



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.

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)

- This dispute related 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.



Trusts, Tax, Probate & Estates continued

Barker v Confiance [2018] EWHC 2965 (Ch), [2019] EWHC 1401 (Ch)

- Following on from the strike out of the *Twin Benefits v Barker* proceedings (noted above), the potential beneficiaries of the unwound trust then sought to revive the original High Court proceedings and to argue that they should not be bound by the court-approved deal.
- The case raised 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.
- Led by Elspeth Talbot Rice QC, XXIV Old Buildings, Emer acted for Confiance in successfully resisting the potential beneficiaries' application.

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.

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.