



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).

“A tenacious advocate and a star of the future.”

THE LEGAL 500 2017

Memberships

- Property Bar Association
- Commercial Bar Association
- Chancery Bar Association
- Commercial Fraud Lawyers Association
- Association of Pension Lawyers (Associate Member)

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

"Brilliant" – The Legal 500 2017

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 and the County Court, 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 the Property Litigation, Professional Negligence and Pensions fields by Legal 500 2017, which describes her in the following terms:

- *'Brilliant';*
- *'Hardworking with an excellent grasp of detail';*
- *'A tenacious advocate and a star of the future'.*

Emer is also ranked as 'Up and Coming' in the Chancery Commercial (London) field by Chambers and Partners 2018, which publication describes her as follows:

- *'Very bright, helpful and practical';*
- *'An effective advocate who produces especially attractive paperwork';*
- *'She quite often gets dumped in cases where you need to do some work to pull it together, and she just pulls the stops out'.*

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'; 'a very good brain'; 'a thinker and a doer'; 'commercially minded'; 'very persuasive'; 'very good drafting skills'; 'piercing intelligence'; and as having impressed clients with 'the speed with which she digested the materials'.*



Practice Overview continued

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

Recent cases

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

- Emer represents the estate of a deceased businessman who is alleged to have been involved in various property joint ventures relating to exclusive properties in West London. The claimants claim 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 Seidler QC](#) in both the High Court and the Court of Appeal.
- In this case, the defendant's legal team (including Emer and [Jonathan Seidler 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 Chancery Division in June 2018, and raised issues of fraudulent misrepresentation, contractual interpretation, estoppel by convention and proof of loss.

Twin Benefits Ltd v Barker (2017); ***Barker v Confiance*** (2018)

- This dispute relates to the settlement of a previous High Court case, which involved the unwinding of a multi-million-pound offshore trust in a deal which was approved by the court.
- 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 are now seeking to revive the original High Court proceedings and to argue that they should not be bound by the court-approved deal.
- Emer is led by Elspeth Talbot Rice QC, XXIV Old Buildings.

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 a junior to [Jonathan Seidler QC](#).



Professional Liability

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

Emer is currently ranked as a Leading Junior in the Professional Negligence field by Legal 500 2017, which describes her as 'Brilliant'. The same publication described Emer as 'a very good brain' in 2016.

Emer has recently been published in the Journal of Professional Negligence ('*The ex turpi causa defence in claims against professionals*'; Volume 32, Issue 4).

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 and barristers;
- Claims against pension benefit consultants and advisers (professional and actuarial);
- Claims against property surveyors; and
- Professional misconduct proceedings.

Notable cases include the following:

Swan Mill v Mercer (2016)

- Acting as a junior to [Michael Tennet QC](#), Emer represented the claimants (trustees of a pension scheme and the employers who pay for the scheme) in a high-value professional negligence claim against Mercers.
- The rules of the scheme provided for a certain rate of increase to be applied to deferred pensions. Emer's clients alleged that, negligently, Mercer administered the scheme on a different basis.
- The case settled late 2016.

Mortgage Agency Services Number One Limited (Mansol) v Cripps Harries LLP [2016] EWHC 387 (Ch)

- In this case, a law firm was accused of fraud and conspiracy in the context of a large property transaction.
- The case concerned the scope of a solicitor's duty to the other side in a property transaction, and also raised issues of causation and questions of limitation.
- Led by [Joanne Wicks QC](#), Emer represented the law firm (Cripps Harries Hall) and assisted with numerous pre-trial hearings in this case.
- [Jonathan Seitler QC](#) and [Jonathan Chew](#) of Wilberforce Chambers successfully represented the law firm at trial, where the fraud and conspiracy allegations were resolutely rejected. (Emer did not appear at trial due to a scheduling issue.)

Clutterbuck v HSBC and others (2015)

- 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 High Court 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 eventually discontinued by the claimants.

Ridgewood Properties Group Ltd v Kilpatrick Stockton and others [2014] EWHC 2502 (Ch) [2014] PNLR 31

- Acting on her own account, Emer successfully represented a barrister accused of giving negligent advice.



Professional liability continued

- The claim related to agreements entered into between the claimants and Texaco for the redevelopment of petrol stations and the airspace above them.
- The claimants unsuccessfully sued Texaco following the sale of a number of the sites in question, and then sued the legal team who advised them in the aftermath of those sales.
- The main element of the case was struck out on the grounds that it involved an impermissible collateral attack on the previous Court's judgment. The claim was then discontinued in its entirety.

Independent Trustee Services Ltd v GP Noble Trustees Ltd (2012)

- 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 QC.

Re a Notary (2011)

- 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 arising included the meaning of notarial misconduct and the correct procedure for the investigation of the complaint.

Confidential: Various

- 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 related to alleged negligence in the context of deferred revaluation rates, pension increases, equalisation, amendments removing Inland Revenue limits, and RPI vs CPI.