

Jagoda Klimowicz

YEAR OF CALL: 2021

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Practice Overview

Jagoda practises in public, commercial and competition law. She has been instructed on high profile cases in each of those practice areas, and regularly appears in court for claimants and defendants. She has appeared in the Lawyer's Top 20 cases for two consecutive years. Notable recent instructions include:

- *Al Haq v Secretary of State for Business and Trade* : appearing for the Claimant in a judicial review challenge to the sale of arms to Israel following the military invasion of Gaza after 7 October 2023 (led by Victoria Wakefield KC and Luke Tattersall)
- *JSC Commercial Bank Privatbank v Kolomoisky and others* : a \$1.9 billion claim against the former owners of Privatbank, Ukraine's largest lending bank, alleging misappropriation of funds (led by Mark Howard KC, Mike Bools KC, Alec Haydon KC, Alex Milner KC and Geoffrey Kuehne) (one of the Lawyer's Top 20 cases for 2022)
- *Athena Capital Fund and others v the Secretariat of State of Holy See* : acting for the Vatican in a fraud trial concerning an allegedly overvalued London property sold to the Vatican, related to the largest criminal trial in the Vatican's modern history, in which one of the claimants has been convicted of embezzlement and sentenced to 5 years in prison (led by Charles Hollander KC, Samar Abbas Kazmi and James Bradford) (one of the Lawyer's Top 20 cases for 2024)

Jagoda is equally comfortable led in a team of counsel on large, significant matters, and appearing unled – she has made oral submissions in the High Court, county courts and various tribunals.

She is also committed to a *pro bono* practice and has been shortlisted for Young Barrister of the Year at the Bar Pro Bono Awards 2024.

Jagoda holds first class degrees from King's College London (LLB) and the University of

Cambridge (LLM). Prior to coming to the bar she worked in various research assistant and paralegal roles, including at the Law Commission of England and Wales and at the Lauterpacht Centre for International Law. She holds 14 awards and scholarships.

Public Law

Jagoda accepts instructions across all areas of public law. She acts for both claimants and defendants and her recent experience includes:

- *Al Haq v Secretary of State for Business and Trade* : appearing for the Claimant in a judicial review challenge to the sale of arms to Israel following the military invasion of Gaza after 7 October 2023 (led by Victoria Wakefield KC and Luke Tattersall)
- *Kanu v Secretary of State for Foreign, Commonwealth and Development Affairs* [2023] EWCA Civ 796: successfully representing the FCDO in a judicial review in which the Court of Appeal clarified the scope of the *Abbasi* duty in an alleged rendition case (led by Sir James Eadie KC and Malcolm Birdling)
- *Ariste v The King (the Bahamas)* [2023] UKPC 18: successfully representing the Appellant in this Privy Council appeal from the Bahamas concerning a conviction obtained on the basis of a coerced confession, involving submissions on the right to a fair trial and access to a lawyer (led by Paul Bowen KC and Emma Mockford, acting pro bono)
- *R (L J Fairburn & Son and others) v Secretary of State for Environment, Food and Rural Affairs* [2024] EWHC 65 (Admin): successfully representing the claimant poultry farmers and the National Farmers' Union (as intervener) in this challenge in which the High Court held that DEFRA's scheme of compensation for birds culled in order to curb avian influenza is unlawful (led by Malcolm Birdling)
- *R (Al Attiya) v FCDO* : acting for the Foreign Secretary in a judicial review concerning the scope of the Foreign Secretary's powers to designate a person *persona non grata* under the Vienna Convention on Diplomatic Relations
- Advising a regulator as to the delegation of powers under the Legal Services Act 2007
- Advising a royal chartered corporation as to the scope of its statutory powers and its relationship with central government
- As sole counsel, advising a government department on the consequences of the Retained EU Law (Revocation and Reform) Bill
- As sole counsel, successfully appealing a benefits decision by the DWP in the First-Tier Tribunal (Social Security and Child Support) for a vulnerable applicant with multiple physical and mental health diagnoses (listed by Advocate in its Monthly Top Ten)

Commercial

Jagoda accepts instructions across all areas of commercial law, and has particular experience in

civil fraud. She has appeared in the Lawyer's Top 20 cases for two consecutive years. Her recent experience includes:

- *JSC Commercial Bank Privatbank v Kolomoisky and others* : a \$1.9 billion claim against the former owners of Privatbank, Ukraine's largest lending bank, alleging misappropriation of funds (led by Mark Howard KC, Mike Bools KC, Alec Haydon KC, Alex Milner KC and Geoffrey Kuehne)
- *Athena Capital Fund and others v the Secretariat of State of Holy See* : acting for the Vatican in a fraud trial concerning an allegedly overvalued London property sold to the Vatican, related to the largest criminal trial in the Vatican's modern history, in which one of the claimants has been convicted of embezzlement and sentenced to 5 years in prison (led by Charles Hollander KC, Samar Abbas Kazmi and James Bradford)
- As sole counsel, acting for a professional surety putting forward a defence of fraudulent misrepresentation as the basis for the rescission of a guarantee (worth £440,000)
- Representing a victim of domestic violence to seek rescission of a personal guarantee under *Etridge* principles, alleging undue influence, duress and misrepresentation (acting pro bono, led by Benedict Tompkins)
- *United House Group Holdings Limited v Telford Homes Limited* : a £3 million breach of contract claim (led by Thomas Plewman KC)
- *Phibatec Limited v Cooper*: a \$1 million breach of contract claim (led by Fred Hobson)

Jagoda also regularly appears in county courts and tribunals as sole counsel.

International/EU

Jagoda is developing a practice on the interaction between domestic and international/EU law. Many of the public law cases in which she is instructed (referred to above) involve an international element, whether as to the principles of international human rights law, international humanitarian law or the law of diplomatic relations. As sole counsel, she has advised a government department on the retention of general EU principles.

Competition

Jagoda accepts instructions across all areas of competition law. Her recent experience includes:

- *FX*: representing Barclays Bank defending a class action as to losses flowing from a foreign exchange trading cartel (led by Mark Hoskins KC and Anneliese Blackwood)
- Acting for a big tech company alleging abuse of dominance against another big tech company (led by Daniel Jowell KC and Colin West KC)
- As sole counsel, advising various businesses as to their obligations under competition law
- Advising a competition authority as to a potential cartel (led by Jemima Stratford KC)

EDUCATION & QUALIFICATIONS

Education

2019–21: Bar Professional Training Course (BPP Holborn): Very Competent

2018–19: LLM (University of Cambridge): First Class Honours

2014–17: LLB (King's College London): First Class Honours

Professional employment

2019–21: Research Assistant in Public Law – Law Commission of England and Wales

2019: Research Assistant – Lauterpacht Centre for International Law, Cambridge

2018: Paralegal in Banking Litigation and Public Law – Herbert Smith Freehills LLP

2017–18: Legal Assistant in Asset Finance – White & Case LLP

2017–18: Research Assistant in Competition Law – King's College London

2016: Undergraduate Research Fellow in Competition Law – King's College London

Awards and scholarships

John and Sophie Laws Bar European Group Scholarship 2022

Reward & Recognition Award, Law Commission of England and Wales

Gray's Inn Residential Scholarship 2019

Gray's Inn Wilfred Watson Scholarship 2019

BPP Advocacy Award 2019

Jesus College Scholarship 2019

Pro Bono Certificate, White & Case LLP

King's Experience Research Award 2016

Phillip C. Jessup International Moot Court Competition 2017

UK Champion

International Quarter-Finalist (6th place)

International Best Respondent Memorial (2nd place)

International Best Combined Memorial (9th place)

Times 2TG Moot 2017 – Semi-Finalist

Wildy & Sons Moot 2015 – Finalist