



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 Wilberforce Chambers' Emer Murphy is regarded as a star at the Bar.'

Recent cases

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

- 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 Chancery Division 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)

- 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 Seitler QC](#).



Trusts, Tax, Probate & Estates

Emer acts in relation to a wide variety of contentious trust matters, involving both domestic and offshore structures. She has represented professional trustees, beneficiaries and related professionals in a number of complex trust cases, and regularly advises on trust-related issues.

Notable cases include the following:

Twin Benefits Ltd v Barker (2017)

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- 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.

Barker v Confiance (2018)

- Following on from the strike out of the *Twin Benefits v Barker* proceedings (noted above), the potential beneficiaries of the unwound trust are now seeking to revive the original High Court proceedings and to argue that they should not be bound by the court-approved deal.
- The case raises issues relating to litigation friends and representative beneficiaries, the test for challenging court-approved settlements, and the proper scope and consequence of an order that a court-approved settlement does not bind a represented party.
- Emer is led by Elspeth Talbot Rice QC, XXIV Old Buildings.

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.

Confidential (2016)

- This case concerns a massive trust dispute worth billions of pounds in an offshore jurisdiction between members of the same wealthy family.
- Acting as a junior to [Brian Green QC](#), Emer assisted a client accused of duping her mother out of her intended benefit under a trust.

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.