



## Emer Murphy

Call: 2009

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### Clerks' Details

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### Qualifications and Appointments

- Balliol College, Oxford: BA (Hons), Law with Law Studies in Europe (First Class Honours).  
Martin Wronker Law Prize, proxime accessit (placing second in law finals).  
Slaughter and May Prize for the Best Performance in Contract.
- Université Panthéon Assas (Paris II): Certificat supérieur de droit français (Mention bien).
- Sir Stephen Chapman Scholarship, Inner Temple.
- University of Oxford, Legal Research Assistant (2006-2007).
- European Court of Human Rights, Trainee (2008).

## "Piercing intelligence"

Chambers & Partners, 2014

### Practice Overview

[A Legal Week Star at the Bar 2014](#) – "Intelligence, tenacity and commercial acumen are just three of the reasons Wilberforce Chambers' Emer Murphy is regarded as a star at the Bar."

Emer's practice focuses on pensions, property and commercial disputes. Emer regularly appears in the county court, the High Court and before a variety of tribunals, both on her own account and as a junior. She undertakes both drafting and advisory work, and has worked on a number of high-profile, complex pieces of litigation.

Chambers & Partners 2014 recommend Emer in the pensions field, describing her as a "well regarded, up-and-coming junior", and noting that clients have complimented her "piercing intelligence" and "the speed with which she digested the materials".

### Emer's recent experience includes the following:

#### [Clutterbuck v Al Amoudi](#) [2014] EWHC 383 (Ch)

- Emer successfully represented Sarah Al Amoudi, dubbed "the Vamp in the Veil" by the Daily Mail, against two property developers who alleged that Ms Amoudi duped them out of millions of pounds in cash and property.
- Emer acted as a junior to [Jonathan Seitler QC](#) at a four-week trial in the Chancery Division involving over 30 witnesses and in the Court of Appeal.
- The case raised issues of property joint ventures, fraud and misrepresentation.

#### [Trustees of the Dresser Rand Pension Scheme v Dresser Rand UK Limited](#) [2014] EWHC 170 (Ch); [2014] Pens. L.R. 153

- Acting as a junior to [Robert Ham QC](#), Emer successfully represented Dresser Rand UK Limited in this Part 8 claim.
- This case concerned an attempt in 1991 to equalise the normal retirement dates of men and women in the Dresser Rand Pension Plan.
- The proceedings focused on the correct interpretation of the powers of amendment in the plan's documentation.

### Memberships

- Property Bar Association
- Commercial Bar Association
- Chancery Bar Association
- Registered Advocate of the Dubai International Financial Centre (DIFC) Courts
- Association of Pension Lawyers (Associate Member)

### Publications

- 'The changing face of overage' [2012] *Development Disputes: Current issues for property litigators*



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## Practice Overview continued

*Abbar v Sedco Economic & Development Co (SEDCO) Real Estate Ltd* [2013] EWHC 1414 (Ch)

- Emer successfully represented a Saudi Arabian development company in their defence of this claim concerning investment in the Pinnacle Tower (designed to be the tallest tower in the City of London).
- Emer acted as a junior to Ali Malek QC and [Rupert Reed QC](#).
- The case raised issues of contractual construction, misrepresentation, trusts, tracing and the appropriate measure of damages.

## Pensions

Chambers & Partners 2014 recommend Emer in the pensions field, describing her as a "well regarded, up-and-coming junior", and noting that clients have complimented her "piercing intelligence" and "the speed with which she digested the materials".

### Emer has particular experience in the following areas:

- Equalisation
- Regulatory matters (including financial support directions)
- Rectification and estoppel
- Construction
- Limitation of actions
- Revaluation
- Related professional negligence

### Notable recent cases include the following:

*Trustees of the Dresser-Rand UK Limited Pension Scheme v Dresser Rand UK Limited* [2014] EWHC 170 (Ch); [2014] Pens. L.R. 153

- Acting as a junior to [Robert Ham QC](#), Emer successfully represented Dresser Rand UK Limited in this Part 8 claim.
- This case concerned an attempt in 1991 to equalise the normal retirement dates of men and women in the Dresser Rand Pension Plan.
- The proceedings focused on the correct interpretation of the powers of amendment in the plan's documentation.

*British Airways Plc v Trustees of the Airways Pension Scheme*

- Emer assisted [Michael Tennet QC](#) and [Sebastian Allen](#) in proceedings brought by BA against the trustees of one of BA's own schemes, the Airways Pension Scheme.
- The claim relates to the decision of the trustees to grant discretionary increases to pensions in payment, following the scheme's switch from the Retail Prices Index to the Consumer Prices Index as the measure of pension increases.
- The case centres around the supervision by the court of trustee decision-making.

*Confidential*

- Acting alongside Brian Green QC and Jonathan Hilliard, Emer advised a private equity fund which was a target of the Pensions Regulator's 'moral hazard' powers.

*Confidential*

- Emer has acted in a number of multi-million pound professional negligence actions against benefit consultants, on both the claimant and defendant side.



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## Pensions continued

- The actions relate to alleged negligence in the context of deferred revaluation rates, pension increases, equalisation, amendments removing Inland Revenue limits, and RPI vs CPI.
- The cases raise issues of scope of duty, construction, breach, limitation, and measure of loss.

### *Independent Trustee Services Ltd v GP Noble Trustees Ltd*

- Emer represented Hassans law firm in Gibraltar in this litigation which arose out of the transfer of assets belonging to a number of underfunded UK pension schemes by their corporate trustee, GP Noble.
- The case raised issues of civil fraud, breach of trust and professional liability.
- Emer acted as a junior to [Terence Mowschenson QC](#) and Jamie Smith.

Emer is an associate member of the Association of Pension Lawyers

## Professional Liability

Emer provides advice and litigation assistance in professional negligence matters arising out of her core areas of practice: property, pensions, and commercial disputes.

### **Emer has particular experience of the following:**

- Limitation issues.
- Issues relating to the scope of duty of care.
- Matters arising in multiple-defendant disputes.
- Claims against solicitors
- Claims against pension benefit consultants and advisers (professional and actuarial).
- Claims against property surveyors.
- Professional misconduct proceedings.

### **Notable recent cases include the following:**

#### *Clutterbuck v HSBC and others*

- The claimants brought [separate proceedings](#) against Sarah Al Amoudi (dubbed "the Vamp in the Veil" by the Daily Mail) for fraud in relation to property joint ventures, which were successfully defended by Emer acting as a junior to Jonathan Seitler QC.
- In these proceedings, the claimants proceeded against thirteen professional defendants said to have assisted Ms Al Amoudi in her alleged fraud.
- Acting on her own account, Emer successfully represented one of the law firms sued. The claim was discontinued shortly before the defendants' application to strike out the claim was due to be heard.

#### *Confidential*

- Emer has acted in a number of multi-million pound professional negligence actions against pension benefit consultants, on both the claimant and defendant side.
- The actions relate to alleged negligence in the context of deferred revaluation rates, pension increases, equalisation, amendments removing Inland Revenue limits, and RPI vs CPI.
- The cases raise issues of scope of duty, construction, breach, limitation, and measure of loss.



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## Professional Liability continued

### *Confidential*

- Acting alongside [Joanne Wicks QC](#), Emer represents a law firm accused of fraud in the context of a large property transaction.
- The case concerns the scope of a solicitor's duty to the other side in a property transaction, issues of causation and questions of limitation.

### *Re a Notary*

- Emer successfully represented a notary accused of professional misconduct at a hearing before the Court of Faculties (part of the Faculty Office of the Archbishop of Canterbury).
- The issues included the meaning of notarial misconduct and the correct procedure for the investigation of the complaint.

### *Independent Trustee Services Ltd v GP Noble Trustees Ltd*

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- The case raised issues of civil fraud, breach of trust and professional liability.
- Emer acted as a junior to [Terence Mowschenson QC](#) and Jamie Smith.

## Property

Emer has a broad property practice encompassing both real property and landlord and tenant matters. Much of Emer's property work is undertaken on her own account, although she also has considerable experience of acting as part of large team on complex, long-running matters.

### **Notable recent cases include the following:**

#### [Clutterbuck v Al Amoudi](#) [2014] EWHC 383 (Ch)

- Emer successfully represented Sarah Al Amoudi, dubbed "the Vamp in the Veil" by the Daily Mail, against two property developers who alleged that Ms Amoudi duped them out of millions of pounds in cash and property.
- Emer acted as a junior to [Jonathan Seidler QC](#) at a four week trial in the Chancery Division involving over 30 witnesses and in the Court of Appeal.
- The case raised issues of property joint ventures, fraud and misrepresentation.

#### [Clutterbuck v Cleghorn](#) [2015] EWHC 2558

- As a junior to [Jonathan Seidler QC](#), Emer successfully acted for the defendant (representing a deceased's estate) in this offshoot of the *Clutterbuck v Al Amoudi* case.
- The claimants alleged that the deceased entered into and subsequently breached various property joint ventures relating to numerous expensive properties in West London.
- The defendant's legal team successfully had the claim struck out as an abuse of process relying on the principle in *Aldi Stores Ltd* [2008] 1 WLR 748, as the claimants had failed to bring their claim with other similar claims against Ms Al Amoudi.

#### *Transport for London v JB Riney & Co Limited*

This case concerned a strategically important piece of land registered to TFL and occupied by a large civil engineering company, JB Riney & Co Limited.

It raised issues of trespass, compulsory purchase and squatters' rights.

Emer advised JB Riney, in conjunction with [James Ayliffe QC](#) and [John Furber QC](#).



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## Property continued

### *Brackman Chopra LLP v Fairfax Mansions LLP*

- Emer acted on behalf of a substantial commercial tenant in two related sets of proceedings.
- The first involved resisting the landlord's application for a termination order under Part II of the Landlord and Tenant Act 1954, sought on the grounds that the landlord intended to redevelop the premises.
- The second concerned rent arrears and an extensive disrepair counterclaim.

### *Tesco Stores and another v Elwell*

- This dispute centred around a wall which was impeding the development of a Tesco superstore in Rugeley.
- It arose against the background of a complex land swap agreement, and raised issues of contractual interpretation, trespass and estoppel.
- Emer acted on behalf of Tesco.

### *Biggs v Countryside Properties (Bicester) Limited*

- Emer represents Countryside Bicester in this multi-million pound claim, as a junior to [Jonathan Seitler QC](#).
- The claimants allege that Countryside Bicester failed to exercise 'reasonable endeavours' to secure planning permission, and are seeking several million pounds in damages.

## Commercial

Emer has a broad business and commercial practice, and has provided drafting, advisory and advocacy services in a range of commercial sectors.

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- The case raised issues of civil fraud, breach of trust and professional liability.
- Emer acted as a junior to [Terence Mowschenson QC](#) and Jamie Smith.

Ackerman v Ackerman [2011] EWHC 2183 (Ch); [2012] 3 Costs L.O. 303

- This case concerned an expert determination in the context of a bitterly-fought division of a very large family-owned property portfolio.
- Emer assisted [John Wardell QC](#) and [Andrew Mold](#) on various aspects of this case, including successfully representing the defendants in their application for security for costs.