

Margaret Griffin

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Year of Call: 2004

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Clerk: Joanne Caunt

Clerk: Ellen McInall

PRACTICE AREAS

Commercial

Company

Property

PROFILE

Margaret has a thriving practice in commercial chancery litigation with an

emphasis on property, company law and trusts litigation (predominantly breach of trust, breach of fiduciary duty and fraud). Margaret's experience and expertise lies in complex and high value litigation in the High Court. Margaret often appears as sole Counsel in lengthy trials against leading silks in the field.

Margaret has been repeatedly recommended by the Legal 500 as a leading junior in the fields of Commercial Litigation, Chancery and Property and is described by the directories as "fearless", "utterly tenacious" and "something to be reckoned with" in the courtroom.

Margaret is described by her clients as "a strong advocate and a tough negotiator and combines these skills with an excellent client manner which instils great confidence", they say she is "unstoppable", her "business acumen is second to none and her advocacy is superb".

Recent highlights of Margaret's High Court practice include the following:

- Acting as sole Counsel for a defendant/Part 20 claimant in a £35 million proprietary estoppel and breach of fiduciary duty claim. Margaret's client claims he has the benefit of an equity arising from a proprietary estoppel against his father and that a trust executed by family members disposing of the majority of the father's assets was a sham. Further, Margaret's client claims his father and brother have acted in breach of their fiduciary obligations as directors and trustees. Margaret is defending her client against counter allegations of breaches of fiduciary duty and allegations he has committed fraud whilst being managing director of the family company. Margaret will represent her client at a 6-week trial in the High Court.
- Acting as sole Counsel for one of multiple defendants in a proprietary estoppel and unjust enrichment claim valued in excess of £9 million. Margaret represents the mother of a family at war over land with high development value. Margaret will represent her client at a 2-week trial in the High Court.
- Acting for the petitioner in an unfair prejudice petition in respect of his shareholding in a high value family farming company. Margaret represented her client at a 4-week trial in the High Court at which the Respondents were ordered to buy her client's shares and, in addition, pay her client £1.5 million, which represented his share of what the Respondents had caused to be lost from the company, together with the payment of his costs.
- Acting for two petitioners in an unfair prejudice petition in respect of their multi-million pound shareholding in a family company. In this case, Margaret's client seeks an order that the Respondents purchase her client's shares without a minority discount being applied and orders that the Respondents restore to the company the millions of pounds they have caused to be lost by their dishonest conduct and their failure to properly account for the benefits they have received from the company. The litigation is complex as the frauds

perpetuated by the Respondents on the family company span decades.

- Successfully representing and defending, as sole Counsel, one of three defendants in a claim for sums in excess of £17 million for alleged dishonest assistance of breaches of fiduciary duty and knowing receipt of trust property. Margaret's client was alleged to have spearheaded a sophisticated multi-million pound fraud on a highly valuable family company over the course of decades. This case required Margaret to work closely with her solicitors, and her co-defendants' legal team, for a period of 6 years in this exceptionally lengthy and complex piece of litigation. Margaret successfully represented her client at a two-week trial of a preliminary issue and, ultimately, defeated all the claims made against her client together with securing multiple orders for costs. In concert with Counsel for her co-defendants, Margaret secured costs orders in excess of £2.6 million. Margaret successfully represented her client at numerous interim hearings in the High Court, the decisions of which were widely reported and, led by John Randall QC, upheld a first instance decision in her client's favour in the Court of Appeal. The reported decisions in this case are the subject of comment in the White Book.
- Successfully representing professional trustees, including obtaining privacy orders, in complex and highly contentious family trust litigation where the assets of the trust are worth in excess of £12 million.
- Representing a defendant seeking to challenge the validity and enforceability of a loan agreement for a sum in excess of £5 million.
- Successfully obtaining multiple freezing orders ex-parte and following contested hearings on the return dates against Respondents who threaten to dispose of real property in order to frustrate Margaret's clients' claims.

PRACTICE AREAS

Commercial

Margaret has a wide experience in all aspects of commercial chancery work, including business disputes, fiduciary obligations, fraud and equitable remedies.

Recent instructions include:

- Advising on a multi-million pound conversion and damages claim against a Liquidator arising from a breach of an agreement granting exclusive access to a

construction site for an unlimited period of time, upon the grant of particular permits, to carry out a number of agreed processes upon the waste product on site and the extraction of product.

- Seeking to defend a claim and to challenge the validity and enforceability of a loan agreement for a sum in excess of £5 million.
- Advising and drafting a Defence and Counterclaim in a claim for the repayment of an alleged loan in circumstances where the claimant had previously conspired with a third party to bring proceedings against Margaret's client on a premise which they knew to be false, and to give false witness evidence in that claim, in order to cause damage to Margaret's client.
- Advising and representing children, via their litigation friend, of a multi-million pound settlement in respect of the validity of the settlement and on issues pertaining to the removal and replacement of the trustees of the settlement.
- Successfully representing professional trustees in complex and highly contentious family trust litigation where the assets of the trust are worth in excess of £12 million, including obtaining approval and privacy orders.
- Advising non-professional trustees in respect of ongoing inaction by their co-trustees and potential conflicts of interest in respect of a family trust where particular trustees are also beneficiaries of the trust.
- Advising a professional trustee in respect of a claim challenging the validity of the instrument creating the trust in the face of aggressive claims by the beneficiaries of the trust to distribute assets from the trust.
- Advising in respect of negligent legal professional advice provided in respect of the purchase of a significant piece of real estate where latent defects were discovered, in particular advising on issues in respect of causation of loss where the advice received from the surveyors instructed was also potentially negligent.
- Advising in respect of negligent legal professional advice provided in respect of the execution of a trust pertaining to valuable development land, in particular the failure by the legal advisors to consider and advise on the need for an indemnity in respect of litigation pending in respect of the said development land.
- Advising the trustees of an estate in respect of breach of contract/negligence claim arising from a firm of solicitors' failure to advise the deceased to sever a joint tenancy, giving negligent advice in respect of the effect of severance on a claim to a greater than 50% share of the beneficial interest in the property, and failing to advise the deceased how best to preserve her position as to the extent of her equitable share in real property. Before steps could be taken to protect the deceased's interest she had lost capacity and subsequently passed away.
- Advising the seller in a claim for significant damages arising from breach of warranties provided in a share sale and purchase agreement.
- Advising and drafting a Defence to a claim in respect of the ownership of prestige sports cars.
- Advising in respect of an undue influence defence to a substantial personal

guarantee claim.

- Successfully representing a defendant at trial in a claim for damages for misrepresentation in respect of the sale of real property, in particular the acreage of the plot and other matters.

Company

Margaret has expertise in company law matters, particularly shareholder disputes and claims for breach of fiduciary duty.

Recent cases include:

- Successfully representing the petitioner in an unfair prejudice petition in respect of his multi-million pound shareholding in a company where value had been removed from the company in the sum of £4.5 million.
- Acting for two petitioners in an unfair prejudice petition in respect of a high value shareholding in a construction company. Margaret is seeking an order that the Respondents purchase her client's shares and restore to the company the vast sums the directors caused to be lost by their dishonest and grossly negligent conduct.
- Successfully representing and defending her client a claim for a sum in excess of £17 million for allegedly carrying out a complex and multi-million pound fraud on a highly valuable business over the course of decades.

Property

Margaret specialises in real estate litigation, with extensive experience in high value proprietary estoppel claims and trust litigation, including co-ownership disputes.

Recent instructions include:

- Representing a son in his claim to a share (based on proprietary estoppel) in a property empire valued at £35 million. The claim also involves claims and counter claims alleging breach of fiduciary duty and fraud and disputes in relation to the validity of a trust executed by family members. Margaret will represent her client

at a 6-week trial in the High Court.

- Defending a mother from a proprietary estoppel and unjust enrichment claim valued in excess of £9 million brought by her daughter. Margaret will represent her client at a 2-week trial in the High Court.
- Representing a wife who claimed the benefit of a proprietary estoppel/constructive trust in respect of the matrimonial home against her brother and sister in law (who claimed to have funded the build through family owned companies). This was a bitterly fought family dispute which was heard over the course of 3 weeks in the High Court.
- Representing a landlord in a claim to terminate a business tenancy pursuant to section 29(2) Landlord and Tenant Act 1954. Whether the landlord could make out ground (f) of LTA 1954 section 30(1) was ordered to be tried as a preliminary issue.
- Advising a claimant in respect of a proprietary estoppel claim involving a claim to title to property upon which the claimant's business had been established and had operated from for many years.
- Successfully representing a commercial landlord at trial who claimed years of rent arrears and defeated the tenant's claim that it had successfully terminated the tenancy and it was, therefore, not liable for rent arrears and the other sums due as a consequence of the continuation of the Lease.

SIGNIFICANT CASES

Hague Plant Ltd v Hague [2018]
EWHC 2517 (Ch)

Hague Plant Ltd v Hague & Others [2017]
EWHC 2021 (Ch)

Hague Plant Ltd v Hague & Others [2016]

EWHC 2663 (Ch)

Bloor (trading as Doncaster Property Services) v Beresford & Others [2016]

EWHC 2332 (QB)

Hague Plant Ltd v Hague & Others [2014]

3383 (Ch)

Hague Plant Ltd v Hague & Others [2014]

EWHC 568 (Ch)

Hague Plant Ltd v Hague & Others [2014],

EWCA Civ 1609 (Court of Appeal)

NT v FS (by his litigation friend, the Official Solicitor) and others [2013]

EWHC 684 (COP)

Singh v Kaur & Ors [2011]

EWCA Civ 1554 (Court of Appeal: 29 November 2011)

CAREER AND ASSOCIATIONS

Member of the Chancery Bar Association

Member of the Northern Chancery Bar Association

Bar Vocational Course – Inns of Court School of Law (2003 – 2004)

Graduate Diploma in Law - City University of London (2002-2003)

BA, MA English Literature – New Hall Cottage, Cambridge (1999 – 2002)

Called to the Bar, Gray's Inn, 2004



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