v Neath and Port Talbot Borough Council and others [2014] EWCA Civ 941

Birmingham City Council v CH and others [2015] EWFC 66

Family - Finance

Silk since 2002, James Tillyard is a family practitioner with considerable experience and expertise in finance work. James was appointed as a Recorder in 1998, Deputy High Court Judge in 2004 and regularly sits in the High Court both locally and in RCJ on both finance and care matters.

Described as 'A leading practitioner in the family finance arena' (Legal 500, 2015) James is typically instructed on complex, high net worth cases involving international elements and hidden assets. Renowned for his thorough preparation, meticulous attention to detail and realistic advice James is highly praised in Chambers Directory year in year out and you can always find him in the top band.

Notable cases

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Dispute Resolution

James is one of the few silks nationally who has managed to successfully combine a high net worth matrimonial finance practice and a practice in children law.

He has considerable experience of dealing with finance cases both as an advocate and as a Judge.

He works throughout the country from Wales to the North of England and is highly recommended by many juniors in his field.

He is a qualified Family Arbitrator (Finance) through the Institute of Family Law Arbitrators (FLA) scheme and is a member of the Chartered Institute of Arbitrators.

James is available to undertake private FDRs and finance arbitrations.

James is a Member of the Family Bar Association.

Qualifications

BSc Chem Eng (Leeds)

Memberships

Family Law Bar Association

Appointments

Called to the Bar 1978

Recorder 1998

Silk 2002

Section 9 deputy High Court Judge 2004

Bencher of the Middle Temple 2014

Arbitrator 2017 (finance)

Publications

'The role of the medical expert in care proceedings'