



Emer Murphy

Call: 2009

emurphy@wilberforce.co.uk

“Unflappable and comes up with innovative solutions to issues.”

THE LEGAL 500 2019

Clerks' Details

+44 (0)20 7306 0102
practicemanagers@wilberforce.co.uk

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).

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 coverage'** [2012] *Development Disputes: Current issues for property litigators*

Practice Overview

"A bright, sparky junior" – Chambers and Partners 2019

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 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 by The Legal 500 2019 (in the Property Litigation and Professional Negligence fields) and by Chambers and Partners 2019 (Chancery; Commercial). Those publications describe her in the following terms:

- *'She is a very thorough advocate who really does her homework and considers every possible angle';*
- *'An effective advocate who produces especially attractive paperwork';*
- *'She has a phenomenal work rate';*
- *'Unflappable and comes up with innovative solutions to issues';*
- *'A bright, sparky junior who's like a dog with a bone; she will argue with great tenacity'.*

In previous years, the legal directories have described Emer as follows: *'feisty and clever – a rising star'; 'one of the top juniors at the Chancery Bar...her attention to detail and rigorous analysis [are] particularly good'; 'brilliant'; 'hardworking with an excellent grasp of detail'; 'a tenacious advocate and a star of the future'; 'a very good brain'; 'a thinker and a doer'; 'commercially minded'; 'very persuasive'; 'very good drafting skills'; 'piercing intelligence, very bright, helpful and practical';* and as having impressed clients with *'the speed with which she digested the materials'.*



Practice Overview continued

Emer was a Legal Week Star of 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.'*

Recent cases

Canary Wharf (BP4) T1 Limited & Others v The European Medicines Agency (2019)

- Acting as a junior to [Jonathan Seitler QC](#) and working alongside Tom de la Mare QC and James Segan of Blackstone Chambers, Emer represents the European Medicines Agency in this high-profile case (one of The Lawyer's Top 20 Cases of 2019).
- The Agency is arguing that its 25-year lease of large premises in the Canary Wharf Estate will be frustrated by Brexit. The income stream from the lease is said to be worth around £500m to Canary Wharf.
- The trial took place over nine days in January 2019 before Mr Justice Marcus Smith, who found in favour of Canary Wharf but granted the Agency permission to appeal to the Court of Appeal.
- Canary Wharf is represented by [Joanne Wicks QC](#) and [Jonathan Chew](#), also of Wilberforce Chambers.

11-13 Randolph Crescent Limited v Dr Duval (2019)

- Led by [Joanne Wicks QC](#), Emer acts for the landlord of a block of expensive flats in Little Venice, London, who has been granted permission to appeal to the Supreme Court.
- One tenant wanted to carry out renovations to her flat involving cutting into the walls contrary to the terms of her lease, and so sought permission from the landlord.
- Another objected and argued that the landlord could not permit the works, as to do so would prevent the landlord from complying with its covenant to enforce (on request) the covenants in the other tenants' leases. The Court of Appeal agreed with the objecting tenant.
- Such covenants are found frequently in leases of residential blocks of flats and the Court of Appeal's reasoning has potentially wide ramifications for landlords.

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

- Emer represented the estate of a deceased businessman who was alleged to have been involved in various property joint ventures relating to exclusive properties in West London. The claimants claimed millions of pounds in damages for various alleged breaches of contract and misrepresentations.
- This case followed the explosive *Clutterbuck v Al Amoudi* case brought by the same claimants, 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, 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.

Twin Benefits Ltd v Barker (2017); *Barker v Confiance* [2018] EWHC 2965 (Ch)

- This dispute relates to a settlement, approved by the High Court in 2014, which involved unwinding a multi-million-pound offshore trust.



Practice Overview continued

- Emer acted for professional trustee company Confiance, in defending the claim that it failed to ensure a sufficiently good deal was secured for the potential beneficiaries of the (now unwound) trust.
- Acting on her own account, Emer represented Confiance in its successful application for security for costs. The case against Confiance was struck out following the claimants' failure to provide the ordered security.
- The potential beneficiaries then sought to revive the original High Court proceedings and to argue that they should not be bound by the court-approved deal.
- Led by Elspeth Talbot Rice QC, XXIV Old Buildings, Emer acted for Confiance in successfully resisting the potential beneficiaries' application. Costs and consequential arguments are due to be dealt with in 2019.

Confidential (2018)

- This dispute 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 as junior to [Jonathan Seitler QC](#).

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 (London) field by Chambers and Partners 2019, and is described by that publication as '*a bright, sparky junior who's like a dog with a bone; she will argue with great tenacity*' and as '*a very thorough advocate who really does her homework and considers every possible angle*'. The same publication in 2018 described Emer as '*very bright, helpful and practical*' and as '*an effective advocate who produces especially attractive paperwork*'.

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

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.



Commercial continued

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 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.
- 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.



Commercial continued

- 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.