



serle court

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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

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Practice Overview

Having practised as a commercial-chancery barrister for over 20 years, Jennifer practises ADR as a neutral, helping parties to resolve their disputes by acting as an arbitrator, mediator or conducting binding or non-binding evaluations and private FDR's.

Jennifer's experience as an [arbitrator](#) includes disputes involving partnerships, pharmaceuticals, companies, media contracts and finance agreements. She has been appointed to many of the major arbitral institution lists, including those of BVI IAC, HKIAC, AIAC and DIAC. She is a fellow of the Chartered Institute of Arbitrators. She has acted as sole arbitrator, co-arbitrator and presiding arbitrator.

Her experience as a [mediator](#) includes both commercial and private client disputes, reflecting her experience as counsel and her recognised client handling skills and commercial approach. She has particular experience of difficult partnership/JV disputes but she has also mediated company, commercial, property, wills and trusts disputes. She is experienced at remote mediations as well as in person mediations and has also conducted mediations with multiple parties. She is recommended as a mediator by Legal 500.

Jennifer is able to draw on both her experience as a commercial chancery barrister and her medical science background. Her practice as a barrister has covered the breadth of commercial chancery practice, including litigation, drafting and advisory work, with a strong emphasis on disputes involving breach of fiduciary duty, company, partnership, trusts and probate and fraud.

Particularly well-regarded for her commercial outlook and client interaction, Jennifer 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 has been ranked in Tier 1 for Partnership work.

Areas of Expertise

Arbitration

Appointed as sole arbitrator, co-arbitrator and presiding arbitrator in arbitrations covering a wide range of issues and sectors, including one dealt with on an expedited basis and two involving non-participating parties. For example,

- Co-arbitrator in LCIA arbitration by multinational professional services LLP against a member.
- Co-arbitrator in LCIA arbitration by multinational media company against a Turkish joint venture partner.
- Sole arbitrator in LCIA arbitration between Indian and US companies arising out of a pharmaceutical supply agreement, involving alleged regulatory breaches.
- Sole arbitrator in LCIA arbitration between Malaysian and Irish companies arising out of a pharmaceutical supply agreement, involving jurisdictional issues, regulatory problems and claims of wrongful exercise of a discretion.
- Co-arbitrator in LCIA arbitration by Luxembourg finance company for US\$89m under personal guarantee.
- Sole arbitrator in LCIA arbitration of professional services/property dispute, involving expert valuation evidence.
- Presiding arbitrator in LCIA arbitration arising out of a settlement agreement.

Relevant experience as counsel

- Extensive experience of disputes between members of general partnerships, limited partnerships, limited liability partnerships, companies and joint ventures across a very wide range of sectors. For example, *Flanagan v Liontrust Investment Partners LLP* [2015] EWHC 2171 (Ch), a leading LLP decision concerning notice

provisions and whether the doctrine of repudiatory breach applies to LLP agreements.

- Experience of contractual disputes (especially those involved allegations of fraud and/or breach of fiduciary duty and/or breach of a duty of good faith) in sectors as wide ranging as shipping, finance/investment, art, pharmaceuticals and real estate. Relevant cases include:
- *Fiona Trust & Holding Corp v Privalov* [2006] EWHC 2583 (Comm), a decision on whether bribery arguments impeached the arbitration clause.
- *Soprim Construction Sarl v Djibouti* [2016] EWHC 3864 (Comm) an appeal on a point of law from an arbitration award.
- *Experience Hendrix LLC v PPX Enterprises Inc* [2003] EWCA Civ 323, a leading case on the assessment of damages for breach of a negative covenant.
- Trusts disputes (onshore and offshore), including disputes between beneficiaries, claims against trustees and attacks on trusts.
- *Barnes v Tomlinson* [2006] EWHC 3115 (Ch), a decision identifying the test for honesty in the context of an express trustee.
- Many disputes involving issues of foreign laws, including the laws of Russia, Djibouti, Switzerland, France and Germany. For example:
- *Joint Stock Co Aeroflot v Berezovsky, Glushkov* [2014] EWCA Civ 20
- *Djibouti v Boreh* [2016] EWHC 405
- Acting as Counsel in ad hoc and LCIA arbitrations.

Recent ADR articles and case notes

The proper law of an arbitration agreement – the Law Commission revisits *Enka v Chubb*, *Solicitors Journal*, 27 April 2023

Reining in section 67 challenges to tribunal jurisdictions: the Law Commission's proposals, *LIDW* 19 June 2023

- How effective conflict management can prevent and resolve disputes, *Law360*, 27 July 2023
- LexisNexis Case Note: *Alphamix Ltd v District Council of Rivière du Rempart (Mauritius)* [2023] UKPC 20
- LexisNexis Case Note: *SQD v QYP* [2023] EWHC 2145 (Comm).

Other relevant professional experience and associations

- First degree in Natural Sciences/Medical Sciences. I practiced as a medical practitioner before coming to the Bar.
 - Admitted to practice as a barrister in the British Virgin Islands (2013)
 - Contributor to the fifth edition of *The Law of Limited Liability Partnerships*, Whittaker and Machell.
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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 KC 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 KC 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 KC, Philip Jones KC 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 Machel KC 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 KC.

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

Matrimonial Finance: Trusts and Company law

Mediation

Jennifer is a CEDR accredited mediator, with experience of over fifty mediations (in person and virtual). Several have included multiple parties.

The subject matter of the disputes has included commercial matters and trusts/probate matters. Jennifer has particular experience of difficult partnership, LLP and joint venture disputes.

Jennifer's approach varies from facilitative to evaluative, depending on the case in hand. Whenever possible she likes to hold pre-mediation video-calls with each of the parties and she is keen to assist parties to resolve issues relating to the mediation itself and broader procedural issues relating to the matrix proceedings. Jennifer is proactive in suggesting solutions to impasses and remain in contact with the parties if there is no final settlement on the day of the mediation.

Recommendations

Mediators (*The Legal 500*)
Company and Partnership (*Who's Who Legal: UK Bar, 2023*)
Partnership (*Chambers & Partners*)
Partnership (*The Legal 500*)
Partnership (*Best Lawyers*)
Corporate (*Who's Who Legal: UK Bar, 2019*)

Quotes

"Jennifer Haywood is fabulous. She's a formidable opponent who offers an impressive combination of people skills, creativity and commercial awareness." (Chambers & Partners UK Bar, 2025)

"A sophisticated barrister with very strong commercial vision, whose general level of service is very high." (Chambers & Partners UK Bar, 2025)

"Jennifer Haywood has been involved in lots of the important cases. She's very sensible and gets her clients just what they need." (Chambers & Partners UK Bar, 2024)

Recently moving into full-time ADR work, Jennifer Haywood at Serle Court is 'a calm and constructive presence, even in fraught and emotive mediations'. Haywood conducts mediations across the spectrum of Chancery and commercial disputes, particularly in relation to trusts, partnerships, company law, and commercial disputes. (*The Legal 500*, 2024)

"Jennifer is the real deal when it comes to partnership and LLP work." (Chambers & Partners UK Bar, 2023)

"Excellent to work with and very client-friendly." (Chambers & Partners UK Bar, 2023)

"She is a class act." (Chambers & Partners UK Bar, 2023)

"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)

Publications

['The English High Court has refused an application for an ASI restraining proceedings in a third country in breach of an agreement to arbitrate in Paris \(SQD v QYP\)'](#) LexisNexis, August 2023

['Partnerships in Crisis: How to Survive'](#) Legal Week, June 2020

[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".TEL TJ 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

In the Press

'[Estate planning: Liability matters](#)', New Law Journal, 24 September 2020

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)
BVI International Arbitration Centre Panel
Court of Arbitration for Art
KCAB Panel of International Arbitrators
Cayman Arbitration Centre
Dubai International Arbitration Centre
Hong Kong International Arbitration Centre
NAI Art Arbitration Centre
WIPO
The Abu Dhabi International Arbitration Centre
