



## Jonathan Seitler QC

Call: 1985

QC: 2003

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### Clerks' Details

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### Qualifications and Appointments

- PPE, Pembroke College Oxford
- Diploma in Law with Distinction

*“Thoroughly intelligent, good at debating difficult points of law and inventive.”*

Chambers & Partners, 2018

*“He is good at coming up with innovative solutions.”*

Chambers & Partners, 2018

### Memberships

- Property Bar Association
- Professional Negligence Bar Association
- Standing Conference of Mediators

### Publications

- Claims against Valuers and Solicitors (1996)
- Commercial Property Litigation (looseleaf) (2000)
- Lenders Claims (2006)
- Leases: Covenants and Consent (2009)

### Practice Overview

In its 2014 edition, Chambers & Partners advised *“if there is a property-related [or] professional negligence dispute, make sure you instruct [Jonathan] first”*. This is because Jonathan currently stands top of the pile in terms of QCs for heavy and important property litigation and professional negligence work. Jonathan is listed in the **Who's Who Legal: UK Bar 2015 for Real Estate**.

Chambers & Partners 2018 recently described him as a highly esteemed silk with a particular focus on complex and high-value professional negligence matters. *“A very good advocate who has the ear of the court”* and who is *“he is very quick, provides creative solutions and is very user-friendly.”*

Jonathan has attained this status with a simple approach: *“it's the hard yards which yield the benefits”*. His enormous success and enduring popularity has been achieved by immensely hard work, deep attention to detail, speed and decisiveness.

Jonathan's speciality is to combine an open, accessible and attractive manner with clients with a ruthless and sometimes brutal destruction of opponents. *“Litigation”,* he will tell you, *“is war by civilised means”* and he has certainly adapted the fighting litigation skills which he learned in the Chambers of George Carman QC to become, at Wilberforce Chambers, one of the silks in property litigation and property-related professional negligence, that opponents fear most.

Jonathan is presently involved in many of the leading cases in those fields and is widely respected and admired for bringing to every matter, irrespective of how complex, clarity, commitment and care.

Jonathan is strongly of the view that technical excellence in legal matters can be found quite easily: what makes the difference in terms of a successful lawyer are abilities on top of those – the ability to communicate clearly and effectively with clients and in particular to reflect their commercial objectives; the ability to think strategically about how to counter the move that the enemy is going to make next (even if it hasn't yet thought of it itself); and, ultimately, the ability to persuade the court to do something that it wouldn't otherwise do.

Recent successes include *Peel Land v TS Sheerness*, in which Jonathan persuaded the Court of Appeal to re-write the standard textbooks in relation to the law on tenant's fixtures; *PGF v OMFS*, in which he persuaded the Court of Appeal to define the circumstances in which it is safe to ignore an invitation to mediate, to give his client a costs-victory; and *Clutterbuck, Paton v Al-Amoudi*, (the so-called 'Vamp in the Veil' case) in which he persuaded the court to find for his client even though her evidence was found to be *“unsatisfactory”*.



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## Property

Jonathan is involved in the most high-profile property litigation cases. In 2014 he has continued to act for a Saudi Princess at the centre of allegations of property fraud, an Eastern-European oligarch purchasing landmark properties in London, a celebrity chef who says he is not the signatory of a lease guarantee of a well-known restaurant premises and a foreign Head of State in dispute with one of London's great landed estates.

Jonathan is highly recommended in the legal directories: *Chambers and Partners* says he is an '**impressive courtroom advocate**', with '**extreme cleverness and creativity**'. Jonathan was named as Chambers & Partners Real Estate Silk of the Year in 2007 and (unprecedentedly) for a second time in 2010.

In 2014, he was prominent in *Chambers & Partners* Top 100 Barristers (across all fields) and described as "**absolutely superb**" and "**a master tactician**". Jonathan is also the author of several books: '**Claims against solicitors and valuers**', '**Commercial Dispute Resolution**' and the bestselling '**Leases: Covenants and consents**'.

### Reported cases over the last couple of years include:

- [Francis v Philips & ors \[2014\]](#)
- *Shebelle Enterprises Ltd v Hampstead Garden Suburb Trust Ltd* [2014] 2 P. & C.R. 6 CA (Breach of lease arising from basement extension of neighbouring property, estate management schemes, interim injunctions; trustees' powers and duties).
- *Fulham Broadway Trustees No.1 Ltd v Telefonica UK Ltd* [2014] EWHC 1048. Appeal of arbitrator's rent review award.
- *Peel Land and Property (Ports No.3) Ltd v TS Sheerness Steel Ltd* [2014] 2 P. & C.R. DG5 CA (definition of Tenant's Fixtures).
- *Century Projects Ltd v Almacantar (Centre Point) Ltd* [2014] EWHC 394 (Ch) (Injunction, tenant's rights).
- *Topland Portfolio No.1 Ltd v Smiths News Trading Ltd* [2014] 1 P. & C.R. 17 (release of lease guarantor).
- *PGF II SA v OMFS Co 1 Ltd* [2014] 1 W.L.R. 1386 (Costs in dilapidations case following upon ignoring an invitation to mediate).
- *Cussens v Realreed Ltd* [2014] 1 W.L.R. 275 (Breach of covenant and forfeiture on basis of immoral use).
- *Morshead Mansions Ltd v Mactra Properties Ltd* [2013] EWHC 224 (Ch) (Service charge accounts).
- *Phillips v Francis* [2013] 1 W.L.R. 2343 (Service charge computation).
- *E.ON UK Plc v Gilesports Ltd* [2013] 1 P. & C.R. 4 (Consent to assignment, licences and underleases).
- *Unique Pub Properties Ltd v Broad Green Tavern Ltd* [2012] 2 P. & C.R. 17 (implied terms in leases).
- *Scottish Widows Fund and Life Assurance Society v BGC International* (formerly Cantor Fitzgerald International) 2012 142 Con. L.R. 27 CA (Mistakes in, and rectification of, leases).
- *Re: North East Property Buyers Litigation* [2012] 1 W.L.R. 1521 CA (Contract terms, equitable interests arising in context of equity release schemes).
- *Quest Advisors Ltd v McFeely* [2012] 1 E.G. 54 CA (repudiation of leases);
- *K/S Victoria Street v House of Fraser (Stores Management) Ltd* [2012] 2 W.L.R. 470 (Assignment and Authorised guarantee agreements).
- *Nottinghamshire and City of Nottingham Fire Authority v Gladman Commercial Properties Ltd* [2011] 1 W.L.R. 3235 (Property agents' misrepresentation).
- *Standard Life Investments Property Holdings Ltd v W&J Linney Ltd* [2011] L. & T.R. 9 (break clauses).



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## Professional Liability

Jonathan's particular speciality is property-related professional negligence.

His practice therefore largely involves claims against solicitors and valuers. He has acted consistently both for claimants and for defendants and has enjoyed success in relation to both.

Many professional negligence cases in which Jonathan has been involved have been high-profile and for that and other reasons, most have settled without the necessity for trial. Invariably, these settlements have involved highly satisfactory outcomes for Jonathan's clients. His reported cases are, therefore merely the tip of the iceberg in terms of the work he has been carrying out in this field.

### Reported cases include:

- *Rentokil v Goodman Derrick* pending – solicitor's negligence relating to sale of land subject to satisfaction of planning conditions.
- *Herrmann v Withers LLP* Scope of solicitor's duty, standard of solicitor's duty, measure of damages.
- *Moffat v Burges Salmon* Solicitor's duty, loss of a chance.
- *Credit Lyonnais SA v Russell Jones & Walker* liability for negligence when a firm of solicitors had been negligent in failing to draw a client's attention to the fact that time was of the essence in the case of a condition precedent concerned with the early termination of a lease.
- *Eastgate Group Ltd v Lindsey Morden Group Inc* accountant's negligence on sale of business, contributory negligence and contribution.
- *Howkins & Harrison v Tyler* valuer's negligence, contribution between solicitor and valuer.
- *Legal & General Mortgage Services Ltd v HPC Professional Services* surveyor's negligence, margin of error in valuation.

## Domestic Arbitration and ADR

### Arbitration and Expert Determination:

Jonathan has over 20 years experience in acting as an arbitrator or as expert in an expert determination, having started this aspect of his practice in the mid-1990's. His Awards and Determinations have covered all areas connected with property litigation and related professional negligence, including:

- Development Agreements
- Overage
- Rent review
- Disrepair
- Points of Contractual Interpretation
- Sale and Purchase agreements (SPA's)
- Landlord and Tenant covenants

Jonathan's manner is perfectly suited to winning the confidence of clients on both sides of a dispute and then resolving in a way which is not just in accordance with the law and procedure and not just swift and economical, but is also in a manner which allows even the unsuccessful party to be assured that it has had a fair hearing and a proper disposal of its argument. This ensures that whilst the party in the right prevails, commercial relationships and not ruined going forward.



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## Domestic Arbitration and ADR continued

Jonathan's track record as an arbitrator and Expert is such that the market continues to provide a him with a steady flow of this type of work. This is the strongest testament to his success in the field.

### Mediation:

Jonathan has been a qualified mediator for 15 years over which time he has carried out hundreds of mediations. His style is firm but friendly and his skill is in not having the wool pulled over his eyes yet using the clear vision this provides to maximum effect (which usually means not making a big deal about it). His success rate in mediations is very high and he is particularly chuffed that such success is often achieved without having to continue the mediation beyond normal office hours. Jonathan also appeared for the successful party in the Court of Appeal in *PGF v OMFS* [2013] EWCA Civ 1288, the case which laid down the principles for the punishment of parties who ignore invitations to mediate.

Jonathan carries out mediations across all aspects of civil litigation and particularly enjoys cases with a property or related professional negligence angle.

Jonathan is also available to offer early neutral evaluations.