



Joanne Wicks QC

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Clerks' Details

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Qualifications and Appointments

- First Class degree in Jurisprudence and Gibbs Prize in Law, Oxford University
- Bachelor of Civil Law degree, Oxford University
- Kennedy and Hardwicke Scholar of Lincoln's Inn

“Has a fine reputation as a top real estate QC”

Chambers & Partners 2019

Memberships

- Property Bar Association
- Chancery Bar Association
- Professional Negligence Bar Association
- Women in Property
- Bar Pro Bono Unit panel
- ARBRIX

Practice Overview

Joanne has a broad commercial chancery practice with an emphasis on property litigation and related professional negligence. She was the winner of **Real Estate Silk of the Year** at both The Legal 500 UK Awards 2020 and the Chambers Bar Awards 2019, and is ranked as a Band 1 property silk in both Chambers & Partners and The Legal 500. The 2020 edition of Chambers & Partners says *“her service is exceptional and the quality of her advice always hits the spot”* and also that she is *“very good with clients, always concise and commercial, and has an incisive mind”*. The same guide also describes her as *“extremely helpful and proactive in complicated matters”*. Meanwhile, the 2020 edition of The Legal 500 notes that *“she has dealt with the most high-profile property disputes”* and is *“very focused and detail-orientated”*. She is recommended as a real estate **“global leader”** and **“national leader”** in Who's Who Legal 2019 and other advocates describe her as *“a court opponent I would treat with the utmost caution and respect”*. Joanne was named The Times' 'Lawyer of the Week' in March 2019 for her work on the case of *Canary Wharf (BP4) T1 Ltd v European Medicines Agency*.

Joanne's strength is the ability to combine intellectual rigour with a good understanding of her clients' commercial interests and a determination to find the best way to serve them. She is recognised for the quality of her courtroom skills and her ability to deliver advice on the most complex of problems in a clear and client-friendly manner.

As well as appearing in courts and tribunals at every level, Joanne has very considerable experience of arbitrations and expert determinations, having acted in a substantial number of cases resolved by these means in recent years. She accepts instructions to act as an arbitrator or an independent expert in her specialist practice areas and also advises non-lawyer arbitrators and independent experts, as well as routinely acting as an advocate in arbitration or expert determination proceedings. Joanne is also an accredited mediator.



Professional Liability

A significant proportion of Joanne's work concerns allegations of professional liability and she acts for claimants, defendants and their insurers. She is ranked as a Leading Silk for professional negligence by The Legal 500 which says "*she is very commercial as well as being technically excellent, and clients like her approachable style*". Joanne's expertise in property law and litigation give her a sound understanding, and practical experience of, the issues which underlie the claim of liability. She is often asked to advise, not only on the claim against the professional, but also on how the problems which gave rise to the claim may be resolved or the losses mitigated. She deals with insurance coverage issues and gives guidance on professional ethics and conflicts of interest.

Her professional liability practice includes claims against:

- Lawyers (barristers, solicitors)
- Property professionals (surveyors, valuers, managing agents and other consultants).

Recent/notable cases include:

- Advising a commercial tenant which lost the benefit of a valuable option to purchase the freehold of its property by virtue of its solicitors' failure to register the option, including as to whether it should pursue litigation against the landlord to seek to reinstate the option.
- Acting for solicitors alleged to be personally liable to an opposing party on a remortgage transaction by virtue of the answers given to pre-contract inquiries, including on hard-fought interlocutory applications (*Mortgage Agency Services Number One Ltd v Cripps Harries Hall LLP* [2016] EWHC 387 (Ch)).
- Advising individuals whose professional negligence action against former solicitors was itself struck out by reason of the negligence of the solicitors representing them in that action.
- Acting for a mortgage lender on a surveyor's liability claim involving a portfolio of over 40 properties and including complex contributory negligence allegations.
- Advising on the professional liability of solicitors in relation to a defective leasehold enfranchisement process.
- Acting for the Crown Estate in relation to a claim of negligence against managing agents arising out of a serious fire in a building on Haymarket.

Property

Joanne was the winner of **Real Estate Silk of the Year** at both The Legal 500 UK Awards 2020 and the Chambers Bar Awards 2019, and is ranked as a Band 1 property silk in both Chambers & Partners and The Legal 500. The 2020 edition of Chambers & Partners says "*her service is exceptional and the quality of her advice always hits the spot*" and also that she is "*very good with clients, always concise and commercial, and has an incisive mind*". The same guide also describes her as "*extremely helpful and proactive in complicated matters*". Meanwhile, the 2020 edition of The Legal 500 notes that "*she has dealt with the most high-profile property disputes*" and is "*very focused and detail-orientated*". She is recommended as a real estate "*global leader*" and "*national leader*" in Who's Who Legal 2019.

Joanne's practice encompasses all aspects of property law. She acts in disputes resolved through litigation, arbitration and expert determination and also advises transactional lawyers on title issues and the drafting of property contracts. Joanne takes instructions from surveyors and other professionals eligible to instruct the Bar directly.

Her property practice includes:

- Representing the successful tenant in the Supreme Court in *S Franses Ltd v The Cavendish Hotel (London) Ltd* [2018] UKSC 62, a landmark judgment which establishes that a landlord cannot object to its business tenant's application for a new tenancy on ground (f) – the redevelopment ground – with a scheme of works which it would not carry out if the tenant left voluntarily.



Property continued

- Acting for Canary Wharf Group in successfully resisting the claim by the European Medicines Agency that the Agency's 25-year lease of premises in Canary Wharf will be frustrated when the UK leaves the EU (*Canary Wharf (BP4) T1 Ltd v European Medicines Agency* [2019] EWHC 335 (Ch)).
- Appearing for the appellant in the Supreme Court in *Duval v 11-13 Randolph Crescent Ltd* [2018] EWCA Civ 2298, a case concerning covenants which are found frequently in leases of residential blocks of flats and which the Court of Appeal has held affect a landlord's ability to authorise structural alterations to a flat.
- Successfully representing the appellant in *Churston Golf Club v Haddock*, in which the Court of Appeal considered the anomalous "fencing easement" and whether such a right had been created by an express covenant to fence.
- Appearing for the prospective purchaser of an office block in Luton, which recovered its deposit and damages following fraudulent misrepresentations by the seller (*Greenridge Luton One Ltd v Kempton Investments Ltd* [2016] EWHC 91).
- Appearing for a developer seeking to establish that a covenant imposed to secure overage was not binding upon it (*Bryant Homes Southern Ltd v Stein Management Ltd* [2017] P & CR 6).
- Acting for Joseph, the fashion retailer, in a claim against Stella McCartney Ltd under the Landlord and Tenant Act 1954 in relation to a shop in Old Bond Street.
- Acting for a right to manage company on an appeal by a landlord to the Court of Appeal contesting its acquisition of the right to manage under the Commonhold and Leasehold Reform Act 2002 (*Miltonland v Platinum House (Harrow) RTM Co Ltd*).
- Representing a supermarket chain in a dispute as to whether a contract to acquire a site was properly terminated because the planning permission was not 'satisfactory' (*Norcros Estates Ltd v Optimisation Developments Ltd & WM Morrison Supermarkets Plc*).
- Advising the developer of a very substantial London site on the impact of a scheme of restrictive covenants affecting part of it.

Commercial

Almost all of Joanne's work is, in the broadest sense, commercial, involving business clients engaged in resolving disputes about commercial issues. The focus is always on achieving corporate goals, whether through litigation, alternative dispute resolution or transactional advice.

Joanne advises on and acts for clients in relation to litigation about commercial contracts, joint ventures and other business structures and issues arising out of the acquisition or disposal of corporate interests. Her chancery expertise and property specialism enable her to advise on banking and financial transactions and act in related disputes, particularly those concerning property finance, mortgages and guarantees.

Joanne's business and commercial practice includes:

- Asset tracing
- Banking and finance
- Civil fraud
- Commercial arbitration
- Joint venture and partnership disputes

Recent/notable cases include:

- Acting for Canary Wharf Group in successfully resisting the claim by the European Medicines Agency that the Agency's 25-year lease of premises in Canary Wharf will be frustrated when the UK leaves the EU (*Canary Wharf (BP4) T1 Ltd v European Medicines Agency* [2019] EWHC 335 (Ch)).



Commercial continued

- A claim for breach of warranty in respect of a sale of mortgage assets as part of a securitisation (*Lehman Commercial Mortgage Conduit Ltd v Northern Rock (Asset Management) Plc*).
- Acting in a series of adjudications between a PFI contractor and its subcontractor in relation to disrepair claims totalling more than £10m in respect of a portfolio of 300+ properties occupied by government departments.
- Advising a company on its potential liability to a prospective joint venture partner once the relationship soured.
- Advising on the effect on creditors of conversions of limited companies to industrial and provident societies/co-operative and community benefit societies and transfers of engagements between those entities.

Domestic Arbitration and ADR

Joanne has very considerable experience of arbitrations and expert determinations, having acted in a substantial number of cases resolved by these means in recent years. She is familiar with all aspects of the procedures involved.

Joanne accepts instructions to act as an arbitrator or independent expert in fields in her specialist practice areas. She also advises non-lawyer arbitrators and independent experts, such as chartered surveyors, on legal issues and routinely acts as an advocate in arbitration or expert determination proceedings, whether conducted on paper alone or through an oral hearing. She is a member of ARBRIX and has spoken at the annual INDEX conference.

Joanne is also an accredited mediator and particularly familiar with mediation of property and professional liability disputes. She brings to this role her specialist legal knowledge, her understanding of commercial realities and a deep appreciation of the extent of the risks undertaken by those engaging in litigation.

Joanne is willing to offer early neutral evaluations, to assist parties in resolving their disputes without litigation.

Recent/notable cases include:

- Being appointed as an expert to determine a dispute on the Landlord and Tenant Act 1954 between two supermarket operators.
- Acting as a legal assessor to a surveyor arbitrator on a rent review.
- Acting as legal assessor to a surveyor expert on an overage dispute.
- Representing a client in a multi-million pound damages claim decided through expert determination, following the client's termination of a development agreement.
- Appearing in court to challenge an arbitration award on the price payable under a pre-emption clause.
- Successfully mediating a commercial landlord and tenant dispute in which the relationship had completely broken down.
- Acting as advocate in an expert determination as to whether the client had reasonably refused its consent to an agreement under s.278 of the Highways Act 1980.
- Drafting written submissions to an independent expert in relation to an issue of contractual interpretation affecting the date by which building works on a retail park were to be started and completed.
- Appearing in court to resist a tenant's claim to set aside a rent review arbitration award on the grounds of serious procedural irregularity and on a point of law.