hailshamchambers

Clerks: **020 7643 5000**

Heather McMahon

Call: 1999



Overview

Heather specialises in professional liability and related insurance disputes, commercial litigation, and regulatory work.

Heather is ranked by both Chambers & Partners and Legal 500 for her professional liability work, and has variously been described as “exceptionally talented” and “an incredibly strong junior”. She acts for and against a wide range of professionals, with particular experience of claims against lawyers, surveyors, valuers, and financial professionals.

Heather also has substantial experience of professional indemnity insurance disputes. She appeared with William Flenley KC in the Court of Appeal in Axis v Discovery Land Company [2024] PNLR 16, the leading case on the meaning of the dishonesty exclusion in the solicitors’ Minimum Terms for insurance.

Professional Liability

Heather acts for claimants and defendants in claims involving all manner of professionals. She has particular experience of claims against lawyers, surveyors and valuers, and financial professionals. She is frequently instructed in cases which are particularly legally or factually complex, including as sole counsel against silks and leading juniors.

Lawyers

Heather has extensive experience of claims against lawyers, arising out of most areas of legal practice.

Her work includes claims arising from litigation gone wrong, including lost litigation and under-settlement claims; conveyancing and lender claims; claims arising from the conduct of family proceedings, including matrimonial finance disputes; and

claims arising from non-contentious transactions, including corporate transactions, tax planning schemes, wills and trusts.

Heather also has experience of advising on the professional conduct of solicitors, including matters relating to the Solicitors' Accounts Rules, confidentiality issues, and potential contempt proceedings.

Her current and recent cases include:

- defending a conspiracy and deceit claim against a solicitors' practice arising out of the liquidation of the Thomas Cook group of companies, said to be worth £57m (with William Flenley KC)
- defending a lost litigation claim arising out of failed employment tribunal and civil proceedings, said to be worth more than £7.5m
- acting for solicitors in an application by their former client to restrain the solicitors from acting for the former client's opponent in subsequent litigation (with William Flenley KC)
- various claims arising out of failed property investment schemes in the UK and abroad

Property Professionals

Heather is regularly instructed in claims against property professionals, including claims against building surveyors, valuers, estate agents, and property managers. She is currently acting for a bank in a £8m professional negligence claim against a valuer in connection with mixed property development (with Simon Wilton KC).

Financial Professionals

Heather has acted in a wide range of claims involving financial professionals, including accountants, IFAs, mortgage brokers, insolvency practitioners, and tax advisers.

Construction Professionals

Heather has experience of a number of claims against architects, quantity surveyors and engineers of various different specialisms, typically relating to residential property development.

Insurance

Heather often acts insurance coverage disputes, largely but not exclusively in relation to professional indemnity insurance. She has particular experience of advising on dishonesty and aggregation issues. She has also been instructed on various arbitration proceedings about solicitors' professional indemnity insurance and in arbitration claims about after the event insurance cover.

Her current and recent work includes:

- Acting, with William Flenley KC, in Axis v Discovery Land, above, a high profile coverage dispute arising out of a former solicitor's fraud
- Various claims against insurers under the Third Parties (Rights against Insurers Act) 2010 in respect of stolen client monies (two with William Flenley KC; one as sole counsel)
- Advising on coverage in respect of solicitors' professional indemnity policies following alleged thefts of client monies.

Commercial Law

Heather is instructed to advise on a broad range of commercial matters, including contractual claims, claims arising out of fraud and deceit, business and property disputes, shareholder disputes, and claims for breach of trust and breach of fiduciary duty.

Her current and recent work includes several cases involving allegations of actual or suspected fraud, recovery and enforcement claims, and claims for urgent relief.

Regulatory and Disciplinary

Heather has considerable experience of professional disciplinary work. She has represented professionals such as architects, midwives, and nurses in proceedings before their professional disciplinary body. She also has experience of advising on solicitors' regulatory disputes. Her work in this area includes the successful defence of allegations of misconduct and dishonesty regarding the condition of a baby at birth, which turned on the cross-examination of the various medical experts, and the successful defence of allegations that medication errors contributed to the death of a patient, in circumstances where the coroner had previously said that they did.

What others say

"Heather has thorough knowledge and knows how to retain information quickly." *Chambers UK, 2027*

"An intelligent and very thorough barrister who works very hard for the client." *Chambers UK, 2027*

"very knowledgeable and easy to work with." *Chambers UK, 2027*

"Very incisive mind, extremely good ability to analyze a case and see it from all angles before giving clear advice on the best way forward. Very calm and totally unflappable." *Legal 500, 2027*

"Heather McMahon is very good." *Chambers UK, 2026*

"A very hardworking, intelligent and thorough barrister. Very committed to her cases, and willing to go the extra mile to completely understand an issue." *Legal 500, 2026*

"Not only is Heather exceptionally talented but her ability to extract key information from vast amounts of documents is very impressive. She is an incredibly strong junior." *Chambers UK, 2025*

"Heather is very measured and calm, and very impressive on her feet. She is extremely easy to work with, very helpful and responsive, and very thorough in her approach." *Chambers UK, 2025*

"Heather is a very intelligent barrister who works extremely well in a team to get the best possible results for her instructing solicitors and clients. Heather is very skilful at drafting documents. She is also a robust and agile advocate." Legal 500, 2025

"Heather is an exceptionally talented, client-friendly, very capable thorough. She is measured and calm, very organised and on her feet she is very impressive." Legal 500, 2024

"Very hard working, thorough, dedicated and intelligent." Legal 500, 2023

“She is super-sharp and thorough. A good communicator who works very hard.” Legal 500, 2022

“A very strong junior who works well in a team. She has an extraordinary ability to distil key relevant facts from vast amounts of material.” Legal 500, 2021

“Very good on complex matters” Legal 500, 2020

Further information

Education

University College, Oxford: BA (Law) (First Class)

Career history

Before joining Chambers, Heather worked for the Government Legal Service (2001-2009) where she gained extensive experience in public and regulatory law. During this time, Heather was awarded a Pegasus scholarship to work in Virginia, USA in 2004; she also worked at the European Commission in Brussels in 2008. She joined Chambers in 2009.

Heather is currently the Chair of Chambers’ pupillage committee.

Professional Memberships

Heather sits on the Executive Committee of the Professional Negligence Bar

Association (2020 to present). She is also a member of the Chancery Bar Association, Combar, and the London Common Law & Commercial Bar Association.

Publications

Heather assisted with research for Flenley and Leech, The Law of Solicitors' Liabilities, fourth edition, 2020. Her own published work includes "Loss of a chance in commercial transactions", Butterworths Journal of International Banking and Financial Law, 2021, 405 (with Michael Pooles KC).

Personal

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

ICO Data protection registration number: Z2003875.

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