

## Jim Shepherd



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### Profile

He is a committed specialist in housing law who represents tenants and homelessness applicants who are in severe need. He has been in a number of well known housing cases including *Robinson v Hammersmith and Fulham* [2007] HLR and *Wandsworth v Whibley* [2008] EWCA Civ 1259. He has built up a very busy practice in all aspects of housing and homelessness work, including defending possession proceedings, judicial review, homelessness appeals, disrepair actions and unlawful evictions. He is also a trained mediator.

Jim regularly represents clients in the community care context and has a particular commitment to tackling the plight of young homeless people and those who suffer from mental health issues. He has a detailed knowledge of discrimination law and its interaction with housing and regularly runs Equality Act defences. Jim also does a range of property work. In 2013 he was appointed as Lawyer Chair of the Residential Property Tribunal in Wales.

Jim is a trained mediator, please click [here](#) to view full mediation profile.

### Education

BA (Hons) Dip Law (City) Professional

### **Related practice areas**

Housing, Social Welfare & Property

Mediation

### **Speaking and Publications**

Jim frequently speaks on housing and related issues at conferences and training courses on topics including Equality and Human Rights, Homelessness, Succession rights and Service Charges. Recent speaking engagements included the annual conference on Housing Law at Bristol University at which he presented a paper on service charges. He has addressed a wide range of audiences for example in 2010 he conducted a workshop session on the housing rights of people suffering from Advanced Brain Injury.

Jim also regularly writes on housing and related subjects. He was Deputy General Editor of the Encyclopedia of Housing Law and Practice between 2005-2007. He co-wrote Housing Law Pleadings in Practice (2003, 2nd Ed). He has also written numerous articles on housing and community care issues for publications including Journal of Housing Law; Solicitors Journal, Inside Housing and Social Care and Neurodisability. He is currently writing and editing a book for housing practitioners published by Lexis Nexis.

### **Housing and Social Welfare**

Jim practices in all areas of housing law, including homelessness, allocations, anti-social behaviour, disrepair, defending possession and unlawful eviction. He regularly runs defences based on discrimination and human rights. In the community care context he acts for clients with particular medical needs who are seeking accommodation and families with children in need.

#### **Defending possession**

Jim runs imaginative and tenacious arguments and has a practical problem-solving approach. He has developed a specialism in defending people who are alleged to have used their homes for the use and dealing of drugs. He acts for: clients who have been ejected from their homes under Crack House Closure Orders and are facing possession proceedings; clients who have been the victim of "cuckooing" by drug dealers and clients who allegedly cultivate or produce cannabis in their homes and are facing possession

proceedings. He also regularly acts for people who are accused of Anti-Social Behaviour and nuisance of various types, including involvement in gang activity or the use of weapons. Jim's ethos is that everyone deserves a chance to keep their home. He recently successfully represented a client who had over £30k in rent arrears and another client who was allegedly using her home as a brothel. He has a good knowledge of welfare benefits and has recently been defending clients who are facing pre-emptive possession proceedings from social landlords following the imposition of the Benefit Cap.

Notable recent possession cases include:

- House Owners v Berry [2014] a case in which Jim and Martin Westgate QC are arguing in the Court of Appeal that the Human Rights Act applies to private landlords. The case is currently stayed pending the outcome of McDonald v McDonald in the Supreme Court
- Wandsworth LBC v Whibley [2008] EWCA Civ 1259, a leading case on postponed possession orders where the Defendant was accused of cultivating cannabis in his flat. The Court of Appeal provided guidance as to the circumstances in which a hearing is required before a date for possession can be fixed.
- LBHF v Mohamoud: In which Jim represented a single mother with seven children who was being evicted from a non secure tenancy in a desirable West London neighbourhood on grounds of Anti Social Behaviour by her two sons. Human rights and public law arguments were incorporated and the local authority was forced to offer alternative accommodation.

## Homelessness

Jim regularly acts for clients who are seeking to obtain accommodation either through homelessness appeals in the county court or through judicial review proceedings in the context of both the Housing Act 1996 and Children Act 1989.

Notable recent cases include:

- Robinson v Hammersmith and Fulham LBC [2006] EWCA Civ 1122; [2007] HLR 7, a landmark homelessness case which amongst other things looked at deliberate delay in decision making, the rights of 16 and 17 year olds under the Housing Act 1996, the use of mediation and conciliation by local authorities in seeking to resolve homelessness and the duties of the local authority reviewing officer;
- R (Slaiman) v Richmond-upon-Thames LBC [2006] EWHC 329 (Admin); [2006] HLR 20, a challenge to the lawfulness of a decision by the council refusing to carry out a homelessness review out of time pursuant to Housing Act, s.202 (3);

- Dove v Kingston CO/1024/2009, in which Jim was successful in obtaining relief requiring the local authority to provide accommodation for a vulnerable teenager;
- Buah v Croydon CO/4806/2008 in which Jim was successful in judicial review proceedings where the authority had refused to re-consider their adverse homelessness decision notwithstanding the fact that there was compelling fresh medical evidence;
- Avery v Royal Borough of Kingston CO/1750/2008 in which Jim was instructed by the Official Solicitor in representing a homeless man who had mental health problems and was seeking accommodation from Kingston (he was sleeping in a tent in Richmond park during a period of severely cold weather).

## Equality and Discrimination

Jim is a specialist in the interaction between the Equality Act 2010 and housing and homelessness legislation. He has run seminars and written articles on the subject.

In his daily work Jim regularly uses discrimination arguments. Recent cases include:

- Defending a client who was being evicted for anti-social behaviour who suffered from alcoholism which was so severe that she had brain damage. The case required careful consideration particularly in relation to the distinction between excluded and non-excluded disabilities under the Equality Act.
- Defending a client who had failed to pay his rent during a period of chronic illness. Discrimination and reasonable adjustment arguments were incorporated. The court dismissed the possession claim and awarded damages for discrimination.
- Defending a client who was hoarding possessions in his home and the landlord was seeking possession. Discrimination and Human Rights arguments were used as a means of seeking to obtain practical assistance for the client.
- Defending a client whose landlord was seeking possession because he had carried out his own disabled adaptations to his home. Discrimination and reasonable adjustment arguments were used to defend the claim.
- Pursuing a homelessness appeal where the authority had failed to carry out proper inquiries into the client's disability and its effect on her current homelessness.

## Land and Property

Jim sits as a Lawyer Chair of the Residential Property Tribunal in Wales. He is also involved in property cases in the County Court, High Court and Leasehold Valuation Tribunal. He has run seminars on service charges. He has also advised on a wide range of issues including easements, boundary disputes, TOLATA cases, adverse possession and defending mortgage possession claims.

## Mental Health and Court of Protection

Jim regularly acts for clients who lack capacity and has been instructed by the Official Solicitor in a number of housing and homelessness cases.

## Administrative and Public Law

A large proportion of Jim's work involves housing and community care related judicial reviews. He regularly makes urgent applications for interim relief where clients are homeless or facing homelessness imminently. He has advised on judicial review in allocations and transfer cases including those involving RSLs. He also regularly defends possession claims using proportionality and public law arguments.

## Mediation

Jim trained in 2012 with the London School of Mediation. As a member of the Doughty Street Mediation Team he accepts instructions to mediate or to represent any participants involved in a mediation. Jim is best known for his ability to listen carefully and engage with his clients in order to focus on the issue at hand. He adopts a pragmatic problem solving approach when tackling difficult disputes. He is a housing specialist, who is best known for his work for law centres and vulnerable tenants. In Chambers and Partners 2015 Jim is hailed for having “an excellent reputation for his dedication to the client”. He “receives particular praise for his representation of vulnerable tenants in possession claims and discrimination cases.”

Although based in London, Jim is happy to undertake work throughout the UK.

For a discussion about availability, fees and resources please contact his clerks:

Anthony Ward (Tel. 0207 404 1313, email [a.ward@doughtystreet.co.uk](mailto:a.ward@doughtystreet.co.uk))

In most cases a composite fixed fee can be agreed for professional fees, mediation rooms, parties' break-out rooms, IT resources and catering. Mediations can be hosted in London, Manchester or Bristol as required.