

EMILY DUCKWORTH

Year of call: 2003

Qualifications: BA Law, BCL

Clerked by: Harry Young

AREAS OF EXPERTISE:

Banking and Finance Commercial Litigation Company
Insolvency Private Client, Trusts and Probate Professional
Negligence Real Estate Litigation



Profile

Emily is a Chancery and commercial practitioner with a strong academic background and a clear, practical and user-friendly approach to litigation.

Her practice is largely contentious with a focus on property litigation, trusts and inheritance and commercial disputes. She also undertakes professional negligence work relating to her areas of practice and has significant experience of insolvency and directors disqualification proceedings.

Emily regularly acts in the County Court, the High Court and the First Tier Tribunal (Property Chamber) Residential Property and Land Registration divisions. Her clients include banks and national limited companies, LPA receivers, local authorities and private individuals. She accepts instructions on a public access basis in appropriate cases.

Emily delivers seminars at Chambers events on a regular basis and is happy to provide in-house training to solicitors.

Year of Call: 2003

Areas of Expertise

Banking and Finance

Emily is experienced in dealing with claims arising out of loans, mortgages and guarantees including issues such as forgery, undue influence and lack of capacity.

Commercial Litigation

Emily undertakes claims arising out of mortgages, guarantees, the sale and supply of goods and property and all forms of contractual disputes.

Significant or Reported Cases

Basanta v Bradshaw: Five day trial in the High Court in Bristol in which the Court had to consider the damages to be awarded for fraudulent misrepresentations made in the SPIF by the vendors of riverside property (as to whether that property had previously flooded).

Company

Insolvency

Emily is experienced in dealing with bankruptcy and winding up petitions and applications arising in connection with the administration and

liquidation of companies in the Business and Property Courts.

Private Client, Trusts and Probate

Emily undertakes contentious trusts and Probate work including disputes relating to the validity of wills, administration of estates and claims under the Inheritance (Provision for Family and Dependants) Act 1975.

Significant or Reported Cases

- Advised in relation to the domicile of the deceased in an IPFDA case involving an ex-pat living in Spain prior to his death
- Advised a local authority in relation to the interpretation of a significant gift of property made to the authority in the 1950s

Professional Negligence

Emily has been instructed on a number of professional negligence claims related to property including claims arising out of inaccurate survey reports, errors in conveyancing and the failure to obtain security for monies advanced by mortgage lenders.

Significant or Reported Cases

- *Brown v Hall & Co LLP*: Claim for professional negligence against a firm of solicitors intervened by the SRA in connection with the North East Property Buyers litigation.

Real Estate Litigation

Emily has extensive experience of Real Property litigation including commercial and residential landlord and tenant litigation, complex mortgage possession claims, nuisance claims, disputes arising in connection with title to land, adverse possession and issues of land registration. She is frequently asked to advise in relation to the interpretation of easements and covenants.

Significant or Reported Cases

- Advised the purchaser under a contract of sale in relation to the cancellation of a unilateral notice entered where there was a dispute as to whether the contract had been repudiated
- Advised Highways England regarding the effect of restrictions against the title of property to be acquired under a compulsory purchase order.
- Advised the tenants of an apartment block in the north of England in relation to the enforceability of a covenant registered against their title which sought to prohibit objection to change of use of neighbouring land
- Advised the tenants of an apartment block in Salford in relation to the ability of their landlord to recover the cost of replacing Grenfell Tower style cladding through the service charge.
- Recovered possession of residential premises on behalf of a mortgage lender where the mortgage debt remained unpaid after the end of the mortgage term and the court's power to reschedule the debt under s. 36 AJA 1970 was in issue.
- *Wirral BC v Secretary of State for Communities and Local Government*: Acted for the Secretary of State in relation to a high value dilapidations claim in respect of the Cunard Building, Liverpool where the effect of the cap in s. 18 LTA 1987 was in issue.

Memberships

Member of the Northern and North Eastern Circuits

Member of the Chancery Bar Association

Member of the Northern Chancery Bar Association

Member of the Northern Circuit Commercial Bar Association (committee member)

Member of the British Irish Commercial Bar Association

Appointments

Research Assistant at the Law Commission for England and Wales, Property Family and Trust Law team 2004-5

Junior Counsel to the Crown (Regional Panel) 2012-2018

Qualifications

BA Law 2002 St. Catharine's College, Cambridge (MA 2006)

Awarded Rebecca Squire Scholarship

BCL 2004 University College, Oxford

Awarded the Princess Royal Scholarship and Duke of Edinburgh Entrance Award by Inner Temple

Recommendations

Chambers UK 2020

"She is very clear, her advice is delivered in a really concise structure, and she has a calm demeanour."

Chambers UK 2019

"Helpful and switched on"

"Very pleasant"

Chambers UK 2018

"A decent and well-prepared junior who knows what she's doing."

"Calm, intelligent and a pleasure to work with."

Client comments and testimonials

'I have instructed Emily on a difficult injunction/ damages matter. Emily got straight to the main issues and gave clear, concise advice. Emily is an impressive advocate - calm, clear and very persuasive with an air of confidence that is very reassuring. I will certainly be instructing Emily in the future and would not hesitate to recommend her'. *Instructing Solicitor in case of Northern Powergrid (Yorkshire) Plc*

'You have been such a great source of knowledge, help and support in your dealings with us! I thank you most sincerely for everything that you have done. You are a credit to your profession'. *Public access client in adverse possession dispute*

