

JONATHAN GAVAGHAN

"A superb and persuasive advocate as well as an excellent cross-examiner, where he manages to be both aggressive and charming at the same time"

(Leading Junior in Partnership - Legal 500 2020)



Call 1992

Jonathan Gavaghan has a busy chancery and commercial practice with particular experience in partnership / LLP disputes, commercial disputes and property law. Company law (including breach of fiduciary duty claims and shareholder disputes) is a further area in which he specialises.

He was called to the Bar in 1992 and appointed as a Recorder (Crown Court) from April 2018, allocated to the Northern Circuit.

He studied law at Oxford University where he obtained a first class degree. Top of his year in Land Law, he subsequently obtained a BCL and returned to Worcester College Oxford as a visiting tutor in constitutional law.

Partnership

Jonathan is recognised in the Legal Directories as being one of the leading junior counsel in the partnership / LLP field. He has dealt with numerous partnership and LLP disputes and is regularly instructed by managing partners of firms as well as individual partners. He has acted in disputes for solicitors, accountants, doctors, dentists, veterinary surgeons and stone masons to name a few.

Jonathan has extensive experience in dealing with partner exits and team moves both in an advisory capacity and dealing with litigation and injunctions: including issues of enforceability of post-termination restrictions and breach of fiduciary duty.

He has very substantial experience in arbitration matters and is a Fellow of the Chartered Institute of Arbitrators. He is also a member of the Association of Partnership Practitioners. He accepts appointments as an arbitrator.

Reported Cases:

- **Patley Wood Farm LLP v Brake** [2014] EWHC 4499 (Ch) & [2015] EWHC 483 (Ch): Sir William Blackburne.

Location

Ten Old Square
Lincoln's Inn
London
WC2A 3SU

Contact Us

T +44 (0)20 7405 0758
F +44 (0)20 7831 8237
E: clerks@tenoldsquare.com
DX: LDE Box No 306

- **Patley Wood Farm LLP v Brake** [2013] EWHC 4035 (Ch) (Peter Smith J.) N.L.J. 2014, 164(7625), 15-16.
- **Manning v English** [2010] EWHC 153 (Ch), [2010] Bus LR D89 (2010).

Commercial Chancery

Jonathan is recommended in both Chambers & Partners and the Legal 500 as a leading junior in commercial chancery work.

He has extensive experience in appearing in contractual disputes including those with an international dimension, shareholder disputes and actions for and against directors of companies. He has also appeared as an advocate in many civil fraud cases obtaining or opposing urgent interlocutory relief including freezing injunctions and related relief.

“Frequently acts on large scale multi-jurisdictional disputes heard in the Chancery courts...Quick, slick, and has a tremendous ability to grasp the real issues”: Chambers UK 2015 (Commercial Chancery).

“Attracts considerable praise for his strength in commercial litigation generally. He often handles substantial commercial frauds involving international freezing orders...He is good at explaining what is going on to clients... Recent work: Acted in RBS v Ocean Tankers, a high-value claim relating to the mortgages of numerous supertankers: Chambers UK 2014 (Commercial Chancery).

Property

Jonathan came top of his year in Land Law at Oxford and specialises in all areas of property law, in particular landlord and tenant, land registration and real property.

He advises property developers, landlords and tenants. He appears before the Courts, property tribunals and in arbitration. He has substantial experience in leasehold enfranchisement and service charge disputes (both residential and commercial) as well as dilapidations claims. He also appeared in the majority of leading cases on fair rents on behalf of landlords including **Curtis v London RAC** and **R v Secretary of State ex p Spath Holme**.

“An extremely intelligent barrister, who is highly effective in court and effective in his cross-examination.” The Legal 500 2016 (Property Litigation)

“His written work and advocacy are first class, and you would be pleased he is on your side.” The Legal 500 2015 (Property Litigation)

Reported Cases:

- **Chaudhary v Yavuz** [2013] Ch 239: Constructive trusts, real property.
- **Clarence House v Nat West Bank** [2010] 2 All ER 201: Virtual assignments.
- **R v Secretary of State for Environment, Transport and the Regions ex parte Spath Holme Ltd** [2001] 2 AC 349: Fair rents / public law.
- **South v Trustees of the Phillimore Kensington Estate** [2001] All ER (D) 166: Leasehold

Location

Ten Old Square
Lincoln's Inn
London
WC2A 3SU

Contact Us

T +44 (0)20 7405 0758
F +44 (0)20 7831 8237
E: clerks@tenoldsquare.com
DX: LDE Box No 306

enfranchisement.

- **Loder-Dyer v Cadogan** [2001] 3 EGLR 149: Leasehold enfranchisement.
- **Curtis v London RAC** [1999] QB 92: Fair rents.

Arbitration

Jonathan is a Fellow of the Chartered Institute of Arbitrators and has great experience as an advocate advising on and appearing in arbitrations and related High Court proceedings.

He accepts instructions as an arbitrator as well as appearing as an advocate.

He is used to appearing in complicated multi-party arbitrations as well as applying for interim applications under section 44 of the Arbitration Act 1996 and appearing on appeals and challenges to arbitrators' awards.

“Offers especially extensive experience as arbitration counsel in partnership disputes.” Chambers UK 2017

Reported Cases:

- **Patley Wood Farm LLP v Brake** [2014] EWHC 4499 (Ch) & [2015] EWHC 483 (Ch): Sir William Blackburne.
- **Patley Wood Farm LLP v Brake** [2013] EWHC 4035 (Ch) (Peter Smith J.) N.L.J. 2014, 164(7625), 15-16.

Private Client: Contentious

Jonathan has experience in acting for trustees and beneficiaries in contentious probate disputes as well as connected disputes with a property or commercial element.

Jonathan has experience in acting for executors and beneficiaries in contentious probate disputes as well as connected disputes with a property or commercial element.

Recent work that Jonathan has conducted has included acting for a beneficiary under a will in relation to an opposed High Court claim for his inheritance in a multi-million pound estate and related claims relating to an executor's attempt to assign the assets of the estate to one beneficiary alone.

Recommendations

“He's a very clever man much liked by clients, who is excellent on his feet.”

“He is bullish in pursuit of his clients' interests.”

“He is extremely personable, easy to work with, technically excellent and a very good advocate.”

Chambers UK 2020

Location

Ten Old Square
Lincoln's Inn
London
WC2A 3SU

Contact Us

T +44 (0)20 7405 0758
F +44 (0)20 7831 8237
E: clerks@tenoldsquare.com
DX: LDE Box No 306

“A superb and persuasive advocate as well as an excellent cross-examiner, where he manages to be both aggressive and charming at the same time”

“Highly recommended for property litigation matters”

“Well respected for his commercial Chancery expertise”

Legal 500 2020

“An experienced junior with deep knowledge of acting in partnership proceedings and company law disputes.”

WWL UK Bar 2019

“Truly sophisticated, Jon possesses a keen intellect, ready knowledge of the practice area and a reassuring manner that is the envy of his peers.”

Chambers UK 2019 - Partnership

“Very clever, engaging and hardworking.”

Legal 500 2018 - Commercial Litigation

“An exceptionally intellectual barrister.”

Legal 500 2018

“Extremely imaginative and forthright in his strategic thinking.”

Legal 500 2018

“He puts the client at ease through his knowledge and strategy.”

Legal 500 2018

“Standout”

“Receives praise for his skills in dispute resolution”

“Is recognised for his superb work handling partnership exits, team moves and breach of fiduciary duty”

Who's Who Legal UK Bar 2018

“Attracts special praise for his blend of deep knowledge, client-friendliness and particularly high degree of accessibility”

“Incredibly thorough, forceful when required and very good in court, he always operates with a view to getting the result you want.”

“Very bright, utterly charming and a very popular choice with lay clients.”

Chambers UK 2018 - Partnership (Band 1)

“Attracts special praise for his blend of deep knowledge, client-friendliness and particularly high degree of

Location

Ten Old Square
Lincoln's Inn
London
WC2A 3SU

Contact Us

T +44 (0)20 7405 0758
F +44 (0)20 7831 8237
E: clerks@tenoldsquare.com
DX: LDE Box No 306

accessibility. He is noted for his handling of issues affecting individual solicitors or their firms, and offers extensive experience as arbitration counsel in partnership disputes.”

“As bright as you could wish: authoritative, thorough and reliable.”

“Very practical, down to earth and knows his stuff.”

Chambers UK 2017

“Clients love him – he hits the button, gives them value for money, and they have faith in his analysis.”

Chambers UK 2017

“A clever and approachable barrister, who achieves the balance between being assertive and sensible in court.”

Legal 500 2016

“He is technically excellent, very knowledgeable and builds a good rapport with clients.”

Legal 500 2016

“An extremely intelligent barrister, who is highly effective in court and effective in his cross-examination.”

Legal 500 2016

“Sharp, charming and absolutely devastating in cross-examination.”

“Very, very good and really knows his area.”

Chambers UK 2016

“He is able to produce work of the highest standard in a fast turnaround time. Extremely good at getting to the heart of a case, he provides guidance on the bigger picture, and keeps the client constantly aware of the costs implications of decisions. He’s also excellent at drafting ‘high-impact’ letters.”

Chambers UK 2015

“An extremely strong advocate; able to cross-examine to devastating effect.”

Legal 500 2015

“He is quick, slick and has a tremendous ability to grasp the real issues.”

Chambers UK 2014

“He has a fantastic brain and never misses a trick. He is utterly charming and makes clients who are ill at ease feel comfortable. The complete package.”

Chambers UK 2014

Location

Ten Old Square
Lincoln's Inn
London
WC2A 3SU

Contact Us

T +44 (0)20 7405 0758
F +44 (0)20 7831 8237
E: clerks@tenoldsquare.com
DX: LDE Box No 306

Qualifications

- MA (First Class): Worcester College, Oxford University.
- BCL: Worcester College, Oxford University.
- FCI Arb
- Martin Wronker Prize Winner for best University Performance in Land Law, Oxford University (1990)
- Henriques Prize-winner, Worcester College, Oxford University (1990)
- Holder of Inns of Court Studentship
- Eastham Scholar, Lincoln's Inn
- Hardwicke Scholar, Lincoln's Inn

Appointments

- Fellow of the Chartered Institute of Arbitrators.
- Recorder (Crown Court), Northern Circuit (April 2018)
- Former Elected Member of Bar Council (2 terms).
- Former Chairman of the Young Barristers' Committee.
- Former Member of Professional Standards Committee of the Bar Council.

Associations & Memberships

- Member of the Association of Partnership Practitioners
- Member of the Chancery Bar Association
- Member of the Property Bar Association

Location

Ten Old Square
Lincoln's Inn
London
WC2A 3SU

Contact Us

T +44 (0)20 7405 0758
F +44 (0)20 7831 8237
E: clerks@tenoldsquare.com
DX: LDE Box No 306