



serle court

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Emma Hargreaves

Year of Call: 2012

"Emma is an absolute superstar. She is intellectually bright, confident beyond her years and able to hold her own in complex cases against leading counsel. Emma is wonderful with clients and a real team player."

Legal 500

ehargreaves@serlecourt.co.uk

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Practice Overview

Emma has a broad commercial chancery practice, with a particular focus on domestic and offshore trust/probate litigation, civil fraud, and company disputes. She also advises and appears as specialist Chancery counsel in financial remedy proceedings. Emma is often instructed to act as sole counsel, often appearing against more senior practitioners. She is also regularly instructed as junior counsel in large-scale commercial and chancery litigation, both onshore and offshore, and has previously appeared (ad hoc) as junior counsel in the Supreme Court of Bermuda.

Emma is ranked in Legal 500, Who's Who Legal, Chambers UK Bar, Chambers Global and Chambers High Net Worth. She was named Chancery Junior of the Year at the Chambers UK Bar Awards 2020 and she was also named in The Lawyer's Hot 100 2019, which described her reputation as "superb". She is also listed in Legal Week's Private Client Global Elite: Rising Leaders and was "highly recommended" in Legal Week's Stars at the Bar 2017.



Areas of Expertise

Company

Emma has experience of a range of company disputes, including petitions under section 994-996 of the Companies Act 2006.

Cases of note include:

Re G&G Properties Ltd / Re Bankside Hotels Ltd [2020] 1 BCLC 1 - acted (with Daniel Lightman KC and Adil Mohamedbhai) for the respondents to three unfair prejudice petitions relating to substantial property development companies and a related proposed derivative claim.

Re Edwardian Group Limited [2019] 1 BCLC 171, [2019] EWHC 873 (Ch) & [2019] STC 1814 - acted (with Ian Croxford KC and Daniel Lightman KC) for the first respondent to a substantial unfair prejudice petition raising issues over two trials of quasi partnership, breach of fiduciary duty, minority discount and date of valuation.

DAS UK Holdings v Paul John Asplin & Ors - acted for four of the defendants to claims based on breach of director/fiduciary duties by former directors of the claimant companies and consequent claims in knowing receipt and dishonest assistance.

Re Fi Call Ltd [2014] EWHC 779 (Ch) - acted with Daniel Lightman KC in this hotly contested shareholder dispute, successfully opposing an application for security for costs before Newey J on the basis that the costs associated with a section 994 petition and a cross-petition could not satisfactorily be disentangled.

Commercial Litigation

Emma acts and advises, both led and unled, on a wide range of commercial disputes. She has experience of a range of interim applications, including freezing injunctions and search orders.

Cases of note include:

Morina v McAleavey [2023] EWHC 1234 (Ch) - appeared unled at the hearing of a strike out application, application for permission to appeal and amendment application (arising in the context of a dispute as to beneficial ownership of BVI shares), each of which concerned the proper interpretation of s.423 of the Insolvency Act 1986, including whether the "claim" within the meaning of s.423(3) has to have a realistic prospect of success.

Kuwait Ports Authority & Anor v Port Link GP Ltd, Cayman Islands Court of Appeal No.2 & 3 of 2022, 20 January 2023 - assisted Clare Stanley KC and Kobre & Kim in proceedings alleging fraudulent breaches of trust and trust in relation to the management of the assets of an Exempted Partnership.

St John's Trust Company (Pvt) Ltd v Tamine [2018] EWHC 3629 (Ch) – appeared (with Dakis Hagen KC) for the corporate applicant in successful injunction proceedings against a former director which sought to freeze property subject to proprietary claims and the summary delivery up of company documents. The applicant was granted costs in most part on the indemnity basis.

Superior Composite Structures LLC v Parrish [2015] EWHC 3688 (QB) - appeared unled for the defendant in a claim for the enforcement of a US\$2 million judgment obtained in South Dakota.

DAS UK Holdings v Paul Asplin & Ors - acted for four of the defendants to claims based on breach of director/fiduciary duties by former directors of the claimant companies and consequent claims in knowing receipt and dishonest assistance.

Civil Fraud

Emma has acted on a range of fraud disputes, including cases giving rise to issues of dishonest assistance, unconscionable receipt and conspiracy. She has experience of a range of interim applications commonly arising in fraud claims, including freezing injunctions and search orders.

Cases of note include:

Morina v McAleavey [2023] EWHC 1234 (Ch) - appeared unled at the hearing of a strike out application, application for permission to appeal and amendment application (arising in the context of a dispute as to beneficial ownership of BVI shares), each of which concerned the proper interpretation of s.423 of the Insolvency Act 1986, including whether the "claim" within the meaning of s.423(3) has to have a realistic prospect of success.

Kuwait Ports Authority & Anor v Port Link GP Ltd, Cayman Islands Court of Appeal No.2 & 3 of 2022, 20 January 2023 - assisted Clare Stanley KC and Kobre & Kim in proceedings alleging fraudulent breaches of trust and trust in relation to the management of the assets of an Exempted Partnership.

St John's Trust Company (Pvt) Ltd v Tamine [2018] EWHC 3629 (Ch) – appeared (with Dakis Hagen KC) for the corporate applicant in successful injunction proceedings against a former director which sought to freeze property subject to proprietary claims and the summary delivery up of company documents. The applicant was granted costs in most part on the indemnity basis.

Superior Composite Structures LLC v Parrish [2015] EWHC 3688 (QB) - acted unled for the defendant in a claim for

the enforcement of a US\$2 million judgment obtained in South Dakota.

In re Gizmondo [2014] EWHC 4640 (Ch) - acted (with Hugh Norbury KC) in a claim by liquidators of the company relating to allegedly fraudulent transactions at an undervalue.

Constantin Medien AG v Ecclestone & Ors [2014] EWHC 387 (Ch) - appeared (with Philip Marshall KC, David Blayney KC and James Mather) for the claimant in a fraud claim that arose from the payment of \$44m for Formula One chief executive Bernie Ecclestone and his family trust to a senior executive of the German bank Bayerische Landesbank, which then owned a controlling stake in Formula One.

Insolvency

Emma has previously advised on, and appeared in, a number of insolvency and bankruptcy proceedings in the High Court and County Court.

Cases of note include:

Morina v McAleavey [2023] EWHC 1234 (Ch) - appeared unled at the hearing of a strike out application, application for permission to appeal and amendment application (arising in the context of a dispute as to beneficial ownership of BVI shares), each of which concerned the proper interpretation of s.423 of the Insolvency Act 1986, including whether the "claim" within the meaning of s.423(3) has to have a realistic prospect of success.

S P Holding Tractor Hire Limited v CVS (Commercial Valuers & Surveyors) Limited [2015] EWHC 3838 (Ch) - successfully opposed an application for an injunction to restrain presentation of a winding up petition and obtained an indemnity costs order against the applicant.

In re Gizmondo Europe Limited [2014] EWHC 4640 (Ch) - acted (with Hugh Norbury KC) in section 238 proceedings arising out of the liquidation of the makers of handheld computer gaming consoles.

Private Client Trusts and Probate

Emma regularly advises and acts in trusts litigation, both in England and in offshore jurisdictions, including Bermuda, the Caribbean and the Channel Islands. Emma also has experience of a range of probate matters, including contentious probate proceedings and applications for grants of administration, including discretionary grants under section 116 of the Administration of Estates Act 1925 and grants of administration where the deceased died domiciled abroad.

Cases of note include:

Re the estate of Scherbakov (Deceased) – acted (with Dakis Hagen KC) for certain beneficiaries in complex high value international probate litigation in London and BVI. Emma appeared unled at a number of hearings in 2022-2023, including (1) *Re Scherbakov (Deceased)* [2023] EWHC 440 in which Emma successfully opposed an appeal concerning the proper approach to disclosure of non-contemporaneous documents under PD57AD; and (2) *Morina v McAleavey* [2023] EWHC 1234 (Ch) concerning the proper interpretation of s.423 of the Insolvency Act 1986.

Wong v Grand View Private Trust Co & Ors (ongoing) - acting (with Dakis Hagen KC and Stephanie Thompson) for the Plaintiff in Bermudian proceedings concerning very substantial purpose trusts. Decisions to date in the litigation include [2019] SC Bda 1 Com (preliminary issues); [2020] SC (Bda) 33 Com (inquiry exception); [2020] SC (Bda) 52 Civ

(purging contempt for breach of the implied undertaking); [2021] CA (Bda) 3 Civ (joint interest privilege); [2021] SC (Bda) 46 Com (hearsay evidence); [2021] SC (Bda) 32 Com (open justice); [2021] SC (Bda) 22 Com (witness preparation and iniquity exception); [2021] SC (Bda) 21 Com (pleading amendments); [2022] SC (Bda) 44 Com (trial judgment); and [2022] SC (Bda) 60 Com (costs). The trial and costs judgment are currently on appeal to the Bermuda Court of Appeal.

Wong & Anor v Grand View Private Trust Co [2023] WTLR 149 - acted (with Dakis Hagen KC and Stephanie Thompson) for the successful appellants in the landmark Privy Council decision on the proper purpose doctrine in the context of powers to add and remove beneficiaries of a discretionary family trust.

Representation of SG Kleinwort Hambros Trust Company (CI) Ltd [2023] JRC 054 - assisting with parallel proceedings before the Royal Court of Jersey and the Royal Court of Guernsey concerning the potential restructuring of a series of trusts.

Representation of B & C [2022] JRC 086 - assisted with proceedings before the Jersey Royal Court seeking the removal of the protector of a series of Jersey and Guernsey trusts.

Re XYZ Trusts [2022] SC (Bda) 10 Civ - assisted Dakis Hagen KC in respect of proceedings concerning a very complex restructuring of a series of Bermuda law trusts.

HSBC v Tan Poh Lee, FSD175 of 2019, 7 November 2019 & 22 January 2020 - assisted in respect of an application for directions and Beddoe relief by the trustee of a Cayman Islands trust in respect of Singaporean proceedings, resulting in declarations as to the effect of the firewall legislation in the Cayman Islands.

Re B Trust, FSD0206 of 2017, 20 August 2019 - assisted Dakis Hagen KC in respect of proceedings concerning a very complex restructuring of, and distribution from, a very substantial Cayman Islands trust.

Re Z Trusts - instructed on behalf of Equity Trust (Jersey) Limited in novel proceedings relating to an "insolvent" Jersey trust.

St John's Trust Company (Pvt) Ltd v Tamine [2018] EWHC 3629 (Ch) – appeared (with Dakis Hagen QC) for the corporate applicant in successful injunction proceedings against a former director which sought to freeze property subject to proprietary claims and the summary delivery up of company documents. The applicant was granted costs in most part on the indemnity basis.

St Clair v King [2018] EWHC 682 (Ch) - acted for the defendants to probate proceedings raising issues of testamentary capacity, mutual wills, undue influence and fraud.

HRH Louis Prince of Luxembourg v HRH Tessy Princess of Luxembourg [2018] 2 FLR 480 - acted as Chancery counsel for the wife in respect of financial remedy proceedings raising issues including reporting restrictions and the right to respect for private life.

ND v SD & Ors [2018] 1 FLR 1489 - acted as Chancery counsel for the husband in respect of preliminary issues arising in the context of financial remedy proceedings, including whether a foreign trust was a sham, whether shares had been validly transferred into the trust and whether the transfers should be set aside under section 37 MCA 1973.

Hagen v Hagen - appeared unled for a respondent in the substantial and much publicised divorce involving the family behind Viking River Cruises (settled confidentially).

AF v MF & Ors [2016] EWFC 65 - acted as Chancery counsel for the husband in financial remedy proceedings, involving an offshore foundation and issues of "nuptial settlements", in which the wife alleged the husband was worth over £95 million but was awarded around £2 million following trial.

Trustee L and Others v Attorney General and Others [2016] Bda LR 35 - appeared at the costs hearing of this long running Beddoe application in Bermuda, the first to consider the proper stance of trustees of very substantial non-charitable purpose trusts faced with an adverse proprietary claim to the whole of their funds.

Chancery

International and Offshore

Emma is regularly instructed in international / offshore litigation, including in Bermuda, the Caribbean and the Channel Islands. She has previously appeared as junior counsel (ad hoc) in the Supreme Court of Bermuda.

Cases of note include:

Wong v Grand View Private Trust Co & Ors (ongoing) - acting (with Dakis Hagen KC and Stephanie Thompson) for the Plaintiff in Bermudian proceedings concerning very substantial purpose trusts. Decisions to date in the litigation include [2019] SC Bda 1 Com (preliminary issues); [2020] SC (Bda) 33 Com (iniquity exception); [2020] SC (Bda) 52 Civ (purging contempt for breach of the implied undertaking); [2021] CA (Bda) 3 Civ (joint interest privilege); [2021] SC (Bda) 46 Com (hearsay evidence); [2021] SC (Bda) 32 Com (open justice); [2021] SC (Bda) 22 Com (witness preparation and iniquity exception); [2021] SC (Bda) 21 Com (pleading amendments); [2022] SC (Bda) 44 Com (trial judgment); and [2022] SC (Bda) 60 Com (costs). The trial and costs judgment are currently on appeal to the Bermuda Court of Appeal.

Wong & Anor v Grand View Private Trust Co [2023] WTLR 149 - acted (with Dakis Hagen KC and Stephanie Thompson) for the successful appellants in the landmark Privy Council decision on the proper purpose doctrine in the context of powers to add and remove beneficiaries of a discretionary family trust.

Representation of SG Kleinwort Hambros Trust Company (CI) Ltd [2023] JRC 054 - assisting with parallel proceedings before the Royal Court of Jersey and the Royal Court of Guernsey concerning the potential restructuring of a series of trusts.

Representation of B & C [2022] JRC 086 - assisted with proceedings before the Jersey Royal Court seeking the removal of the protector of a series of Jersey and Guernsey trusts.

Kuwait Ports Authority & Anor v Port Link GP Ltd, Cayman Islands Court of Appeal No.2 & 3 of 2022, 20 January 2023 - assisted Clare Stanley KC and Kobre & Kim in proceedings alleging fraudulent breaches of trust and trust in relation to the management of the assets of an Exempted Partnership.

Re XYZ Trusts [2022] SC (Bda) 10 Civ - assisted Dakis Hagen KC in respect of proceedings concerning a very complex restructuring of a series of Bermuda law trusts.

HSBC v Tan Poh Lee, FSD175 of 2019, 7 November 2019 & 22 January 2020 - assisted in respect of an application for directions and Beddoe relief by the trustee of a Cayman Islands trust in respect of Singaporean proceedings, resulting in declarations as to the effect of the firewall legislation in the Cayman Islands.

Re B Trust, FSD0206 of 2017, 20 August 2019 - assisted Dakis Hagen KC in respect of proceedings concerning a very complex restructuring of, and distribution from, a very substantial Cayman Islands trust.

Re Z Trusts - instructed on behalf of Equity Trust (Jersey) Limited in novel proceedings relating to an "insolvent" Jersey trust.

Trustee L and Others v Attorney General and Others [2016] Bda LR 35 - appeared at the costs hearing of this long running Beddoe application in Bermuda, the first to consider the proper stance of trustees of very substantial non-charitable purpose trusts faced with an adverse proprietary claim to the whole of their funds.

Court of Protection

Emma has experience in Court of Protection matters and appeared in *Re Z* [2019] EWCOP 55 (an application for access to court documents in Court of Protection proceedings).

Matrimonial Finance: Trusts and Company law

Emma regularly advises and acts in financial remedy proceedings involving trust and company law issues.

Cases of note include:

HRH Louis Prince of Luxembourg v HRH Tessy Princess of Luxembourg [2018] 2 FLR 480 - acted as Chancery counsel for the wife in respect of financial remedy proceedings raising issues including reporting restrictions and the right to respect for private life.

ND v SD & Ors [2018] 1 FLR 1489 - acted as Chancery counsel for the husband in respect of preliminary issues arising in the context of financial remedy proceedings, including whether a foreign trust was a sham, whether shares had been validly transferred into the trust and whether the transfers should be set aside under section 37 MCA 1973.

Hagen v Hagen - appeared unled for a respondent in the substantial and much publicised divorce involving the family behind Viking River Cruises (settled confidentially).

AF v MF & Ors [2016] EWFC 65 - acted as Chancery counsel for the husband in financial remedy proceedings, involving an offshore foundation and issues of "nuptial settlements", in which the wife alleged the husband was worth over £95 million but was awarded around £2 million following trial.

Recommendations

Private Client Global Elite Directory (2023)
Company and Partnership (Legal 500)
Family (Legal 500)
Commercial Litigation (Legal 500)
Private Client Trusts and Probate (Legal 500)
Trusts (Chambers UK Bar)
Chancery: Traditional (Chambers UK Bar & Chambers High Net Worth)
Family/Matrimonial: Trusts/Tax Experts (Chambers UK Bar)
Private Wealth: Trusts (Chambers Global)
Offshore (Chambers UK Bar & Chambers Global)
Private Client (Who's Who Legal)
Chambers UK Bar Awards 2020: Chancery Junior of the Year
The Lawyer's Hot 100 2019
Legal Week Private Client Global Elite: Rising Leaders
Highly recommended in Legal Week's Stars at the Bar 2017
Private Client Rising Star at the IBC Transcontinental Trust Conference 2016 in Bermuda.

Quotes

"Emma never seems to tire from bringing urgency to everything she does. She is cautious, she is tough, but she does not take bad points and she won't go on flights of fantasy. She will take a conservative line and stick to it very strongly and never leaves any stone unturned in terms of her research. She is a huge star in the rising." (Chambers HNW, 2023)

"Emma is super bright, works incredibly quickly and always produces work of the highest quality." (Chambers HNW, 2023)

"The standout feature is her ability to process vast quantities of information in short periods of time and produce high-quality work. Her written work is very high standard and she is very much into the details of the case. She works exceptionally well in the team and these cases are very large and busy and she is a very calming reassuring presence in that environment. Emma is wise beyond her years." (Chambers HNW, 2023)

"Emma has an impressive attention to detail and seems to work all the time. She is able to research the most complex points in minute detail and form a holistic view incredibly quickly. She is also able to hold her own in the courtroom, even against significantly more senior opponents." (Legal 500, 2023)

"Emma is an absolute superstar. She is intellectually bright, confident beyond her years and able to hold her own in complex cases against leading counsel. Emma is wonderful with clients and a real team player." (Legal 500, 2023)

"Emma has no weaknesses. She will find the correct answer to the most difficult legal issues." (Legal 500, 2023)

"Emma is truly outstanding in all areas. She is a brilliant advocate, incredibly bright, commercially astute, and very pragmatic." (Legal 500, 2023)

"A tremendous junior. She's hard-working, smart and easy to work with. She is brilliant. She comes across as more senior than she is" (Chambers Global, 2022)

"A dynamo with an incredible work ethic, who displays exemplary attention to detail. She's a barrister going

places" (Chambers Global, 2022)

"The standout junior in the market" she has "brilliant judgement" (Chambers HNW, 2021)

"Her drafting is brilliant, and she is super bright." (Chambers HNW, 2021)

"There's not a solicitor in London who doesn't think she's brilliant." (Chambers HNW, 2021)

"Someone you completely trust." (Chambers HNW, 2021)

"Incredibly smart and highly enthusiastic." "She is first-rate and works incredibly hard." (Chambers UK Bar, 2021)

"Beyond intelligent and unbelievably detailed in her approach. She rolls up her sleeves, works incredibly hard, and always gets back to the instructing solicitor straight away." "So terrifyingly bright she can destroy most opponents in about five sentences." "A rising star who really punches above her weight, she will continue to rise in credibility." (Chambers UK Bar, 2021)

"Every time you see her, she's surrounded by people who desperately need her help - she is just that outstanding." "Emma is outstandingly intelligent. She is very, very responsive and she puts her heart and soul into everything she does." (Chambers UK Bar, 2021)

"She is very bright, ferociously hard-working and tactically very savvy." (Legal 500, 2021)

"A super star who punches well above her weight. She has not just a formidable intellect but also is a first-class advocate whose trust/family practice has honed her skill set." (Legal 500, 2021)

"Emma is one to watch. Her incredible tactical nous and technical ability belie the fact that she is still relatively junior. She is meticulous in her approach and provides clear advice." (Legal 500, 2021)

"She has excellent insight and in-depth knowledge of trusts law." (Legal 500, 2021)

"Every time you see her, she's surrounded by people who desperately need her help - she is just that outstanding," (Chambers HNW, 2020)

"Emma is outstandingly intelligent. She is very, very responsive and she puts her heart and soul into everything she does." (Chambers HNW, 2020)

"She's brilliant - very responsive and good on her feet, with a good way with judges." "Frighteningly clever and brilliant with clients." (Chambers UK Bar, 2020)

"Scarily bright and has an ability to interact with clients really well. As well as academic intelligence she has the emotional intelligence to know how things will work in family division." "She punches considerably above her weight for her year of call and she's incredibly focused." (Chambers UK Bar, 2020)

"Has all the details at her fingertips and is very quick thinking on her feet." (Legal 500, 2020)

"very tenacious, almost ferocious, with fight, focus and commitment" (Chambers HNW, 2019)

"She's brilliant - very responsive and good on her feet, with a good way with judges. Very bright, and very in demand. She's a pleasure to work with" (Chambers HNW, 2019)

"frighteningly clever, and brilliant with clients" (Chambers HNW, 2019)

"Wise beyond her years, she gives advice at quite an advanced level." "Her knowledge of the law is second to none"

and she is really good with clients; they trust her advice." (Chambers and Partners 2019)

"Emma is going to be an absolute superstar. She is frighteningly intelligent, and one of a rare breed of counsel that cuts across the family and chancery division. She is extremely intelligent, and has phenomenal drafting skills." (Chambers and Partners 2019)

"She is really going to be a star and is wise beyond her years... She can do work that you expect only a more experienced junior could handle" (Chambers HNW 2018)

"Really good on the technical side" (Chambers HNW, 2018)

"Incredibly bright and really organised" (Chambers HNW, 2018)

"She is one of the most reliable and efficient barristers. She is always very well prepared and brings a very hands-on approach" (Chambers HNW, 2018)

"Provides very detailed and technical legal advice. Her written advice is excellent and confident, and she has a full understanding of the issues in a case" (Chambers and Partners 2018)

"She gets things done very quickly and is always very thorough and very organised" (Chambers and Partners 2018)

"A star in the making" (Chambers HNW, 2017)

"She has staggering intellectual experience for someone so young" (Chambers HNW, 2017)

"She was brilliant in our case and really good on the technical side of things" (Chambers HNW, 2017)

Publications

Contributor to Whittaker & Machell, The Law of Limited Liability Partnerships (5th edition)

Void vetoes and judicial discretions: recent developments in the law of disclosure in private trust administration (2015) 22(1) JTCP 5-12

Petrodel Resources Ltd v Prest: Where are we now? (2013) 9 Trusts & Trustess 877-888

Lessons from Prest (2013) 163(7569) New Law Journal 11-12

The Nature of Beneficiaries' Rights under Trusts (2011) 25(4) Trust Law International 163-183

Prizes

Award for Overall Best Student in the BPTC, Kaplan Law School, 2012

Award for Outstanding Achievement in the BPTC, Major Scholarship, and Duke of Edinburgh Entrance award, Inner Temple, 2011 - 2012

Scholarship, Selwyn College, University of Cambridge, 2009 - 2010

Fairest Prize for Law (for best performance in the Law Tripos), Selwyn College, University of Cambridge, 2010

Education & Qualifications

MA in Law, Selwyn College, University of Cambridge, including a year at Regensburg University, Germany (First class)

LLM in International Commercial Law, University College London (Distinction)

BPTC, Kaplan Law School (Outstanding; ranked top in the law school)

Former visiting tutor and examiner in the Law of Trusts at King's College London

Memberships

Chancery Bar Association

COMBAR
