



Jennifer Haywood

Year of Call: 2001

“Second to none: she combines high-level strategic advice and lateral thinking with an attention to detail and client service that has made her our go-to counsel this year.”

Chambers and Partners

clerks@serlecourt.co.uk



Practice Overview

Jennifer Haywood has a broad commercial chancery practice encompassing litigation, drafting and advisory work across a wide range of traditional and commercial chancery, with a strong emphasis on breach of fiduciary duty, company, partnership, (both contentious and non-contentious) trusts and probate and fraud.

Jennifer is particularly well regarded for her commercial outlook and client interaction. She is praised by The Legal 500 as being “*exceptionally user-friendly, easy work with and a great team player*” and Chambers and Partners says “*she attracts particular praise for her excellent, candid and common sense-based client service.*” She is ranked in Tier 1 for Partnership work.

A CEDR accredited mediator, Jennifer has conducted more than 30 mediations, mostly in the areas of contested trusts and probate and Inheritance (Provision for Family and Dependents) Act 1975 and partnership/LLP. Jennifer also acts as an arbitrator and is a fellow of the Chartered Institute of Arbitrators.

Jennifer has been called to the BVI Bar.

Areas of Expertise

Arbitration

Jennifer has acted as an advocate in arbitrations, mostly concerning professional service firm disputes. She was

recently instructed by Clifford Chance LLP on behalf of a European bank, and led by John Machell QC, in an LCIA arbitration against a private equity house.

Jennifer's experience as an arbitrator has also largely but not exclusively involved partnership/LLP disputes, and includes sole appointments and LCIA panel appointments.

Civil Fraud

Jennifer has acted for both claimants and defendants in several substantial fraud cases, as well as smaller ones.

Republic of Djibouti & Ors v Boreh [2016] EWHC 405 (Comm). Led by Lord Falconer of Thoroton on the instructions of Gibson Dunn LLP, in a fraud claim against Djibouti's former port manager.

Aeroflot v Berezovsky & Ors [2014] EWCA Civ 20. Led by Philip Jones QC on the instructions of Boodle Hatfield LLP on the defence of two claims by Aeroflot by Nikolay Glushkov, Aeroflot's former, Deputy Director General.

Fiona v Privalov [2006] 2583 (Comm). Led by Philip Jones QC and instructed by Ince & Co on a fraud and bribery claim by Russian state owned shipping enterprises.

Commercial Litigation

Experience Hendrix LLC v PPX Enterprises Inc & anor [2003] EWCA Civ 323. Led by Michael Briggs QC and Philip Jones in the Court of Appeal on a challenge to a decision about the availability of negotiating damages for breach of contract.

Secretary of State for Health v Norton Healthcare & ors. Led by Michael Briggs QC, Philip Jones QC and David Drake and instructed by Peters & Peters LLP on a claim against generic drug companies in relation to price fixing.

Pinnacle Computing (Support) Ltd v Realty BG Eood & Ors: Instructed by Peters & Peters LLP on a claim on a guarantee of a loan to a property investment company.

Partnership and LLP

Legal 500 says that Jennifer Haywood is "a star in the making" who "is always available, and always has an answer."

Jennifer's partnership experience covers both contentious and non-contentious work and has involved general partnerships, limited partnerships and limited liability partnerships.

Her clients have included professional services firms (including legal, accounting, surveying and medical firms), financial services firms (including a major retail/investment bank), investment vehicles, property partnerships and individual partners/members (including LP investors and general partners in such firms). She has advised on LLP conversions, amendments to deeds, LLP members' duties in an insolvency, repudiation of LLPs, transfer of business opportunities, expulsions, enforceability of restrictive covenants, valuation of goodwill, salaried partners' status, s994 CA 2006/just and equitable winding up, recovery of overdrawn profits and challenges to the exercise of discretion, amongst other issues.

Jennifer has handled dozens of disputes but most of Jennifer's partnership work is confidential. Some exceptions:

Flanagan v Liontrust Investment Partners LLP [2015] EWHC 2171 (Ch). Led by John Machell QC on the instructions of Macfarlanes LLP on the defence of an unfair prejudice claim, in which Henderson J determined that the doctrine of repudiatory breach does not apply to LLP agreements governing LLPs with more than two members.

Artisan H Ltd v BDW Trading Ltd & Ors – instructed by Halliwells LLP on a claim for an injunction restraining a fellow LLP member from assuming unauthorised control of a property development joint venture.

Annamayer v Urwick Capital Management LLP - claim for declaration as to whether client had actually become a member of an LLP membership of LLP, led by John Machell QC.

Private Client Trusts and Probate

Jennifer is an associate member of ACTAPs and has broad experience of contentious trusts and probate work, including disputes over the validity and/or construction of wills and trust deeds, breach of trust claims, mental capacity issues, undue influence, Inheritance Act claims, Beddoes applications, proprietary estoppel, conflicts in relation to the appointment and removal of trustees and constructive trust claims. She has acted for offshore firms as well as onshore firms.:

Barnes v Tomlinson [2006] EWHC 3115 (Ch). Instructed by Withers LLP on the defence of a claim for breach of trust.

Nissim, Wettreich v Wettreich: Claim to set aside power of attorney on ground of undue influence and/or exercise of power of attorney for mistake. Led by John Machell QC and instructed by Fladgate LLP.

Wandsworth v Barnett - claim for revocation of grant of letters of administration and admission of will to probate, accompanied by application for freezing injunction, appointment of administrator under s117 SCA 1981, order for disclosure and delivery up of estate assets and order for execution of letters authorising transfer of such assets by a Master pursuant to s39 SCA 1981.

Chancery

Company

International and Offshore

Recommendations

Company and Partnership (*Who's Who Legal: UK Bar, 2020*)

Partnership (*Chambers & Partners*)

Partnership (*The Legal 500*)

Corporate (*Who's Who Legal: UK Bar, 2019*)

Quotes

"Combines high-level strategic advice and lateral thinking with an attention to detail that is unsurpassed." "She is particularly well known for her partner disputes work and is excellent at mediation." "She develops good relationships with clients and gives sound advice on the merits of a case and in settlement negotiations." (Chambers & Partners, 2021)

"She obviously knows her subject very well and gives clear and sensible advice." (The Legal 500, 2021)

"Combines high-level strategic advice and lateral thinking with an attention to detail that is unsurpassed." "Intelligent, responsive and commercially bright." (Chambers & Partners, 2019)

"An extremely strong partnership and LLP expert." (The Legal 500, 2019)

"Second to none: she combines high-level strategic advice and lateral thinking with an attention to detail and client service that has made her our go-to counsel this year." "The leading senior junior in this area with significant expertise and experience. She stands on her own two feet, fights her corner hard, and her skill in handling clients makes them big fans of hers." (Chambers & Partners 2018)

"Exceptionally user-friendly, easy to work with and a great team player." (The Legal 500 2017)

"Highly able and with massive intellectual firepower, she's ruthless when she needs to be and has a fingertip feeling for the issues." (Chambers and Partners 2015).

"An excellent senior junior with significant experience and expertise in this space." (The Legal 500 2015).

"A force in her own right who doesn't sit on the fence and is robust but realistic." (Chambers and Partners 2015).

"Bright, dogged and tactically aware" (Chambers and Partners Guide 2012).

"'Nothing is too much trouble' for Jennifer Haywood, 'who is brimming with common sense' and is building an impressive reputation in this field". (Chambers and Partners Guide 2011).

"technically and intellectually outstanding" (The Legal 500 2010).

"A capable performer who interprets the law excellently", she is "mature and sensible in her outlook and very commercial." (Chambers & Partners Guide 2008).

Clients and solicitors favour her "concise yet very thorough advice and written opinions" and her "ability to think seamlessly." With a broad commercial chancery practice, she is "able to cross-apply principles between disciplines very well" and offers clients "consistently sound judgement."... Especially well regarded for her client interaction in contentious matters, she is distinguished for her "wonderful touch with clients, which really enables tense situations to be smoothed over successfully." (Chambers and Partners Guide 2009).

Publications

[Estate Planning: Liability Matters](#), New Law Journal, September 2020

[Social Distancing & Isolation: A role for ADR](#), March 2020

Putting off the competition, Solicitors Journal, October 2019

[Losing the farm in a family feud](#), New Law Journal, June 2019

[Forfeiture of Fiduciaries' Remuneration](#), Trusts and Estates Law, with [John Machell QC](#), March Edition 2018

A third way? A review of cases relevant to trustees' liability to forfeit remuneration for breach of fiduciary duty T.E.L. & T.J. 2018, 194(Mar), 11-13

"Discretionary decision making in a commercial context", Journal of International Banking and Finance Law (2013) B.J.I.B & F.I. 28(4), 195-198

Contribution to The Law of Limited Liability Partnerships, 3rd Edition, October 2009

Practice Note on Statutory Wills for PLC

Practice Note on Deputies for PLC

CPDcast on Fiduciary Duties in Partnerships and LLPs

"Breach of Fiduciary Duty: Flexibility triumphs over rigidity". TELTJ November 2007

Charitable Trust: Reclaiming vague, Ulrich and its impact on the Charitable Trusts (Validation) Act 1954, Trusts and Estates Law and Tax Journal, No. 67, June 2005

Education & Qualifications

Christ's College, Cambridge - MA (Natural Sciences), MB BCh

City University - Postgraduate Diploma in Law (CPE)

Megarry Scholarship, Lincoln's Inn

Memberships

Chancery Bar Association

Commercial Bar Association

Association of Partnership Practitioners

ACTAPS (associate member)
