

HELEN GARDINER

Year of call: 2007

Clerked by: Paul Clarke

AREAS OF EXPERTISE:

Commercial Litigation Company Employment Insolvency
Real Estate Litigation



Real Estate Litigation

Helen has a wealth of experience in dealing with matters concerning the Mobile Homes Act 1983 on behalf of site owners and residents, including:

- termination of Mobile Homes Act agreements;
- possession of pitches;
- recovery of pitch fees;
- site owners' rights and responsibilities under the Torts (Interference with Goods Act) 1977; and
- challenges to utility charges.

Helen is regularly instructed to deal with possession actions and orders for sale, including applications for stays of execution. She is experienced in matters relating to securities, including challenges to the actions of receivers, actions on behalf of mortgagees to obtain possession and sale of properties, recovery of assets held pursuant to finance agreements, allegations of fraudulently executed securities, subrogation, and undue influence.

She also advises and acts in cases involving nuisance, Rylands v Fletcher, trespass to property, and boundary disputes.

Profile

Helen is regularly instructed in high-value commercial matters, particularly breach of warranty claims and matters of banking and securities. She also regularly acts in equine cases, particularly involving title to horses, purchase and sale disputes (with particular emphasis on the Consumer Rights Act 2015), and veterinary negligence.

Helen's significant experience of employment law means she is well placed to act and advise where there is a crossover between commercial and employment law, such as cases involving company insolvency and the transfer of undertakings. She has particular expertise in restraint of trade and directors' duties. She is also regularly instructed in all areas of employment law, particularly discrimination and whistleblowing.

Helen's commercial outlook ensures she is well able to understand the drivers and concerns for litigants in high value and urgent work. She provides robust, practical and direct advice and representation to clients whilst retaining excellent rapport.

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Areas of Expertise

Commercial Litigation

Company

Employment

Insolvency

Real Estate Litigation

Memberships

Employment Lawyers Association

ELBA

Qualifications

Lincoln College, University of Oxford 2003-2006, 2:1 in Jurisprudence

Manchester Metropolitan University, Bar Vocational Course 2006-2007, Very Competent

Bacon Award, Grays Inn

Recent Cases

Led by Ed Peperall QC, defending a complex \$76 million breach of warranty claim heard over 5 weeks in the TCC.

Obtaining an ex parte worldwide freezing injunction and passport order against an Afghan citizen.

Obtaining an injunction on behalf of a property developer against a bank to restrain appointment of receivers, and acting in the claim for over £1 million against it for alleged misrepresentation and breach of loan facility agreements.

Acting in the Crown Court for a bank and successfully protecting its security over a property which was the subject of a confiscation order pursuant to the Proceeds of Crime Act.

Representing a director of a company accused of breaching his duties, conspiring by unlawful means with his new employer, inducing breaches of customer contracts and breaching confidentiality obligations.

Representing a city council against a claim by a former employee for various forms of race and disability discrimination, harassment and victimization. All allegations were dismissed following a 10 day hearing.

Representing a servicewoman in her claim against the Ministry of Defence for disability and sex discrimination.

Successfully representing a pharmacist dismissed for gross misconduct following his failure to notify his employer of malicious allegations made against him to his regulatory body.

Recommendations.'

'She is a strong advocate, quick thinking and yet incredibly personable, especially with clients.' Legal 500 2021 (Employment)

'I am always impressed with the way in which Helen can marshal the relevant facts and communicate her advice in an accessible manner. Helen is brilliant with clients and can instantly build up a rapport which puts the client at ease.' Legal 500 2021 (Commercial Litigation)

'Helen is always prompt in returning instructions and the quality of the written work produced is excellent.' Legal 500 2021 (Company and Insolvency)

