



## 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

*“Extremely knowledgeable, very bright, client-friendly and responsive”*

Chambers & Partners 2018

## Practice Overview

Joanne has a broad commercial chancery practice with an emphasis on property litigation and related professional negligence. She is ranked in Band 1 of Leading Silks for Real Estate Litigation by Chambers & Partners 2018, which says she has a **“fine reputation as a top real estate QC”**. and is **“a joy to work with, really approachable and excellent at problem solving”**. She is also rated as one of the most highly regarded silks for Real Estate in Who's Who Legal UK Bar 2017, which praises her **“excellent client-management skills”** and **“highly impressive cross-examination skills”**. Legal 500 2017 also says of Joanne that **“her calm and authoritative demeanour are a winning combination, and she is exceptionally knowledgeable”**.

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.

## Publications

- Butterworths Property Law Handbook, 7th, 8th, 9th editions
- [Development contracts and the privity trap](#) (2012) *Development Disputes: Current issues for property litigators*
- [The surveyor's role in dispute resolution: liabilities and immunities](#) (2008) *Hot Topics in Property Law: A Surveyor's Guide*

## Memberships

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



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## 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 user-friendly and takes a commercial approach**". 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 is recommended as a Leading Silk for property/real estate litigation in the major legal directories. Who's Who Legal UK Bar 2017 rates her as one of the five most highly-regarded silks in this field and says that its sources were "**particularly impressed with her ability to deliver 'clear and cogent advice' and 'cut right to the heart of the issues at stake'**". Chambers & Partners 2018 describes Joanne as "**extremely knowledgeable, very bright, client-friendly and responsive**".

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 tenant in *S Franses Ltd v The Cavendish Hotel (London) Ltd* [2017] L & TR 34, a case which has property lawyers and the market very excited, since it raises the issue whether a landlord can oust its protected business tenant under the Landlord and Tenant Act 1954 by putting together an artificial scheme of works with no commercial purpose beyond getting the tenant out. Joanne persuaded Jay J to grant a certificate for a leapfrog appeal to the Supreme Court on this issue.
- 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



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verage 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

## Property continued

- 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
- Obtaining injunctions against developers which, having failed in their attempts to purchase neighbouring land, decided to annex it for the purposes of their development anyway (*Charlie Properties Ltd v Risetall Ltd*)
- Acting for a tenant facing a claim for indemnity costs following settlement of a large-scale dilapidations claim (*Courtwell Properties Ltd v Greencore PF (UK) Ltd* [2014] EWHC 184)

## 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:

- 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.



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## 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, has spoken at the annual INDEX conference and gave a lecture on "*Dispute Resolution Clauses and Agreements: the Future of Property Litigation?*" at the Property Litigation Association Annual Conference 2016.

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:

- 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.