



Emer Murphy

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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).

“She impresses clients straight away, is great to work with and her advice is commercial.” Chambers and Partners 2022

Memberships

- Property Bar Association
- Commercial Bar Association
- Chancery Bar Association
- Commercial Fraud Lawyers Association
- Women in Property

Publications

- **The ex turpi causa defence in claims against professionals'** *Journal of Professional Negligence* (Volume 32, Issue 4) (2016)
- **'The changing face of overage'** [2012] *Development Disputes: Current issues for property litigators*

Practice Overview

"A fantastic junior." – Chambers and Partners 2021

Emer's practice focuses on property, commercial and trust disputes. She also advises on related professional liability matters.

Emer offers intelligent, thorough and practical assistance. She prides herself on being user-friendly and approachable, and she enjoys working as part of the team.

As an advocate, Emer is both engaging and tenacious. Emer regularly appears in the High Court, the County Court and before a variety of tribunals, both on her own account and as a junior.

She is highly skilled in drafting and advisory work, and has worked on a significant number of high-profile, complex pieces of litigation.

What the directories say

Emer is ranked as a Leading Junior in Chambers Global 2021 (Dispute Resolution: Commercial Chancery), Chambers & Partners 2021 (in the Chancery: Commercial and Real Estate Litigation fields) and The Legal 500 2021 (Property Litigation and Professional Negligence fields). Those publications describe her in the following terms:

- *'Emer is super smart, always focused on strategic outcomes and is willing to go the extra mile for her clients. Her advice is clear, direct and well thought out, and she works fast and hard. She is also friendly, approachable and a real pleasure to work with.'*
- *'A fantastic junior – her attention to detail is unmatched and clients are impressed by the quantity and quality of her work.'*
- *'Very hard-working and diligent and has the ability to take complex issues and break them down into manageable components.'*
- *'Her advice is clear, direct and well thought out.'*
- *'She is decisive and critically analytical in her work.'*
- *'Emer is extremely robust and analytical in providing advice and it is clear that she has strong attention to detail. She is also a very good client-facing barrister.'*



Practice Overview continued

Emer has been ranked in the legal directories for several years. In previous years, she has been described as: *'simply the best junior we have used. Her attention to detail and knowledge of the papers was frankly astounding'*; *'Very bright, hard-working and user-friendly – a future star of the Bar'*; *'a bright, sparky junior who's like a dog with a bone; she will argue with great tenacity'*; *'unflappable'*; *'feisty and clever – a rising star'*; *'commercially minded'* and *'one of the top juniors at the Chancery Bar'*.

Notable cases include the following:

11-13 Randolph Crescent Limited v Dr Duval [2020] UKSC 18

- The Estate Gazette's top case of 2020.
- The case concerned a landlord's covenant in a lease of a flat in a mansion block, by which the landlord promised to enforce (on request) the covenants in the other leaseholders' leases. The Supreme Court decided that this covenant meant that the landlord could not permit works prohibited by an absolute covenant against structural alterations.
- Emer was led by [Joanne Wicks QC](#).

Canary Wharf (BP4) T1 Limited & Others v The European Medicines Agency [2019] EWHC 921 (Ch)

- The Estate Gazette's top property case of 2019.
- Can Brexit frustrate a lease?
- Emer represented the European Medicines Agency, led by [Jonathan Seitler QC](#) and working alongside Tom de la Mare QC and James Segan QC of Blackstone Chambers.

Clutterbuck v Cleghorn [2015] EWHC 2558 (Ch), [2017] EWCA Civ 137, [2018] EWHC 2125 (Ch)

- Long-running multi-million pound saga relating to property joint ventures in London.
- Followed the explosive [Clutterbuck v Al Amoudi](#), in which similar allegations against Sarah Al Amoudi (dubbed 'the Vamp in the Veil' by the Daily Mail) were successfully defended by Emer Murphy and [Jonathan Seitler QC](#) in both the High Court and the Court of Appeal.
- In this case, the defendant's legal team (including Emer and [Jonathan Seitler QC](#)) had the majority of the claim struck out as an abuse of process relying on the principle in *Aldi Stores* [2008] 1 WLR 748 in both the High Court and the Court of Appeal. The remainder of the claim was dismissed following a three-week trial.

Commercial

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

Emer is ranked as a leading junior in the Chancery Commercial field by Chambers Global 2021 and Chambers and Partners 2021. Those publications describe Emer as follows: *'Emer is super smart, always focused on strategic outcomes and is willing to go the extra mile for her clients. Her advice is clear, direct and well thought out, and she works fast and hard. She is also friendly, approachable and a real pleasure to work with.'* *'A fantastic junior – her attention to detail is unmatched and clients are impressed by the quantity and quality of her work.'*

Previous editions of Chambers and Partners have described Emer as: *'very bright, hard-working and user-friendly – a future star of the Bar'*, *'[s]imply the best junior we have used. Her attention to detail and knowledge of the papers was frankly outstanding'* and *'a bright, sparky junior who's like a dog with a bone; she will argue with great tenacity'*.

Emer is a member of the Commercial Bar Association and the Commercial Fraud Lawyers Association.



Commercial continued

Notable cases include the following:

[Clutterbuck v Cleghorn](#) [2015] EWHC 2558 (Ch), [2017] EWCA Civ 137, [2018] EWHC 2125 (Ch)

- As a junior to [Jonathan Seitler QC](#), Emer acted for the defendant (representing a deceased's estate) in this offshoot of the [Clutterbuck v Al Amoudi](#) case (discussed below).
- The claimants alleged that the deceased entered into and subsequently breached various joint ventures relating to numerous expensive properties in West London.
- The defendant's legal team successfully had the majority of the claim struck out as an abuse of process relying on the principle in *Aldi Stores* [2008] 1 WLR 748, as the claimants had failed to bring their claim with other similar claims against Ms Al Amoudi. The Court of Appeal upheld the striking out of the majority of the claimants' case in March 2017.
- A three-week trial of the remaining elements of the claimants' claim took place in the High Court in June 2018, and raised issues of fraudulent misrepresentation, contractual interpretation, estoppel by convention and proof of loss. [Jonathan Seitler QC](#) and Emer again emerged victorious, and the claimants' claims were dismissed in their entirety.

Confidential (2018)

- This arbitration concerned a complex tripartite agreement relating to the production and sale of tyres.
- Emer assisted [Alan Gourgey QC](#) with various aspects of the case, which raised issues relating to the meaning of 'fitness for purpose' and 'merchantable quality'.

Confidential (2018)

- This case concerned a complex joint venture-style agreement between a landowner and a developer, in relation to a prominent development site in London.
- Valuable planning permission was achieved for high-rise development on the site, and the land was sold with the benefit of this planning permission for more than £100m.
- The landowner and developer then disagreed as to how the profit arising from this sale should be split, with the parties divided in various respects as to the proper interpretation of the complex (and repeatedly varied) agreement between them.
- The case settled in 2018 following a successful mediation.
- Emer acted a junior to [Jonathan Seitler QC](#).

[Clutterbuck v Al Amoudi](#) [2014] EWHC 383 (Ch), [2015] EWCA Civ 1593, [2017] EWHC 1127 (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 Al Amoudi duped them out of millions of pounds of 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 addressing numerous allegations of fraud.
- In October 2015, the claimants said they had new evidence that proved that Ms Al Amoudi was an imposter. Emer and Jonathan successfully represented Ms Al Amoudi in the Court of Appeal, where the applications to rely on this evidence and for permission to appeal were refused.
- In February 2017, acting on her own account, Emer successfully represented Ms Al Amoudi in resisting the Claimants' application to vary or revoke the substantial costs award made against them, sought on the basis of further evidence allegedly casting doubt on Ms Al Amoudi's background. The application was dismissed in its entirety.

Confidential (2017)

- This action related to a substantial mixed-use property in North London, held by a company which was jointly owned by two wealthy families and later sold.



Commercial continued

- Emer (acting as a junior to [James Ayliffe QC](#)) acted for a company associated with one of the families, alleging deceit and breach of fiduciary duty by the other family and its associated companies in relation to the sale of the property for several million pounds.
- The matter settled in late 2017.

Abbar v SEDCO and others [2013] EWHC 1414 (Ch)

- This case concerned the Pinnacle Tower, designed to be the tallest tower in the City of London, which (following a series of delays to its development) was later nicknamed 'the Stump'.
- The claim was brought by a disgruntled Middle Eastern investor who had advanced significant sums of money toward the development, and who alleged that he had been misled about the basis of his investment.
- At a two-week trial in the High Court, acting as a junior to Ali Malek QC and Rupert Reed QC, Emer successfully represented the developer defendants.

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 QC](#) on various aspects of this case, including successfully representing the defendants in their application for security for costs.