

## Laurie Scher

Call 2008

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Laurie has a specialised practice of business and property work, appearing in the High Court, County Court, and Court of Appeal.

Laurie's recent focus has been on complex and high-value commercial, property and probate cases. He has significant experience as a trial advocate, appearing alone and as part of a wider counsel team. His clients have remarked on his responsiveness, the clarity of his advice, and his ability to deal with tricky situations.

He acts and advises in areas including:

- Commercial and contractual disputes
- Commercial fraud
- Property and land law
- Company and partnership law
- Probate and wills
- Intellectual property
- Trusts
- Insolvency (corporate and personal)
- Professional negligence

### Current and recent cases

#### Commercial, contractual, and intellectual property disputes

- Instructed by the purchaser of a waste management business on a claim for fraudulent misrepresentation and breach of warranty. Led by Andrew Ayres QC. (2019-20)
- Instructed as junior counsel for the Claimant in an LCIA arbitration. (2020)
- Sole advocate for the successful defendant in a six day High Court trial, concerning an alleged oral agreement to provide services. (2018-19) Reported at *O'Neill v Avic International Corporation UK Ltd* [2019] EWHC 165 (QB) and [2019] EWHC 374 (QB).
- Sole advocate for the Part 20 claimant in a commercial fraud case, where a transaction was alleged to have been tainted by "kickbacks". (2018-19)
- Acted for the defendants in a multi-million euro commercial claim involving allegations of breach of trust, misrepresentation, and conspiracy. (2014-8)

- Appeared in the High Court on an injunction application, concerning seizure of goods in enforcement of an arbitration award. This case was a rare modern application of the Bills of Sale Act 1878, and was considered closely by the Law Commission in report LC369. Reported at (1) *Halberstam (2) Stern v Gladstar Ltd* [2015] EWHC 179 (QB) (2015)
- Acted for the copyright owner in a claim for damages for infringement of the copyright in a musical composition. (2014)
- Appeared in the Court of Appeal and at trial for Prudential (with Anthony Trace QC and Philomena Harrison) in the dispute concerning Bluewater Shopping Centre in Kent. Issues included contractual construction and rectification. Reported at *Blueco Ltd v BWAT Retail Nominee (1) Ltd and other companies* [2013] EWHC 1135 (Ch), and at *Blueco Ltd v BWAT Retail Nominee (1) Ltd and other companies* [2014] EWCA Civ 154. (2013, 2014)
- Appeared in the Court of Appeal (with Anthony Trace QC) in litigation involving a major property development site in Slough, with issues including rectification and estoppel by convention. Reported at *Lloyds TSB Bank Plc v Crowborough Properties Ltd and ors* [2013] EWCA Civ 107. (2012 and 2013)
- Acted for the claimant in a claim under the Arbitration Act 1996. (2012)
- Instructed (with Louise Hutton and others) on a multi-billion pound claim in fraudulent misrepresentation. (2011)
- Appeared at trial for a manufacturer of plastic cards, where the issue was whether the goods produced were of satisfactory quality and fit for purpose. (2011)

### Property

- Instructed by defendants in a claim concerning an alleged property fraud, with causes of action including conspiracy, dishonest assistance, and unjust enrichment. (2019-20)
- Represented a tenant of sheltered accommodation at a tribunal hearing, successfully resisting an application for a determination that he had breached terms of his tenancy agreement. Published at *Anchor Hanover v Edwards* (2019)
- Acting for residential property owners in a dispute concerning easements. (2019-20)
- Acted for a mortgagee in a claim for possession of a valuable property, with issues for trial including subrogation and undue influence (2018-19)
- Acted for a tenant of part of a data centre, in a claim against the landlord for breach of covenant and negligence. (2017)
- Acted for a claimant seeking forfeiture of a lease for serious alleged breaches of covenant (namely conversion of a valuable property into several bedsits without planning permission, building regulations approval, or landlord's consent). (2016-17)
- Acted for a provider of Islamic finance on a complex possession claim, with issues including misrepresentation and undue influence. (2014-17)
- Acted for a freehold owner seeking possession of riverside mooring sites, and in related bankruptcy proceedings. (2015-17)
- Acted for a bank defending allegations including slander of title and breach of s77 Land Registration Act 2002. (2016-17)
- Instructed (with John McGhee QC) on a rights of light dispute relating to a property in the City of London. (2014)
- Successfully resisted an application in the High Court for an injunction restraining sale of a property, in highly complex factual and legal circumstances. (2014)
- Acted for a mortgage lender in a major property dispute in the High Court, involving several properties and over thirty parties. (2012 and 2013)
- Appeared in the Administrative Court to protect a mortgagee's interests in property subject to restraint order proceedings. (2013)
- Acted for a tenant in his defence against Anti-Social Behaviour Injunction proceedings brought by his local authority landlord, including appearing in the tenant's application to strike out an attempt to commit him to prison. (2012 and 2013)
- Acted for a residential landowner in respect of a boundary dispute (2012 and 2013).
- Appeared in the Court of Appeal (with Thomas Grant) on an application to make a non-party liable for costs. Reported at *Bank of Scotland v Azam Qutb (Costs)* (2012)

- Appeared in the Court of Appeal (with Thomas Grant), applying to strike out an appeal notice on grounds of abuse of process, in that the court was misled (the purported “appellant” was long dead). Reported at *Afzaal Hussain, Mona Qutb (By her Litigation Friend Azam Qutb) v Bank of Scotland Plc.* (2012)
- Advised and appeared in Cardiff County Court at the trial of a claim in proprietary estoppel, in respect of an area of farmland. (2011)
- Appeared at trial in the High Court (with Thomas Grant) in a complex lender’s claim, involving issues of res judicata, estoppel, and mental incapacity, reported at *Bank Of Scotland v Afzaal Hussain & Mona Qutb* (2010)
- Instructed (with Christopher Pymont QC and Andrew Ayres) to advise and draft pleadings in a High Court case in the context of a prestigious property development, with issues of unjust enrichment and breach of contract. (2010)

### **Company, partnership, and insolvency law**

- Instructed as an expert witness to prepare a report on English insolvency law for use in foreign proceedings. (2019)
- Acting for the petitioner in a shareholder dispute in the High Court, with allegations including falsification of documents and misappropriation of assets. (2017-19)
- Acting for the respondents in the early stages of a section 994 petition, in the context of a family company. (2019)
- Regularly instructed on insolvency and company law applications, eg. to set aside a statutory demand; to restrain presentation of a winding up petition; etc.
- Acted for a claimant in a High Court claim for dissolution of a property partnership. (2018)
- Acted for a claimant in a shareholder dispute, by way of unfair prejudice petitions and an application to rectify the register of members. (2016-17)
- Advised and acted for a former partner in respect of distribution of assets on termination of a partnership. (2013)
- Appeared in the High Court on behalf of a company seeking an injunction preventing former directors from using confidential information for a new competing business, and claiming springboard relief and an account of profits. (2012)
- Acted for the petitioning shareholders in an unfair prejudice claim under s994 Companies Act 2006. (2012)

### **Wills, probate and trusts**

- Advising beneficiaries on a challenge to a will under the Inheritance (Provision for Family and Dependents) Act 1975. (2020)
- Acted for the claimant in a High Court claim challenging a will on grounds of forgery. (2018-19)
- Acted for the claimant in a High Court claim challenging a will, where issues included questions of forgery; and in consequential proceedings (led by Jonathan Russen QC). Reported at *Patel v Patel* [2017] EWHC 133 (Ch) and *Patel v Patel* [2017] EWHC 1588 (Ch). (2015-17)
- Acted for a claimant seeking provision from his late mother’s estate under Inheritance (Provision for Family and Dependents) Act 1975. (2017)
- Advised executors on various challenges to wills, on grounds including lack of testamentary capacity and alleged claims under Inheritance (Provision for Family and Dependents) Act 1975. (2016)
- Appeared in the High Court on an application to remove a trustee in the context of a multi-jurisdictional dispute. (2015)
- Appeared in the Court of Appeal (with Anthony Trace QC) on a second appeal of a costs order, made after a trial under the Inheritance (Provision for Family and Dependents) Act 1975. Reported at *Richard Paul Thomas v (1) David Jeffery (2) Joy Sweet (3) Gemma Sweet* (2012)

### **Professional negligence**

- Acted for multiple claimants, who purchased units in a development, in a professional negligence claim against their conveyancing solicitors. (2017-18)
- Acted for an accountant defending a multi-million pound claim in professional negligence. (2015-17)

- Acted for property investors in linked claims against a firm of solicitors for alleged professional negligence in five conveyancing transactions. (2015-18)
- Acted for a firm of surveyors defending a professional negligence claim issued by a home purchaser, who claimed that the surveyor failed to notice a defect in the roof of the property. (2013)
- Acted for the claimant in a claim against solicitors for negligent advice in a property transaction. (2012 and 2013)
- Acted for a firm of surveyors defending a claim for an allegedly negligent valuation, issued by a second chargeholder. (2012 and 2013)

### **Terms under which Laurie accepts instructions**

Laurie's clerks would be happy to discuss the terms under which he will accept instructions. In the absence of express written agreement to the contrary, the terms under which Laurie accepts instructions are The Standard Contractual Terms for the Supply of Legal Services By Barristers to Authorised Persons 2012 (as updated from time to time) referred to in the BSB Handbook. A link to those terms can be found at <https://www.maitlandchambers.com/information/terms-of-business>.

### **Notable Cases**

Anchor Hanover v Edwards (2019)

O'Neill v Avic International Corporation UK Ltd (Trial)

O'Neill v Avic International Corporation UK Ltd (Costs)

Patel v Patel (2017) (Committal proceedings)

Patel v Patel (2017) (Probate claim)

(1) David Halberstam (2) Shoshana Stern v Gladstar Ltd (2015)

Blueco Ltd v BWAT Retail Nominee (1) Ltd and other companies (2014)

Blueco Ltd v Bwat Retail Nominee & Ors (2013)

Lloyds TSB Bank Plc v Crowborough Properties Ltd & Ors (2013)

Bank of Scotland v Azam Qutb (Administrator of the Estate of Mona Qutb) (2012)

Richard Paul Thomas v (1) David Jeffery (2) Joy Sweet (3) Gemma Sweet (2012)

Afzaal Hussain, Mona Qutb (By her Litigation Friend Azam Qutb) v Bank of Scotland Plc (2012)

Governor & Co Of The Bank Of Scotland v Afzaal Hussain & Mona Qutb (2010)

### **Articles, seminars and lectures**

Laurie's article on Unfair Prejudice Petitions has been published on Westlaw's Insight encyclopedia, which is available **here**, if you have a Westlaw login.

Laurie's article for the Trusts and Estates Law & Tax Journal, about the principles involved in questions of costs in claims under the Inheritance (Provision for Family and Dependents) Act 1975, is available **here**.

Laurie regularly offers seminars to his clients on contract and tort law.

## **Judicial Appointments**

Laurie was appointed as a Deputy District Judge in 2019, and as a Deputy Chancery Master in 2020.

## **Memberships**

Chancery Bar Association, COMBAR

## **Education**

Laurie read English at Christ's College, Cambridge, where he was a scholar and achieved a first in both Part I and Part II. He subsequently studied the Graduate Diploma in Law (CPE) at City University, and the Bar Vocational Course at the Inns of Court School of Law.

In his bar finals, he was classed as outstanding, and was awarded the Everard Ver Heyden Foundation Prize for his overall performance and the Bar Association for Commerce, Finance and Industry Prize for coming first in the year in Commercial Practice. He was also a Queen Mother Scholar of the Middle Temple for two years running.

Laurie joined Maitland Chambers in October 2009 having successfully completed his pupillage.

## **Qualifications**

BA (Hons) First Class



## **Recommendations**

### **Legal 500**

#### **Commercial Litigation**

"A bright, organised and receptive barrister." (2020)

"Responsive, technically excellent and also a team player." (2018/19)

"An excellent junior – thoughtful, hardworking and bright." (2017)

#### **Property Litigation**

"He has a terrifically strong intellect and grapples complex issues that fall outside any one box." (2020)

"Extremely sharp both in his advice and in the courtroom." (2018/19)

"Always quick to get to the bottom of a problem and provide practical advice." (2017)

"An up-and-coming star; he is keen to get his sleeves rolled up and achieve results." (2016)