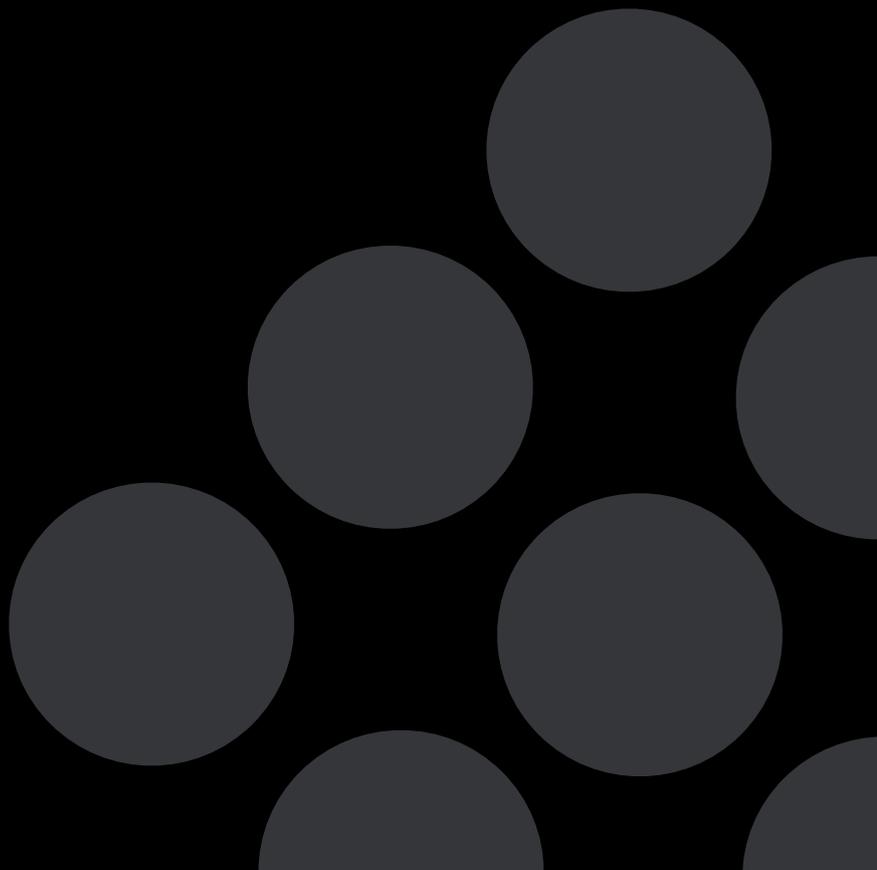


NINESTJOHNSTREET

CHANCERY AND COMMERCIAL



Robust – Resourceful – Reliable

Chancery and Commercial

Crime

Employment

Family

Health & Safety

Housing

Insurance Fraud

Personal Injury

Public

“A first tier Chambers – offers a very good availability of counsel and the clerks are superb at offering alternatives”

Legal 500

Chancery and Commercial

“9 St John Street covers the full range of commercial and traditional chancery work. It is home to nine specialist practitioners who receive instruction throughout the Northern Circuit and beyond, and the team is commended for its breadth of experience and its diligence in dealing with clients and solicitors alike.”

Client service: “The clerking team, led by Tony Morrissey, are very good and down to earth. They are very accommodating, and more efficient than most. They’re very quick at putting things under counsel’s nose.”

Chambers & Partners 2015

“9 St John Street is recommended for Chancery and commercial matters. Practitioners regularly deal with partnership, insolvency, company and probate disputes. 9 St John Street recent workload includes contested boundaries and rights of way disputes.”

Legal 500 2014

In the highly competitive and specialised fields in which the members of this Group practise, it is important that you find the barrister with the right expertise for the particular case. Though some may pretend otherwise, one barrister cannot be right for every case. The purpose of this brochure is to show the breadth of expertise that this Group can offer you and to help you find the right barrister for your case.

For those of you that already instruct members of the Group regularly, the brochure will introduce you to other members of the Group who you may not have instructed before. The experience that we have to offer has been greatly enhanced by the new members who have joined us in the last year, particularly, in the area of housing. I am confident that there are now few cases that would be outside our collective expertise.

Of course, whether you instruct us occasionally or regularly, we will always strive to ensure the best outcome for your client and provide

you with a service that meets your particular needs. We will aim to give advice that is not pre-occupied with the legal technicalities but takes account of and seeks to achieve the client’s own objectives as far as possible. We are well aware of your need for practical advice given in a clear and uncomplicated way. We will explore all means of resolving your client’s dispute including the use of ADR. And, if there are court proceedings, we will work with you to pursue the client’s case vigorously to a successful conclusion.

Finally, I commend to you our much-praised clerking team led by Tony Morrissey and Chris Swan. Our responsive and efficient clerking team has been vital to the continuing success of this Group. If you want to know more about the Group or individual barristers within the Group, they will be able to answer all your questions.

David Gilchrist

Head of Chancery and Commercial Group



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GERAINT JONES QC



YEAR OF CALL

1976, Middle Temple

QUEEN'S COUNSEL

2001

EDUCATION

Jesus College, Cambridge MA (Cantab)

ASSOCIATIONS

Chancery Bar Association, Professional Negligence Bar Association, COMBAR, Wales Commercial Law Association

APPOINTMENTS

Queen's Counsel 2001

Chairman: Wales Commercial Law Association (2000–2002)

Member: Judicial Panel of the International Rugby Board

Member of the Chartered Institute of Arbitrators

Part-Time Chairman Immigration Appeals Tribunal

Recorder (Civil & Crime)

Arbitrator: Court of Arbitration for Sport (Switzerland)

Part time Judge: Tax Tribunal

SPECIALIST AREAS OF PRACTICE

Chancery

Commercial Disputes

Professional Negligence

Environmental Law

Public Law

Arbitration

AREAS OF PRACTICE

Chancery work: especially real property, mortgages, trusts, company, insolvency and partnership litigation. Commercial disputes: contract, transport & travel law, banking and product liability.

Professional negligence & sports law.

Environmental law. Public law (including misfeasance in public office). Arbitrations in commercial and real property matters.

PROFILE

Geraint pursues a thriving commercial and property practice. In silk he has been leading counsel in multi-million pound litigation, successfully defending allegations of commercial fraud arising from the collapse of the Versailles Group. He has been involved in long-running group litigation involving leaseholders in disputes with their landlord; a case of factual and substantial legal complexity.

As junior counsel, Geraint was counsel of choice for the Solicitors Indemnity Fund

(western region) and has extensive experience in professional negligence issues, especially relating to property conveyancing matters.

Recently he has been leading counsel in a series of judicial review cases against H.M.R.C., successfully challenging its use (or misuse) of its statutory powers. He has also become an acknowledged leader in Proceeds of Crime Act challenges based upon article 1, first Protocol ECHR, lately overturning the long established rule of the common law that a Receiver can always recover his costs from assets subject to the receivership.

Geraint has extensive sports law experience and is an Arbitrator at the International Court of Arbitration for Sport in Switzerland.

Geraint also has extensive experience of human rights and discrimination issues associated with his work in the Immigration Appeals Tribunal and The Asylum and Immigration Tribunal.

EXPERIENCE

Property

- Formerly junior counsel of choice for Solicitor's Indemnity Fund for South Wales area (real property/conveyancing matters)
- Litigation relating to all aspects of real property disputes, mortgages and trusts
- Advisory and advocacy work for numerous local authorities
- Advisory and advocacy work for The Environment Agency & Dept the Environment, Food and Rural Affairs
- Advisory and advocacy work for Sony (UK) Ltd, Texaco plc, Associated British Ports, Templar Properties Ltd, Eagle Star (Axa), Land Authority for Wales

Business & Commercial

- Leading counsel in multi-million pound commercial fraud case arising from the collapse of Versaille Group



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- Advising upon and drafting standard contractual conditions for trade association members
- Judicial Reviews in the business and commercial context.

Professional negligence

- Counsel of choice for Solicitor's Indemnity Fund (South Wales & the West)

SIGNIFICANT CASES

- *Brandon Barnes v Eastenders Cash & Carry* [2012] EWCA Crim 2436
Receivership Costs – Human Rights – Article 1 First Protocol – Order appointing receiver set aside by the Court of Appeal – It would be a breach of a company's human rights if it had to meet the remuneration and expenses of the receiver appointed over it.
- *R (First Stop Ltd) v HMRC* [2012] EWHC 1106 (Admin)
- *Eastenders v HMRC* [2012] EWCA Civ15, LTL 20.01.2012 [2012] 1 WLR 2912
Property rights – statutory interpretation – statutory powers to interfere with private property – detention of goods – forfeiture of goods – goods must in fact be “liable to forfeiture”; it is not sufficient that there are reasonable grounds to suspect/believe that goods may be “liable to forfeiture”
- *Windsor & Ors v The Crown Prosecution Service* [2011] EWCA Crim 143; [2011] 1 WLR 1519; [2011] 2 Cr. App. R 7; [2011] Lloyds Rep. F. C. 23/2/11.
- *Goldberg & Oths v Foster Squires (a Firm)* [2010] EWHC 450 (QB), LTL 19/3/2010
Accountant's liability for negligent investment advice – Fraud – Partnership liability – Partnership Act 1980, s.10 – Vicarious liability – The ordinary course of the business of an accountant includes expressing a view as to the risks associated with an investment.
- *Carter v Cole* (2009) EWCA Civ 410; (2009) 33 EG 66
- *Nelson v Clearspring Management Ltd* [2007] 1 WLR 962
- *Mercantile & Credit plc v Marks* [2005] Ch 81
- *Greening & Sykes Ltd v Nelson & Hanley* The Times [22/01/08]
Status of intervening bare trustee.
- *Awoyomi v Radford* [2007] WHC 1671
Retrospectivity of Hall v Simons.

OTHER CHAMBERS

Tanfield Chambers, 2–5 Warwick Court,
London WC1R 5DJ



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MARK HILL QC



YEAR OF CALL

1987. Queen's Counsel 2009

EDUCATION

King's College, University of London (1983–1986) LLB, AKC; Cardiff University (1992–1994) LLM (Canon Law)

ASSOCIATIONS

Western Circuit (Executive Committee

1997–2002); Personal Injury Bar Association; Professional Negligence Bar association; Human Rights Lawyers Association; Ecclesiastical Law Society; Anglican-Roman Catholic Colloquium of Canon Lawyers; European Consortium for Church and State Research (Standing Committee since 2008); International Consortium for Law and Religion Studies; Interfaith Legal Advisers Network

“An acknowledged expert in the niche area of religious liberty. A lawyer with many years experience of ecclesiastical law, he handles a number of cases involving Article 9 of the European Convention on Human Rights.”

Chambers UK Leaders at the Bar 2011

“An acknowledged expert in ecclesiastical law. He regularly appears in Consistory Courts, the Court of Arches and various ecclesiastical tribunals.”

Chambers UK Leaders at the Bar 2010

APPOINTMENTS

Recorder on the Midland Circuit

Chancellor of the Diocese of Chichester

Chancellor of the Diocese in Europe

Deputy Chancellor of the Dioceses of York and Blackburn

Honorary Professor of Law, Centre for Law and Religion, Cardiff University

Editor of the *Ecclesiastical Law Journal*

Visiting Fellow, Emmanuel College, University of Cambridge

Member of the Legal Advisory Commission of the General Synod of the Church of England

PROFILE

Since taking silk in 2009, Mark Hill has established a broad and varied common law practice with an emphasis on civil litigation and an acknowledged expertise in ecclesiastical law. His particular specialisms are judicial review, personal injury, costs and planning cases, and he is regularly retained in these practice areas both in an advisory capacity and as an advocate in the higher courts. He has an international reputation on matters of religious liberty and often acts in disputes involving faith communities. He is an accredited mediator, trained by the ADR Group, and is a Legal Assessor with the General Medical Council.

NOTABLE CASES

- *National Employers' Mutual Insurance Company Limited v Jones* [1990] 1 AC 24, House of Lords
- *Pacific Associates v Baxter* [1990] 1QB 993, Court of Appeal
- *Re Blagdon Cemetery* [2002] Fam 299, Court of Arches
- *R (J and P) v West Sussex County Council* [2002] 2 FLR 1192, High Court Sullivan J
- *Parochial Church Council of Aston Cantlow v Wallbank* [2004] 1 AC 546, House of Lords
- *Stretch v United Kingdom* (2004) 38 EHRR 12, European Court of Human Rights
- *R (Swindon Borough Council) v Swindon Justices* [2004] EWHC 2240, Administrative Court

- *Kuenyehia v International Hospitals Group Limited* (2006) Times, 17 February, Court of Appeal
- *R (on the application of HM Coroner) v Secretary of State for Justice* [2009] EWHC 1974, Administrative Court, Laws LJ and Tugendhat J
- *Greater Manchester Police v Power* [2009] UKEAT 0434, Employment Appeal Tribunal
- *Holliday v Musa* [2010] EWCA Civ 335, Court of Appeal
- *His Holiness Sant Baba Jeet Singh Ji Maharaj v Singh* [2010] EWHC 1294, High Court, Eady J
- *Re Holy Trinity, Eccleshall* [2010] 31 July, Court of Arches

PUBLICATIONS

- *Ecclesiastical Law*, Third Edition (Oxford University Press, 2007)
- *English Canon Law* (co-editor) (University of Wales Press, Cardiff 1998)
- *Religious Liberty and Human Rights* (editor) (University of Wales Press, 2002)
- *Jowitt's Dictionary of English Law* (specialist contributing editor) (Sweet & Maxwell, 2010)
- *Butterworths Costs Service* (editor of section on Counsel's Remuneration) (Butterworths, 2010)
- *Religion Law* (International Encyclopaedia of Laws (Leuven, 2010)



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RICHARD SELWYN SHARPE



YEAR OF CALL

1985

EDUCATION

Marlborough College,
Bristol University (LLB)
Sir Thomas More Bursary

ASSOCIATIONS

Chancery Bar Association

“Cuts through the detail and sees the main issues very quickly... Inspires confidence because of his significant experience and ability.”

Legal 500 2015

“Generates confidence in his advice... He explores all lines of argument.”

Legal 500 2014

SPECIALIST AREAS OF PRACTICE

Banking, Building & Construction, Commercial Litigation, Company, Insolvency, Insurance, Intellectual Property, Landlord & Tenant, Partnership, Probate, Professional Negligence, Property, Trusts & Settlements,

PROFILE

Richard joined chambers in June 2014 from St. James's Chambers, Manchester. He practises in general Chancery and Commercial law with an emphasis on property, wills, trusts, company and insolvency law.

Particular property expertise includes: Landlord and Tenant (commercial and residential), boundaries and easements, rivers/ riparian rights, restrictive covenants, land options, development contracts, mortgages, agricultural holdings, nuisance claims, public access to the countryside (including applications to modify the definitive map), highways and planning. Commons and Manorial Rights. Regularly instructed in cases before the Upper Chamber (Lands Tribunal). Richard has been recently instructed in two landmark cases involving Rights of Way in the Court of Appeal (*Bee v Thompson* and *Oliver v Symons*).

Company law including director's breaches of duty, director's disqualification and voidable transactions.

Sale and Carriage of Goods, Consumer Credit, Insurance and Agency law.

Restraint of Trade and business secrets. Intellectual Property. Partnership Law.

Professional Negligence, (Solicitors, Accountants, Insolvency practitioners, Architects, Surveyors and Insurance Brokers).

Wills and Trusts: contentious and non-contentious, Inheritance Act claims. Removal

of Trustees. Increasing Court of Protection practice.

Regularly instructed in family partnership disputes, including those concerning agricultural property, residential property portfolios and family businesses.

Door tenant at New Square Chambers, Lincoln's Inn.

Richard accepts Licensed Access instructions from surveyors and accountants. He lectures regularly to solicitors on Insolvency Law, Rights of Way, Wills, Probate and Proprietary Estoppel.

Richard lives in North Yorkshire.

NOTABLE CASES

- *Ord v Upton* [2000] Ch 352 CA (Insolvency: rights of bankrupt to damages for personal injury): and see article: 2001 Insolvency Lawyer
- *Stephenson v Johnson* 2000 EGCS (Boundary dispute: implied boundary agreement)
- *Dodsworth v Hulme* [2003] EWHC 22 (Ch) Lawtel 30.1.03 (Boundary dispute: construction of conveyance and plan)
- *Zyxxel Communications COPR, Bluebell Overseas Limited v Fairbridge Communications Limited* [2004] D Foskett QC (Construction of Compromise agreement) Lawtel AC0103710
- *Halpern v Halpern* [2006] EWHC 1728 Comm [2006] 3 AER 113 (a party could



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not avoid a contract procured by duress in circumstances where he could not offer the other party restitutio in intergrum or counter restitution)

- *Halpern v Halpern* [2007] EWCA 603 (Comm) The Times 14th May 2006 On appeal from the decision of Christopher Clarke J (2006) EWHC 603 [2006] 2 All ER (Comm) 251 (“Halpern No 1”) the Court of Appeal held that under Art 4(2) of the Rome Convention English Law was the applicable law to the compromise agreement but that Jewish law might be relevant to interpretation. On appeal from the decision of Nigel Teare QC (2006) EWHC 172 [2006] 3 WLR 946 the Court held that rescission for duress should be no different in principle from rescission for other vitiating factors. However, the practical effect of counter-restitution would depend on the circumstances of each case. If the defendants were able to establish at trial that the compromise was procured by duress then it would be surprising if the law could not provide a suitable remedy but that would be a matter for the trial judge to decide. It was not necessarily the case that the party wishing to obtain rescission for duress had to be able to provide counter-restitution. Richard acted for the Appellants/Defendants.
- *Crowe & Heaton v Massey & Massey Land Tribunal* (Nigel Rose) (2008) LP/34/2006 Application to discharge restrictive covenant.
- *Brookfield v Drury & Whitehead LTL* 6/3/2009 [2009] The sale of real property, including a strip of land which the original owner had intended to keep, was not capable of legal rectification in the original owner’s favour on the basis that the transfer of the strip was a mistake. The property as sold clearly included the disputed strip, and the purchasers were entitled to rely upon their ignorance of the original owner’s uncommunicated desire to retain the strip.
- *Thompson v Bee* [2009] EWCA Civ 1212 *The Times* 3rd December 2009 2010 2 WLR 1355 Right of way by will expressed to be at “all times and for all purposes”. CA adopted single transaction approach to construction to ascertain rights of beneficiaries under Will. Appellant’s claim that right not limited to agricultural purposes upheld. Respondent’s claim to injunction restraining use of way to access three houses upheld but court left open question whether could use way for less than three houses. Richard was instructed on behalf of the Defendant/Appellant Mr Thompson at first instance and was led by James Thom QC on the appeal.
- *Re Haythornwaite deceased* Richards J 24 Nov 2010. Acted for administrators and beneficiaries of a deceased estate and successfully resisted claim that farm comprising bulk of estate had been gifted to Defendant as a “valid donatio mortis causa”.
- *Oliver v Symons* EWHC (Ch), [2011] All ER (D) 250 May. Rights of way. Construction of reservation. Extent of way. Whether claimants abandoning right of way as a consequence of relevant transfer. Whether Defendants interfered with Claimants’ right of way.
- *Oliver v Symons* [2012] EWCA Civ 267 led by James Thom QC
- *In the matter of E A Scott 1991 Children’s settlement No.1 sub nom Andrew Herbert Scott v Martin Leslie Scott* [2012] Ch D (Leeds) EWHC 2397 (Ch) Application to remove trustee of family trust
- *Sterling Investment Properties v Valli Forecourts Ltd* [2013] Chancery Division Leeds: (HH Judge Behrens). Acted for Defendant resisting claim that right of way over commercial property extinguished by abandonment. Claim settled during trial with successful outcome for Defendant.
- *J.J Metcalfe Ltd v James Dennison* Manchester TCC: HH Judge Raynor QC 6.12.13 LTL5/3/2014 Acted for successful Defendant in application to strike out claim by builder for unpaid fees/in restitution on grounds that claim statute barred. Court held cause of action arose when work carried out by claimant and not 28 days after the service of the claimant’s invoice.



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- *Lothian v Dixon* [2014] Ch D, HH Judge Kaye QC. Acted for successful Claimants in proprietary estoppel claim. Claimants awarded full estate of deceased on basis of promise to leave them her estate in equal shares if 1st Claimant left her husband (2nd Claimant) at the family home in Scotland to care for her in her last illness and to help run the deceased's hotel in Scarborough.
- *Taylor v Bell* Leeds Co Court 16.2.15 HH Judge Behrens. [2015] All ER (D) 208 Application to vary consent order for periodical payments under the Inheritance (Provision for Family and Dependants) Act 1975 by illegitimate son of deceased to fund further three years of education.
- *Gateway Plaza Ltd v Sumit Ramteke*. Chester County Ct . HH Judge Halbert 5.6.15. Richard acted for the successful Defendant in a claim for damages for breach of contract to buy a new build flat on a development in Barnsley. Judge held Claimant in breach of contract at time served notice to complete as it could not provide NHBC certificate. He dismissed the claim for damages and ordered the return of the deposit to the Defendant plus interest and costs on the standard basis.

OTHER RECENT CASES

Acted for successful applicant in Arbitration concerning right of way reserved as part of a development contract and obligation on respondent to construct a new road to an agreed specification. Arbitrator held respondent in breach and liable to pay applicant's costs in full.

Acted for beneficiaries of family trust in claim for breach of trust against trustees (one of whom was an IFA). Dispute settled at Mediation.

Acted for graziers of Common land in Arbitration concerning graziers' entitlement to stewardship payments.

Acted for commercial landlord in proceedings for forfeiture of lease against tenant carrying out waste processing in breach of lease and in breach of environmental legislation.



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DAVID GILCHRIST



YEAR OF CALL

1987, Inner Temple

EDUCATION

BA, Durham University

ASSOCIATIONS

Chancery Bar Association
Professional Negligence Bar Association
Northern Circuit Commercial Bar Association

“Adept at insolvency and professional negligence cases. He also has a strong showing in traditional chancery work and is particularly good at wills, trusts and estate administration.

“Without doubt one of the most consistently brilliant barristers I have ever used; he is impeccable, has an eye for detail and adopts an excellent approach with clients.”

“Highly experienced commercial junior well versed in the full spectrum of matters, including directors’ disputes and shareholder issues. Possesses notable expertise in commercial property work. A tenacious advocate – hugely knowledgeable.”

Chambers & Partners 2016

“He has an immense knowledge of the law.”

Chambers & Partners 2015

AREAS OF PRACTICE

Commercial and Chancery Litigation
Landlord and Tenant
Professional Negligence
Trusts, Wills and Estates
Insolvency
Mediation

PRACTICE PROFILE

- **Property**
Including mortgages, restrictive covenants, easements, the sale of land, land registration, co-ownership and nuisance
- **Landlord and Tenant**
Both business and residential including forfeiture, renewal of business tenancies, service charges and enfranchisement
- **Commercial**
Including companies (particularly, shareholders and directors’ disputes), guarantees, insolvency, partnership, construction disputes and sale of goods and services
- **Trusts, Wills and Estates**
Including validity of wills, construction of wills, administration of estates, Inheritance Act proceedings and breach of trust claims
- **Professional Negligence**
Including claims against solicitors (particularly in connection with land transactions), surveyors and accountants

MEDIATION

David is a CEDR trained and accredited mediator, obtaining his accreditation in 2015. As mediator, he will use his wide knowledge and experience of commercial, property and wills litigation to assist the parties in reaching a sound and practical resolution of their dispute. His usual daily fee for a two party dispute (including 3 hours pre-reading) is £1500 plus VAT, or £750 per party. His clerk can assist the parties in arranging a suitable venue and, in the event that the mediation is to be held in Manchester, can offer room hire and refreshments in Chambers at no extra cost.

NOTABLE CASES

- *Peckham v. Ellison* (1999) 77 P&CR 27, CA (implied reservation of easements)
- *Bristol & West v. Bartlett* [2003] 1 WLR 284, CA (limitation periods for mortgage arrears)
- *Cheltenham & Gloucester v. Appleyard* (The Times 29 March 2004), CA (mortgagee’s remedy of subrogation)
- *C & W Berry Ltd v. Armstrong-Moakes* [2007] BPIR 1199 (effect of bankruptcy petition on charging order)
- *Dhand v. Oakglade Investments* [2012] EWCA Civ 286 (validity of vendor’s notice to complete)
- *Manton Hire v. Ash Manor Cheese* [2013] EWCA Civ 548 (damages for breach of commercial hire agreement)
- *Windermere Marina Village v. Wild* [2014] UKUT 163 (LC) (enforceability of surveyor’s apportionment of service charge)
- *Chadwick v. Collinson* [2014] EWHC 3055 (Ch) (application of forfeiture rule on estate of manslaughter victim)



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EDWARD MORGAN



YEAR OF CALL

1989, Lincoln's Inn

EDUCATION

LLB (Hons) University of Central Lancashire
LLM (Employment & Industrial Relations), University of Leicester
JCL Katholieke Universiteit Leuven

ASSOCIATIONS

Member of the Bar of Northern Ireland
Chancery Bar Association
Employment Law Bar Association
Canon Law Society of Great Britain and Ireland

"Treads the border between commercial and employment law with great facility"

Legal 500 – 2008

"Observers underlined 'the commercial grasp and detailed knowledge of the subject' shown by Edward Morgan."

Chambers & Partners 2007

"Edward Morgan 'calm, focused and very sharp'."

Legal 500 – 2005

"Edward Morgan has 'fire in his belly' and, according to the market, he 'absorbs case details with alarming speed'. He also picked up praise for building up 'an excellent rapport with solicitors and clients'."

Chambers & Partners 2005

APPOINTMENTS

Part-Time Employment Judge (assigned to the Leeds Region)

Judge to the Diocese of Salford

Fellow of the Centre for Law and Religion of the University of Cardiff, Law School

AREAS OF PRACTICE

Company Law
Confidentiality Privacy and Data Protection Rights
Professional Negligence
Employment
Canon Law
Insolvency
Guarantees

PRACTICE PROFILE

The areas of work undertaken are complementary and span a wide range of commercial litigation in High Court, Arbitration and Mediation proceedings.

High Court litigation has involved particular emphasis upon director responsibilities and corporate governance; breach of fiduciary duties, constructive trusteeship and related restitutionary claims; directors disqualification; shareholder disputes; restrictive covenants; confidentiality; passing off; Pension and PHI related issues; the rights and obligations of trustees; partnership and related fields. Mediator and Arbitrator appointments are also accepted in these areas.

Advisory work and advocacy is also undertaken in relation to property transactions with particular interest in transactions susceptible to challenge on the grounds of undue influence, breach of trust and knowing assistance or receipt.

In the field of Canon Law, work has been undertaken on behalf of a wide variety of ecclesiastical organisations in relation to property and regulatory issues, including restitution of property; hierarchical

relationships and the canonical position of Diocesan Trustees.

NOTABLE CASES

- *In the Matter of BTP* (Commercial Arbitration £17m)
- *Re Essa Tabra* (Arbitration Act Appeal involving application of Sharia)
- *HMCE v Wilson* (Evasion of Anti dumping Duty/EC Customs Code)
- *Re Millwall FC* [1998] 2 BCLC 272 (re Definition of "liability" within CVA)
- *R v Leicester CC Ex P HMCE EWHC Admin* 33 (Judicial Review)
- *Everson v Flurry* (Classification of insurance contract)
- *McMullen v Gibney* (Northern Ireland CA) (Subrogation)
- *Harrison v Preston BC and Driver* (Agency/SDA/Public Law)
- *AL Barnes Ltd v Time Talk (UK) Limited* [2003] EWCA Civ (illegality/knowing assistance)
- *Crown Garages And Ors v Staffordshire Police Authority* (Private law challenge to Police Vehicle Recovery Scheme)
- *VGC Clements v Smith and Ors* (WTR within the construction industry)
- *Oldham BC v Kwik Fit PLC* (Validity of Prohibition Notice)
- *Amec Developments Ltd v Jury's Hotel Limited (UK) Ltd* (2001) 82 P & CR 22 (Damages in lieu of final injunction following breach of covenant)
- *Nawaz & Hussain v Crowe Insurance Group* [2003] EWCA Civ 316 (Service of Statutory Notices and Agency)
- *In the Matter of a Religious Institute of Diocesan Right* (Petition for Suppression)



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- *Darnell and Ors v Hertel (UK) Ltd* [2006] EWHC (Deductions to be made in assessing quantum following conversion of commercial equipment)
- *Broome & Wellington v Greenstein* (unreported) (Interim payment award of \$3.5m)
- *Dynamex Friction Ltd and Anor v Amicus et al* [2008] EWCA Civ 381 (TUPE Regulations and Administrators Decision to dismiss entire workforce)

INTEREST

Family; Classical music; Rugby

QUALIFICATIONS

LLB LLM JCL

Fellow of the Chartered Institute of Arbitrators (FCIArb)

Fellow of the Royal Society of Arts (FRSA)

PUBLICATIONS

Contributor to The Sweet & Maxwell
Encyclopaedia of Employment Law



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JOANNE WOODWARD



YEAR OF CALL

1989, Grays Inn

ASSOCIATIONS

Employment Bar Association
Employment Lawyers' Association
Northern Circuit Commercial Bar Association

APPOINTMENTS

2015 Deputy District Judge
2005 Fee Paid Employment Judge

PROFILE

Joanne Woodward has 25 years experience at the bar. She undertook a broad range of civil work before specialising in employment and contract law.

Joanne has had success in a numbers of claims involving issues of statutory construction, including *Selvarajan v Wilmot & Ors* [2008] IRLR 823 where the Court of Appeal overturned a line of EAT authorities and *Clearsprings Management Ltd v Anker & ors* UKEAT/0054/08.

Joanne is frequently instructed in injunctive proceedings in the High Court, high-value contract claims and discrimination claims outside the employment field.

Joanne also appears at disciplinary hearings and undertakes regulatory work before professional bodies and on appeal.

NOTABLE HIGH COURT CASES

- *Building Careers UK Limited v Halliwell and Dedico Ltd* 2014: application for interim relief arising from a breach of contract and Infringement of the claimant's database rights followed by a successful application for the defendant's committal for breach of the interim order.
- *Oscar Associates (UK) Limited v Carline and Circle Group Limited* [2010]: five-day trial on breach of post termination restrictions in a contract of employment.
- *Carr & Day & Martin Limited v Singleton* [2010]: trial on the issue of enforceability of post-termination restrictions in a junior employee's contract of employment.



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JAMES FRYER-SPEDDING



YEAR OF CALL
1994, Gray's Inn

EDUCATION
LLB (Hons), King's College, London
(1st class)
BCL, New College, Oxford (1st class)

ASSOCIATIONS

Chancery Bar Association
Northern Chancery Bar Association
Professional Negligence Bar Association
Northern Circuit Commercial Bar Association

“Highly experienced in chancery and commercial litigation, and particularly skilled at professional negligence claims, partnership disputes and bankruptcy and corporate insolvency matters. He has additional strength in traditional chancery work including estate administration and probate. A very thorough and proactive lawyer. He is very bright, unflappable and good in both pure and commercial chancery work.”

Strengths: “Brilliant – very thorough, very good with clients. Clear and concise.”
“Extremely able and responsive, excellent when working with clients and a pleasure to work with.”
Chambers & Partners 2016

“He could give lessons in clarity, his advice is so pared down.”

Legal 500 2015

AREAS OF PRACTICE

Chancery/Commercial Litigation, Professional Negligence, Trusts, Wills & Probate, Landlord & Tenant.

PRACTICE PROFILE

Exclusively Chancery/Commercial Litigation, particularly:

- **Professional Negligence** – Solicitors (especially in connection with misconduct of conveyancing and litigation), accountants and surveyors.
- **Trusts, Wills, Probate & Administration of Estates** – Construction of wills and trusts, contentious probate, administration actions and “Beddoe” applications.
- **Partnership Actions** – For dissolution remedies, partnership disputes and insolvency.
- **Property** – Including restrictive covenants, boundary disputes, easements, adverse possession and co-ownership.
- **Landlord & Tenant** – Including disrepair, possession claims, forfeiture and Landlord & Tenant Act 1954 applications.
- **Commercial Contracts** – Regularly instructed in the Mercantile Court in commercial contract disputes.
- **Family Provision** – Inheritance Act 1975 applications for all classes of applicant.

REPORTED CASES

- *Re St Michael and All Angels, Isel* (October 2010, Ecclesiastical Law Journal, Vol. 13, No. 2, p.248)
(Right of way – consecrated land – easements – interested person – standing)
- *Anselm v. Buckle* [2014] EWCA Civ 311
(Landlord and Tenant – Damages)
- *JJ Metcalfe Ltd. v. Dennison* (LTL 6.12.13 HHJ Raynor, QC, Technology & Construction Court)
(Civil Procedure – Construction Law)

RECENT WORK

- Successful family provision claim for adult children of an abusive parent – won at trial (*Simpson Decd*, unreported)
- Successful defence at trial of the validity of a challenged will – issues of capacity, undue influence, knowledge and approval – associated partnership issues (*Bainbridge v. Hebson*, unreported, Chancery Division, Manchester, HHJ Pelling, QC)
- *Simpson v. Ridley* – 5 day trial – prescriptive claim to a right of way to taxi aircraft
- Preliminary issue in ancillary relief proceedings – preliminary issues as to ownership of valuable farms and partnership property – successfully concluded in favour of client wife
- Sale of goods / construction – claim concerning the quality of breeze blocks used in the construction of 22 homes – TCC Leeds – ongoing



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“He is an extremely sound lawyer. He deeply immerses himself in the cases that he is instructed in, and has a very client-friendly manner.”

“His skeleton arguments are excellent and well researched. He does his homework.

He’s not flamboyant in his questions, but he gets a thorough understanding of the case and presents it accordingly. He’s very effective in his cross-examination.”

“He’s very highly regarded, and highly technical in his approach.” “He offers value for money, is very good with clients, and is able to explain and offer practical solutions which are well received by both clients and solicitors.”

Chambers & Partners 2015

“He gets straight to the point.”
Legal 500 2014

- Professional negligence – solicitors – conveyancing – claim in the High Court concerning the purchase of a home in West Cumbria with numerous title defects
- Bankruptcy – offshore trust – litigation concerning efficacy of a charging order

ADDITIONAL INFORMATION

Former Research Assistant at The Law Commission (Property & Trust Law Team), 1994–1995.



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ANDREW CLARK



YEAR OF CALL

1994, Inner Temple
Former Solicitor, admitted 1988

EDUCATION

MA (Oxon), Jurisprudence, New College

ASSOCIATIONS

Chancery Bar Association
Northern Circuit Commercial Bar Association
Northern Chancery Bar Association
Financial Services Lawyers Association
Northern Contentious Probate Group

"He has an incisive intellect, and gets to the bottom of any problem at an impressive speed."

Legal 500 2015

"His written opinions are thorough and on the mark."

Legal 500 2014

"recommended"

Legal 500 2013

"recommended"

Legal 500 – 2012

"recommended for commercial and chancery work."

Legal 500 2011

"not afraid to explore and advance difficult arguments and is equally astute at identifying flaws in a case at an early stage."

Legal 500 2010

"developing a fine reputation for his advice on constructive trusts and commercial agents' disputes."

Chambers & Partners 2005

"has established a solid Chancery practice."

Legal 500 2005



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SPECIALIST AREAS OF PRACTICE

Contentious Chancery
Commercial Litigation

AREAS OF PRACTICE

Contentious Chancery

- Trusts, both express and implied, including breach of trust, T.O.L.A.T.A. claims and interventions in ancillary relief
- Wills, Probate and Administration of Estates, including family provision

Goenka v Goenka and Others [2014] EWHC 2966 (Ch), [2015] 4 All ER 123, [2016] 2 WLR 120

Burns v Burns [2016] EWCA Civ 37

- Real Property, including title, boundaries, easements, restrictive covenants, land contracts (for example options) and adverse possession
- Partnerships, including breaches of partnership agreements and of fiduciary obligations, partnership property and winding up
- Mortgages, Charges and Securities
- Landlord and Tenant, including forfeiture, renewal of business tenancies, covenants, dilapidations, and service charges
- Equity, including undue influence, confidentiality, fiduciary duties, equitable estoppel and equitable remedies (for example, rectification, specific performance and injunctions)

- Financial Services and Consumer Credit, including financial product mis-selling (for example unfair relationships, extortionate credit bargains, FSMA 2000) and making representations to and appearing before the Regulatory Decisions Committee of the F.C.A.

McWilliam v Norton Finance (UK) Ltd [2015] EWCA 186, [2015] 1 All ER (Comm) 1026, [2015] 2 BCLC 730

Andrew Clark has been involved in a number of leading financial product mis-selling cases, including *Harrison v Black Horse Ltd* [2010] EWHC 3152 (QB), [2011] Lloyds Rep IR 455 and [2011] EWCA 1128, [2012] Lloyds Rep IR 212 and *Holdstock v Endeavour Personal Finance Ltd* [2012] EWCA Civ 1781

By court appointment, Andrew Clark represented the interests of consumer borrowers from Welcome Financial Services Ltd who might be affected by a declaration sought as to the scope of its scheme of arrangement (*Re Welcome Financial Services Ltd* [2015] EWHC 815 (Ch), [2015] 2 BCLC 141)

Commercial Litigation

- Contractual Disputes
- Professional Negligence

OTHER NOTABLE CASES

- *J. L. Builders & Son v Naylor* [2009] EWCA 1621
- *Yang v Manchester City Council* [2013] EWHC 3577 (Ch), [2014] BPIR 826



ROBERT DARBYSHIRE



YEAR OF CALL

1995, Lincoln's Inn

EDUCATION

MA, Christ Church, Oxford
LLM, Kings College, London University

ASSOCIATIONS

Chancery Bar Association
Northern Chancery Bar Association
North West Housing Law Practitioners' Group

AREAS OF PRACTICE

General Property
Commercial
Landlord & Tenant
Housing
Banking

PRACTICE PROFILE

- **Commercial Disputes**
Including sale and supply of goods, misrepresentation, invoice recovery, retention of title, intellectual property, agency, carriage of goods and general contract.
- **Consumer Credit**
Including the recovery of property.
- **Probate**
Disputes over the administration of estates and Inheritance Act applications.
- **Property**
Damage to property, boundary disputes, applications under the Access to Neighbouring Land Act and building disputes.
- **Landlord & Tenant**
Both domestic and commercial including possession applications, forfeiture and applications for new tenancies under the Landlord & Tenant Act 1954.
- **Housing**
Claimant and Defendant disrepair, possession and "nuisance neighbour" cases for private and Local Authority clients including the leading cases of *Wallace v Manchester City Council* (1998) 30 HLR 1111, *New Charter Housing v Ashcroft* [2004] HLR 36, *Manchester City Council v Romano* [2004] 4 A11 ER 21.
- **Mortgages & Banking**
Barclays Bank v O'Brien cases, constructive trusts and damage to reputation through

negligent credit references for borrowers/commercial lenders.

- **Company & Partnership**
Director's disqualification, re-instatement of liquidated companies, Section 459 petitions and insolvent partnership.
- **Bankruptcy & Insolvency**
Including complex and simple winding up, voluntary arrangements, annulments and appeals.



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STEFAN BROCHWICZ-LEWINSKI



YEAR OF CALL
1995, Gray's Inn

EDUCATION
Stockport Grammar School
LLB (Hons), Bristol University
Demi Licence en Droit, Universite de
Caen, France
Wilfred Getz Scholar (Gray's Inn)

ASSOCIATIONS
Employment Lawyers Association
Northern Circuit Commercial Bar
Association

Interviewees also showered praise on the "technically excellent and tenacious" Stefan Brochwicz-Lewinski, who is considered to be "very supportive" by clients. He has been advising Littlewoods in equal pay litigation against more than 500 part-time employees seeking retrospective membership of the company pension scheme. Chambers & Partners 2009

Renowned for his good judgment, Stefan Brochwicz-Lewinski is wheeled out in contentious employment matters and "very quickly gets up to speed with a case." Chambers & Partners 2008

Stefan Brochwicz-Lewinski garnered praise for "infusing clients with confidence", a natural consequence of his 'assured ability'. Chambers & Partners 2006

'Client-friendly' Stefan Brochwicz-Lewinski has moved from being a promising junior at an early call to an established authority of formidable talent. Legal 500 (2006/07)



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APPOINTMENTS

Junior Counsel to the Crown (Provincial),
appointed 2000

AREAS OF PRACTICE

Commercial Litigation
Employment Law

PRACTICE PROFILE

With an emphasis on advocacy, Mr Lewinski's practice comprises exclusively commercial and employment law. The crossover between the two often proves useful, as in employee/shareholder disputes, or business sale situations involving the transfer of both employees and assets.

- **Commercial Contracts**
Including: general contracts; Sale of Goods; Guarantees and Indemnities; Bank bonds; technology support and know how agreements.
- **Commercial Agents**
Claims at common law and also pursuant to the Commercial Agents (Council Directive) Regulations.
- **Partnership**
Actions for dissolution or accounts, and associated remedies.
- **Professional Negligence**
Principally lawyers and accountants.
- **Restraint of trade**
Breach of restrictive covenants, and obligations upon sale of businesses; restrictions on passing off.
- **Employment**
Multiple areas of specialism including: transfer of undertakings; redundancy; unfair dismissal; post-termination restrictions.

ADDITIONAL INFORMATION

Mr Lewinski is qualified to teach advocacy for the National Institute of Trial Advocacy. He enjoys singing and mountain biking (although rarely simultaneously).



JOANNA VICARY



YEAR OF CALL

2003, Middle Temple

EDUCATION

Merton College, Oxford:
BA Jurisprudence (First Class Honours)
and MA (Oxon)

AWARDS & SCHOLARSHIPS

Astbury Scholarship, awarded by Middle Temple 2002
Harmsworth Entrance Exhibition, awarded by Middle Temple 2002
Fowler Prizes, awarded by Oxford University 2001 & 2002

“Her knowledge of the law and tactical awareness is superb; she has an enormous intellect, she’s very charismatic and we have been very impressed by the work she has done.”

Chambers & Partners 2016

“Her opinions are extremely detailed, and she considers all possible avenues.”

Legal 500 2015

“Provides prompt and crystal-clear advice.”

Legal 500 2014

“She has a practical, sustainable, punchy approach.” “She is very tenacious and she dug around to find points we hadn’t previously appreciated. She is very easy to deal with.”

Chambers & Partners 2014

“Charming with judges but does not duck the difficult arguments.”

Legal 500 2013

“Has been recommended for her ‘very in-depth knowledge.’”

Legal 500 2012



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APPOINTMENTS

Junior Counsel to the Crown since 2007

AREAS OF PRACTICE

Commercial and Chancery Litigation
Indirect Tax and Duties Litigation

PRACTICE PROFILE

• Administration of Estates

Contentious Probate
Construction of Wills
Proceedings under the Inheritance (Provision for Family and Dependents) Act 1975

• Professional Negligence

Claims against professionals, with particular interest in solicitors and accountants negligence cases

• Commercial Contracts

Partnership Disputes
Sale and Supply of Goods and Services
Misrepresentation

• Insolvency

All aspects of Bankruptcy and Corporate Insolvency

• Real Property

Cohabitee disputes
Mortgages
Restrictive Covenants
Easements
Nuisance
Adverse Possession
Boundary Disputes

• Landlord & Tenant

Residential & Business
Possession of Secure & Assured Tenancies
Forfeiture & Renewals under the Landlord & Tenant Act 1954

• VAT & Duties

All aspect of indirect taxation litigation

• Business Rates

All aspects of non-domestic rating litigation, with particular interest in cases involving allegations of ‘sham’ tenancy agreements

RECENT CASES

- *Stockport MBC v Ashbank Property Company, Dignan and others* (2015) Successfully represented Stockport MBC securing Liability Orders for sums in the region of £100,000. Following a 3 day trial the court concluded that the ‘business rate mitigation’ schemes employed by the property owners were shams, in respect of which criminal charges should be considered. The schemes themselves were operated by a national agency (Business Rates Angels) and therefore the case will be of interest to Local Authorities throughout the country.
- *Aslam v Pak Mecca Meats Limited* (2015) Successfully defended a claim for sums in the region of £1,000,000. The claim arose in respect of an alleged agreement to purchase television advertising slots and a share in the Claimant’s media business. The dispute centred upon, not only the facts of the agreement itself, but also whether the Claimant was entitled to enforce a compromise agreement alleged to have been reached.
- *Williams v HMRC* [2015] UKFTT 330 (TC) Represented the Respondents in an appeal against an assessment of excise duty in the sum of circa £250,000. The Tribunal considered the question of whether a self employed lorry driver ‘innocently’ delivering goods can, or should, be personally held liable for the duty on such consignments.



“Tipped as promising, she gets involved immediately and thinks ahead.”

Legal 500 2008

- *Mobile Doctors and MDL Administration Limited v Michael Levy and Sandra Levy* (2013) (2015) Successfully represented the Claimants in an application for an order for the sale of the Defendants £1.1m home. The application was defended on the basis that there existed an equity of exoneration in favour of the Defendant’s wife. Proceedings culminated in a 2 day trial at which the order for sale was granted. Applications to suspend the warrant continued for sometime thereafter.

OTHER INTERESTS

Particular interest in equine law, with emphasis on disputes arising in connection with the sale of high value sports horses.



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LAURA D'CRUZ



YEAR OF CALL

2006 Inner Temple

EDUCATION

BA Worcester College, Oxford;
LLM Bristol

ASSOCIATIONS

Chancery Bar Association
Professional Negligence Bar Association
Northern Circuit Commercial Bar Association
Northern Chancery Bar Association

"Experienced in consumer credit, partnership disputes and breaches of contract."
Legal 500 2015

"A specialist in all aspects of commercial law."
Legal 500 2014

"recommended"
Legal 500 2013

"recommended"
Legal 500 – 2012

"recommended for commercial and chancery work."
Legal 500 – 2011

SPECIALIST AREAS OF PRACTICE

• Property

including co-ownership, mortgages, easements, restrictive covenants, nuisance, boundary disputes, adverse possession, and residential and business tenancies

Laura has experience appearing in and advising in relation to HM Land Registry Adjudications as well as County Court and High Court matters, and has also represented a landowner in a Village Green Public Inquiry

• Commercial

including sale and supply of goods and services, breach of contract, misrepresentation, partnership disputes and consumer credit

Laura appeared in *Carey v HSBC* & other cases [2009] EWHC 3417 (QB), [2010] All ER (D) 05 (Feb) (potential unenforceability of regulated consumer credit agreements)

• Insolvency

including personal and corporate

Laura appeared in the case of *HMRC v Cassells* [2008] EWHC 3180 (Ch), [2009] STC 1047 on behalf of the bankrupt (annulment/rescission of bankruptcy order, sections 282 & 375 of the Insolvency Act 1986)

Laura appeared in *Cartwright v Registrar of Companies* [2012] EWHC 359 (Ch), [2012] 2 All ER 1234 on behalf of the Registrar (move from administration into liquidation, para 83 of Schedule B1 to the Insolvency Act 1986)

• Trusts, wills & probate

including contentious probate, construction of wills and trusts, and claims under the Inheritance (Provision for Family and Dependents) Act 1975

• Professional negligence

including claims against solicitors

• Social housing

including secure, assured and introductory tenancies, anti-social behaviour injunctions and committals, ASBOs and homelessness proceedings

• Immigration

As part of her appointment to the Regional Panel (2010–2015), Laura appeared in a number of judicial review permission hearings including *R (on the application of Shewandy) v SSHD* [2011] EWHC 2597 (Admin) and *R (on the application of Zhang) v SSHD IJR* [2015] UKUT 138 (IAC).



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RICHARD PRICE



YEAR OF CALL

2010, Lincoln's Inn

EDUCATION

MA Magdalene College, Cambridge

ASSOCIATIONS

Chancery Bar Association
Professional Negligence Bar Association
Northern Circuit Commercial Bar Association
Northern Chancery Bar Association

"Benefits from a wealth of experience gained as a partner at a firm of solicitors. He has great experience of charity trusteeship and is a well-respected mediator. He further deals with landlord and tenant disputes, wills and trusts cases, and matters relating to corporate and commercial insolvency. A very effective practitioner and a fabulous mediator; he has a great turn of phrase and his written work is brilliant."
Chambers & Partners 2016

"He's very good on his feet and is very concerned with making the points that will make a difference, rather than grandstanding. He gives good advice and he's meticulous in his preparation and pleadings." "He has a lot of experience in the law. That experience means he's very good at speaking with clients, which other barristers aren't always."
Chambers & Partners 2015

BACKGROUND

Richard joined Chambers in 2010. He specialises in Chancery and Commercial litigation and is a CEDR accredited mediator.

He was admitted as a solicitor in 1992. He worked at Pannone from 1990 to 2009, becoming a partner in 1996. There he also specialised in Chancery and Commercial litigation, and from 2002 to 2009 was the head of the Property Litigation team.

Between 2009 and 2010 Richard worked in-house for the Trustee for Methodist Church Purposes dealing with all Methodist Church property in Great Britain and gaining experience of the charity sector. He remains involved with the Methodist Church as a member of its Law & Polity committee.

Richard was accredited as mediator by CEDR in 2008 and became a Civil Mediation Council Registered Mediator in 2015.

AREAS OF PRACTICE

Exclusively Chancery and Commercial:

- **Landlord and Tenant:** Business and residential disrepair, forfeiture and possession claims. Landlord and Tenant Act 1954 renewals. Housing (principally for social housing providers). Service charge disputes and other applications in the First Tier Tribunal (Property Chamber).

- **Property:** Restrictive covenants, boundary disputes, nuisance, easements, adverse possession and co-ownership. Land Registry adjudications.
- **Wills, Trusts and Probate:** Inheritance Act 1975 applications for all classes of applicant or respondent. Construction of wills and trusts, contentious probate and administration actions and "Beddoe" applications
- **Commercial:** Sale and supply of goods and services, agency and distribution contracts, general contractual disputes
- **Personal and Corporate insolvency:** Compulsory and voluntary petitions, administration, transactional avoidance and Insolvency Act 1986 applications of all types
- **Professional negligence:** Solicitors (particularly misconduct of conveyancing, probate and litigation), accountants and surveyors



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JAMES ABERNETHY



EDUCATION

LLB, University of Law (First Class)
BPTC, University of Law (Outstanding)
GDL, University of Law (Distinction)
MA, Continental Philosophy, University of Warwick
BA (Hons), Politics, Philosophy and Economics, University of York (First Class)

AWARDS

Inner Temple Major Scholarship (2014)
University of Law Platinum Award (2014)
University of Law Gold Award (2013)

PROFILE

James is undertaking pupillage within the Chancery and Commercial Group under the supervision of Joanna Vicary. He is developing a broad commercial practice in line with the Group's profile.

During pupillage, James has assisted members of chambers in:

- Property Litigation; including cohabitee disputes, mortgages, nuisance, boundary disputes, adverse possession, and landlord and tenant disputes.
- Commercial Litigation; including sale and supply of goods and services and general contractual disputes.
- Wills and Probate; including contentious probate and claims under the Inheritance (Provision for Family and Dependants) Act 1975.
- Social Housing; including possession proceedings, anti-social behaviour injunctions and homelessness appeals.
- Insolvency; both personal and corporate.
- Tax; including VAT, duties and business rates.

He welcomes instruction in each of these areas.

OTHER EXPERIENCE

James represented Inner Temple at the European Universities Debating Championships. He has volunteered with the Free Representation Unit appearing before tribunals, and with the North Liverpool, Islington and Royal Courts of Justice Citizens Advice Bureaux.



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