

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 specialist 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.

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.

He is a Fellow of the Chartered Institute of Arbitrators.

He was appointed as a Recorder in 2018.

Partnerships & LLPs

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, farmers, doctors, dentists, veterinary surgeons and stone masons to name a few.

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

He was elected to the Committee of the Association of Partnership Practitioners in 2020.

Location

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DX: LDE Box No 306

Recent Highlights

Much of his work is highly confidential given its nature but recent highlights include:

- Representing a leading law firm in a team move situation resulting in High Court injunctive proceedings and arbitration hearings;
- Acting for a deceased partner's estate in a farming partnership in High Court proceedings over dissolution accounts worth many millions of pounds;
- Advising on breach of fiduciary duties by a solicitor member of a large professional LLP;
- Acting for a large international professional services firm, its managing partner and a head of department in a multi-million claim for disability discrimination and other related matters;
- Acting as arbitrator in an LLP dispute relating to capital and current accounts;
- Acting for estate agents and law firms seeking High Court injunctions to prevent breaches of restrictive covenants, including disputes as to the use of Linked-in and websites;
- Acting for a head of department on compulsory retirement from an international LLP;
- Appeared as counsel in arbitrations involving dissolution of a number of regional law firms;
- Acting for members of a medical partnership in arbitral proceedings relating to accounts and ownership of freehold properties.

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.

He has substantial experience of arbitration having appeared in lengthy proceedings before the LCIA and other arbitral tribunals and connected High Court proceedings.

The Directories refer to his commercial chancery work as follows:

- *“A senior junior with a strong practice in company, partnership and property law. He frequently deals with shareholder disputes and other high-value cases, including those with cross-border elements.”* Chambers UK 2020 (Commercial Chancery)
- *“Well respected for his commercial Chancery expertise”.* Legal 500 2020 (Commercial Litigation)

Recent Highlights

- Acting in a multi-million-pound commercial arbitration relating to the service and validity of various contractual notices;
- Acting in £20 million High Court proceedings brought by UBS against Indian businessman Vijay Mallya and others;

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- Acting in Commercial Court proceedings consisting of allegation of civil fraud relating to investments in overseas infrastructure projects;
- Acting in Commercial Court proceedings in relation to multi-million pound personal and corporate guarantees given to foreign investors in relation to large development projects in London;
- Advising on share-holder dispute including allegations of breach of director's duties, fraud and unfair prejudice;

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 arbitrations.

The Directories say the following about Jonathan:

- *'Highly recommended for property litigation matters.'* (Legal 500 2020)
- *"A senior junior with a strong practice in company, partnership and property law."* (Chambers UK 2020).

Recent Highlights

- Acting for the Claimant in professional negligence claim against conveyancing solicitors relating to the purchase of a London hotel;
- Acting in mortgage possession proceedings in the High Court valued at over £20 million brought by UBS against the Indian businessman Vijay Mallya and others;
- Acting for the landlord in a PACT arbitration relating to commercial office building;
- Acting for a well-known brewer in test cases before the Pub Code Adjudicator;
- Acting for the Respondent in an arbitration relating to a £2.5 million claim under a contractual farming agreement.

Arbitration

Jonathan has great arbitration experience and acts either as an advocate or as an arbitrator.

He is a Fellow of the Chartered Institute of Arbitrators.

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.

The Directories say the following about Jonathan:

"Offers especially extensive experience as an arbitrator of, or arbitration counsel in, partnership disputes"
Chambers & Partners (2020);

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- “*Highly skilled in arbitration matters*”: Who’s Who Legal: UK Bar 2020.

Recent Highlights

His recent work as counsel or arbitrator includes:

- Partnership Arbitration involving a team move from a solicitors’ firm;
- Arbitrations relating to the dissolution of professional partnerships;
- An arbitration relating to a farming contract agreement;
- Commercial landlord and tenant arbitrations;
- Arbitration relating to the rights of exiting members of an LLP;
- Arbitral proceedings before the LCIA relating to a property-owning partnership;
- Arbitral proceedings before an accountant arbitrator relating to partnership accounts;
- Proceedings before the High Court brought in support of arbitration proceedings, including injunctive relief to protect property and enforce post termination restrictions against solicitors;
- The *Patley Wood Farm LLP* litigation before the High Court – a series of reported cases including interim relief, procedural challenges and appeals against an award in a partnership dispute relating to a general partnership under the Partnership Act 1890.

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 Highlights

- 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;
- High Court proceedings relating to an executor’s attempt to assign the assets of the estate to one beneficiary alone;
- Advising on shareholders agreements, share valuation disputes and unfair prejudice claims relating to an estate’s significant shareholding in a multi-national company;
- Advising the executor of an estate relating to the estate’s rights in an aviation business.

Recommendations

“Has an excellent knowledge of partnership and LLP law.”

“He instils confidence with his calm and authoritative manner and his strong courtroom presence.”

“Jonathan is formidably intelligent” and “has a lovely manner with clients.”

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“He works well as part of a team and is very good with clients. He’s thorough in both his preparation and his presentation in court.”

Chambers UK 2021

‘Very strategic and tactical, extremely well prepared and thorough in everything, astute with judges and witnesses, and a great Court room presence.’

‘He is charming and has the ability to put clients at ease.’

‘He is wonderful with clients and they are always impressed with his astonishing intellect and knowledge.’

Legal 500 2020

“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

“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.”

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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 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

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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

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

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

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