



Joanne Wicks QC

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Clerks' Details

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Qualifications and Appointments

- First Class degree in Jurisprudence and Gibbs Prize in Law, Oxford University
- Bachelor of Civil Law degree, Oxford University
- Kennedy and Hardwicke Scholar of Lincoln's Inn

“Undoubtedly one of the leading property silks”

The Legal 500, 2014

Practice Overview

Joanne has a broad commercial chancery practice with an emphasis on property litigation and related professional liability. She is ranked in Band 1 of Leading Silks for Real Estate Litigation by Chambers & Partners and described in The Legal 500 as *“a powerful, talented but approachable advocate who can really get to the guts of a problem, no matter how complicated.”* *“She is knowledgeable, pragmatic and pleasant to deal with.”*

Joanne's strength is the ability to combine intellectual rigour with a good understanding of her clients' commercial interests and a determination to find the best way to serve them: according to Chambers & Partners she is *“intelligent and entirely lacking in pretension”* and *“adept at giving practical, as well as technical, advice”*. She is recognised for the quality of her courtroom skills and her ability to deliver advice on the most complex of problems in a clear and client-friendly manner.

As well as appearing in courts and tribunals at every level, Joanne is involved in all aspects of alternative dispute resolution. She is an accredited mediator and acts as an adviser to arbitrators and experts as well as regularly appearing as an advocate at mediations, arbitrations and expert determinations.

Publications

- [The importance of being accurate](#), (2016) *Wilberforce Property Update* (Issue 2) April 2016
- Butterworths Property Law Handbook, 7th, 8th, 9th editions
- [Development contracts and the privity trap](#) (2012) *Development Disputes: Current issues for property litigators*
- [Considerable expertise](#) (2011) *Estates Gazette*
- [The Surveyor's role in dispute resolution: liabilities and immunities](#) (2008) *Hot Topics in Property Law: A Surveyor's Guide*

Memberships

- Chancery Bar Association
- Property Bar Association
- Professional Negligence Bar Association
- Women in Property
- Bar Pro Bono Unit panel



Professional Liability

A significant proportion of Joanne's work concerns allegations of professional liability and she acts for claimants, defendants and their insurers. She is ranked as a Leading Silk for professional negligence by *The Legal 500*, who describe her as "**a powerful, talented but approachable advocate who can really get to the guts of a problem, no matter how complicated.**"

Joanne's expertise in property law and litigation give her a sound understanding, and practical experience, of the issues which underlie the claim of liability. She is often asked to advise, not only on the claim against the professional, but also on how the problems which give rise to the claim may be resolved or the losses mitigated. She deals with insurance coverage issues and gives guidance on professional ethics and conflicts of interest.

Her professional liability practice includes claims against:

- Lawyers (barristers, solicitors).
- Property professionals (surveyors, valuers, managing agents and other consultants).

Recent/notable cases include:

- Acting for solicitors alleged to be personally liable to an opposing party on a remortgage transaction by virtue of the answers given to pre-contract inquiries..
- Advising solicitors accused of negligence as regards the grant of an option in relation to a recovery action involving complex issues of perpetuities law.
- Advising individuals whose professional negligence action against former solicitors was itself struck out by reason of the negligence of the solicitors representing them in that action.
- Acting for a mortgage lender on a surveyor's liability claim involving a portfolio of over 40 properties and including complex contributory negligence allegations.
- Advising on the professional liability of solicitors in relation to a defective leasehold enfranchisement process.
- Acting for the Crown Estate in relation to a claim of negligence against managing agents arising out of a serious fire in a building on Haymarket.

Property

Joanne is recommended as a Leading Silk for property litigation in both the major legal directories. *The Legal 500 2014* describes her as "**undoubtedly one of the legal property silks, who is destined for the top**". *Chambers & Partners 2015* says she is "**a fierce advocate who is intelligent and entirely lacking in pretension**". The recent edition of *Chambers & Partners 2016* says that "**she is knowledgeable, pragmatic and pleasant to deal with.**"

Joanne's practice encompasses all aspects of property law. She acts in disputes resolved through litigation, arbitration and expert determination and also advises transactional lawyers on title issues and the drafting of property contracts. Joanne takes instructions from surveyors and other professionals eligible to instruct the Bar directly.

Her property practice includes:

- Adverse possession
- Commercial, residential and agricultural landlord and tenant
- Contracts of sale, options and rights of pre-emption
- Development contracts, overage and construction disputes
- Easements, restrictive covenants and boundary disputes
- Joint ventures
- Leasehold enfranchisement
- Land registration and conveyancing
- Mortgages, charges and other securities
- Property-related torts: nuisance, trespass
- Property-related professional negligence: solicitors, surveyors, valuers, land agents
- Property-related finance and insolvency
- Property-related public law and human rights



Property continued

- Rights to light
- Trusts of land, proprietary estoppel and co-ownership
- Village greens, commons and manorial rights
- International and off-shore property.

Recent/notable cases include:

- Representing a supermarket chain in a dispute as to whether a contract to acquire a site was properly terminated because the planning permission for the store was not "satisfactory".
- Advising the developer of a very substantial London site on the impact of a scheme of restrictive covenants affecting part of it.
- Obtaining injunctions against developers which, having failed in their attempts to purchase neighbouring land, decided to annex it for the purposes of their development anyway.
- Acting for a tenant facing a claim for indemnity costs following settlement of a large-scale dilapidations claim (*Courtwell v Greencore* [2014] EWHC 184).
- Acting for an energy company on a claim to evict environmental protestors occupying a new gas-fired power station (*EDF Energy (West Burton Power) Ltd v Kelly*).
- An appeal to the Court of Appeal in relation to leasehold enfranchisement of a house, which turned on the meaning of "adjoining land" (*Hertsmere BC v Lovat* [2012] QB 533).
- The successful resistance of a landlord's attempt to break the leases of four petrol stations (*HFI Farnborough LLP v Park Garage Group Plc* [2012] EWHC 3577).
- Acting for the owners and operators of a wind farm at Deeping St Nicholas in relation to a high profile claim of noise nuisance from local residents (*Davis v RC Tinsley Ltd*).

Commercial

Almost all of Joanne's work is, in the broadest sense, commercial, involving business clients engaged in resolving disputes about commercial issues. The focus is always on achieving corporate goals, whether through litigation, alternative dispute resolution or transactional advice.

Joanne advises on and acts for clients in relation to litigation about commercial contracts, joint ventures and other business structures and issues arising out of the acquisition or disposal of corporate interests. Her chancery expertise and property specialism enable her to advise on banking and financial transactions and act in related disputes, particularly those concerning property finance, mortgages and guarantees.

Joanne's business and commercial practice includes:

- Asset tracing
- Banking and finance
- Civil fraud
- Commercial arbitration
- Joint venture and partnership disputes

Recent/notable cases include:

- A claim for breach of warranty in respect of a sale of mortgage assets as part of a securitisation (*Lehman Commercial Mortgage Conduit Ltd v Northern Rock (Asset Management) Plc*).



Commercial continued

- Acting in a series of adjudications between a PFI contractor and its subcontractor in relation to disrepair claims totalling more than £10m in respect of a portfolio of 300+ properties occupied by government departments.
- Advising a company on its potential liability to a prospective joint venture partner once the relationship soured.
- Advising on the effect on creditors of conversions of limited companies to industrial and provident societies/co-operative and community benefit societies and transfers of engagements between those entities.