



Emer Murphy

Call: 2009

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“Very bright, hard-working and user-friendly – a future star of the Bar.”

Chambers and Partners 2020

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).

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

“Simply the best junior we have used.” – Chambers and Partners 2020

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 2020 (Chancery Commercial), Chambers & Partners 2020 (in the Chancery: Commercial and Real Estate Litigation fields) and The Legal 500 2020 (Property Litigation and Professional Negligence fields). Those publications describe her in the following terms:

- *“She works exceptionally hard, is a real team player in trial preparations and is methodical in her approach”;*
- *“Simply the best junior we have used. Her attention to detail and knowledge of the papers was frankly astounding and her work on a complex and lengthy set of closings in a very short space of time was highly impressive. She really assisted in driving the case along”;*
- *“She never gives up”;*
- *“Very bright, hard-working and user-friendly – a future star of the Bar”;*
- *“Very thorough and detailed in her advice”;*
- *“She is very sharp, efficient and shows an impressive grasp of detail”.*



Practice Overview continued

In previous years, the legal directories have described Emer as follows: *'she has a phenomenal work rate; 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; 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.'*

Emer was 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.'*

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 QC of Blackstone Chambers, Emer represented the European Medicines Agency in this high-profile case (one of The Lawyer's Top 20 Cases of 2019 and the Estate Gazette's top property law case of 2019).
- The Agency argued that its 25-year lease of large premises in the Canary Wharf Estate would be frustrated by Brexit. The income stream from the lease was 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. The case settled shortly thereafter.
- Canary Wharf was 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](#) in this Supreme Court case, Emer acted for the landlord of a block of expensive flats in Little Venice, London.
- 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 tenant 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.
- The Supreme Court handed down judgment in May 2020 upholding the Court of Appeal decision.

[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.



Practice Overview continued

- 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 Seidler 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), [2019] EWHC 1401 (Ch)

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

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 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 The Legal 500 2020, which describes her as '*very thorough and detailed in her advice*'. Previous editions of the same publication described Emer as '*brilliant*' and noted that she has '*a phenomenal work rate*'.

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.



Professional Liability continued

Notable cases include the following:

Confidential (2019)

- Emer (acting on her own account) represents a law firm defending a professional negligence action relating to the firm's handling of the purchase of a London property.
- The alleged negligence relates to the SDLT payable on the sale.
- The claim raises a number of interesting issues relating to the identity of the client, the scope of the retainer, causation and reflective loss.

Confidential (2018)

- Acting on her own account, Emer represented the trustees of a final salary pension scheme and the employers who pay for the scheme in a high-value claim against the former trustees of the scheme.
- The claimants alleged that the former trustee's breaches of duty in failing to spot a discrepancy between the scheme rules and what happened in practice led to millions of pounds of loss.
- A confidential settlement was reached in 2018.

Twin Benefits v Barker (2017)

- This case related to the settlement of a previous court case which involved the unwinding of a multi-million-pound offshore trust.
- Emer (led by Elspeth Talbot Rice QC, XXIV Old Buildings) represented professional trustee company Confiance, in defending the claim.
- Confiance was alleged to have breached its duties in various respects, including by failing 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 at a number of interlocutory hearings, including a successful security for costs hearing in the High Court. Security was not paid, which led to the case against Confiance being struck out. Permission to appeal was refused.
- Emer further assisted Confiance in relation to its application for a third-party costs order against the individual who funded the shell company which brought the claim.

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.)

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 alleged negligence related to the rate of increase to be applied to deferred pensions. Emer's clients alleged that, negligently, Mercer administered the scheme on the wrong basis.
- The case settled late 2016.



Professional Liability continued

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.
- 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.