

## Heather McMahon

**Call year: 1999**

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Heather is developing her practice in all areas of Chambers' work, with a particular interest in professional negligence, regulatory and disciplinary issues. She also has a varied common law practice, with particular experience of contractual, personal injury and credit hire disputes. Heather appears regularly in the County Courts on trials and applications for both Claimants and Defendants.



Heather joined Chambers in July 2009, having previously completed pupillage in Chambers. She worked for some eight years in the Government Legal Service, where she gained extensive experience in public law and commercial regulation. Heather's diverse experience has given her a unique insight into the needs of solicitors and lay clients at all stages of the legal process. She prides herself on providing prompt and practical advice, and strives to provide an excellent level of service at all times.

## Practice Profile

### Professional Negligence

Heather is currently developing her practice in all areas of professional negligence. Her recent experience includes advising on claims against solicitors, architects and estate agents, and assisting on claims against financial services providers.

Heather has a particular interest in claims against lawyers. She has experience of a variety of claims including claims arising out of conveyancing transactions; "lost litigation" and lenders' claims.

### Regulatory and disciplinary

Heather gained extensive experience in regulatory matters during her time as a Government lawyer. She had conduct of a wide range of regulatory claims, including sole responsibility for complex litigation involving interlinked corporate defendants and allegations of multimillion pound fraud. She also has experience of responding to regulatory proceedings, and was a part of a team of lawyers which advised HM Treasury on its response to the Parliamentary Ombudsman's investigation into the regulation of Equitable Life.

Heather's experience in public law makes her particularly suitable for regulatory and disciplinary issues involving administrative law or human rights issues.

### Commercial litigation

Heather regularly appears on behalf of both claimants and defendants in contractual and consumer credit disputes. She also has experience of banking and financial services work.

### Personal injury

Heather regularly acts for both claimants and insurers in personal injury claims. She frequently appears in contested liability and quantum disputes on the small claim and fast tracks.

## Additional practice areas

Heather frequently appears on credit hire claims arising from road traffic accidents and on landlord and tenant disputes.

She also has extensive experience of public law and EU law. During her career in the Government Legal Service, Heather acted for a wide range of departments in public law proceedings. She has particular experience of prison law, education, mental health and special advocate work. She advised across Government on a variety of EU legal issues, and spent several months on secondment to the European Commission in Brussels working on justice policy.

## Recent cases

*R (Bailey, Gibson and Kelly) v Secretary of State for Justice* [2008] EWCA Civ 177. Acted for Secretary of State in judicial review raising important questions of statutory interpretation

*Secretary of State for Trade and Industry v Frid* [2004] UKHL 24. Acted for Secretary of State in successful challenge to insolvency set-off rules

*National Westminster Bank v Spectrum* [2004] EWHC 9 (High Court). Member of legal team instructed by three Government departments in leading case on characterisation of fixed and floating charges.

## Publications and lectures

"Is Justice Roberts the right man for the job?" *The Times*, 6 September 2005

Heather regularly lectured to other Government lawyers on EU legal issues.

## Further Information

**Year of call:** 1999

**Specialist areas:** professional negligence; regulatory and disciplinary; commercial litigation; personal injury; public law; EU law

**Education:**

Heather studied law at University College, Oxford, graduating with a first class degree.

**Other:**

In 2004, Heather was awarded a Pegasus Scholarship to Richmond, Virginia to study commercial and public law in practice in the United States.

She is a former judicial assistant to the (then) Vice-Chancellor, Sir Andrew Morritt, and assisted the Court of Appeal on a number of Chancery and commercial cases.

## Personal

Heather is an enthusiastic spectator of most sports and an occasional participant in a few. In her spare time, she enjoys cooking, travel and photography.

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