

OUR PEOPLE

Melody Hadfield

CALL 2018



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Melody Hadfield's practice spans civil fraud, commercial litigation and arbitration, company, insolvency, insurance, professional negligence and sports.

She has significant expertise in contractual claims, and has acted for corporates and individuals in a wide range of contexts including the sale of goods, joint ventures, agency and commercial leases. Many of Melody's cases raise difficult questions of contractual interpretation and measure of damages. In one such case, she received judicial commendation for her "impressive, detailed and helpful written submission" and for presenting the claimant's case with "skill and fairness".

Melody is also experienced in claims involving allegations of misrepresentation or other serious wrongdoing. Notable instructions in this area include acting as junior counsel for the First Defendant in *The Public Institution for Social Security v Fahad Maziad Rajaan Al Rajaan and 37 others* (one of the largest fraud disputes ever heard by the Commercial Court) and representing a group of over 400 claimants in proceedings in the Commercial Court, arising out of their investment in student and holiday rental accommodation (*The Claimants Listed in Schedule 1 v Spence & Ors* (reported at [2021] EWHC 276 (Comm), [2023] EWHC 1 (Comm) and [2024] EWHC 2434 (Comm)).

Melody has worked on a number of cross-border disputes, and is assisted in this regard by her French language abilities; she has particular experience of reviewing French language banking and legal documents for litigation purposes.

Prior to coming to the Bar, Melody read law at Balliol College, University of Oxford. During her time there she was awarded the Brackenbury Exhibition, Brackenbury Scholarship and the Alan Rodger Prize in Roman Law. She also worked for a term as a legal research assistant. Following her undergraduate studies, Melody undertook the Bachelor of Civil Law (BCL) at Oxford in 2016, achieving distinctions in Philosophical Foundations of the Common Law and in a dissertation ("Objectivity and Subjectivity in the Law of Contract Damages").

Privacy Policy

Click here for a [Privacy Policy](#) for Melody Hadfield.

Expertise

Civil Fraud, Asset Recovery & Injunctive Relief

Civil fraud is an area of special interest for Melody, and she has particular experience of handling expert evidence in this context, including forensic accountancy evidence and property valuation evidence. She is well-versed in applications for freezing injunctions (including applications for permission to enforce freezing injunctions abroad), discharge applications, asset disclosure, applications to protect confidential information and contempt applications. She has acted in fraud claims raising bankruptcy and insolvency issues and questions of jurisdiction and governing law. Examples include:

- *The Public Institution for Social Security v Fahad Maziad Rajaan Al Rajaan and 37 others*: acting as junior counsel for the First Defendant in an USD 800 million civil fraud claim involving allegations of bribery and breach of fiduciary duty (spanning multiple jurisdictions and decades) in connection with investments made by the Kuwaiti social security fund.
- *The Claimants Listed in Schedule 1 v Spence & Ors* (reported at [2021] EWHC 276 (Comm), [2023] EWHC 1 (Comm) and [2024] EWHC 2434 (Comm)). Acting as junior counsel for a group of over 400 Claimants in proceedings in the Commercial Court, arising out of their investment in student and holiday rental accommodation. Claims were advanced in misrepresentation, unlawful means conspiracy and negligence, with a combined value in excess of £45 million.
- *Kendall & Ors v XL Insurance Company SE* (Circuit Commercial Court): acting for insurers of a dissolved law firm which is accused of making dishonest false representations concerning proposed investments in carbon credit schemes. Claims are advanced by a group of 20 claimants (former clients of the law firm) with a combined value of £1.5million.
- Acting for an optometry business in a claim against a senior employee for dishonest breach of fiduciary duty and breaches of his employment contract. The alleged breaches span a period of 6 years and comprise 4000 instances of falsifying data, undercharging acquaintances and making an unauthorised profit from the sale of products belonging to the business.
- Acting for the Second Defendant in an application to strike out a claim in conspiracy, where it was alleged that the Defendants had conspired to terminate the Claimant's company directorship and effect a transfer of his shareholding. The Second Defendant succeeded in securing an unless order pursuant to which the claim was subsequently struck out.
- *Abdulrida & Ors v Al Najjar & Ors* [2021] EWHC 398 (Ch): acting as junior counsel for the Claimants in the trial of claims, worth in excess of £14 million, for personal and proprietary relief, arising out of a series of frauds perpetrated by a (now bankrupt) businessman against investors in property development schemes. The Claimants succeeded in persuading the court of a number of fraudulent misrepresentations by the First Defendant (including misrepresentations as to his intentions). The claims also raised issues regarding subrogation, restitution, proprietary estoppel, Quistclose trusts and constructive trusts.
- A proposed claim against auditors under section 213(2) of the Insolvency Act 1986 and for dishonest assistance of a breach of fiduciary duty by company directors, where it was alleged that the directors had caused the company to carry on business in a manner which defrauded HMRC.

Commercial Dispute Resolution

Melody benefits from substantial legal research experience and strong analytical skills, both of which equip her for tackling particularly complex commercial matters. She has extensive experience, in particular, with disputes raising questions in relation to the formation, interpretation and effect of contracts (including guarantees and consumer contracts) and deeds, as well as questions of mitigation and measure of loss. Her experience extends to enforcement matters and includes assisting with a claim to enforce a number of foreign judgments in a total sum in excess of USD 130 million, as well as appearing in the ADGM Courts in proceedings concerning the grant of a charging order over company shares. Melody particularly enjoys commercial work with an international dimension. She has produced notes and advices on jurisdiction and, in particular, on the location in which financial loss is suffered for the purposes of the tort gateway. Other highlights include:

- Arbitral proceedings (conducted in French language), worth in excess of USD 200 million, arising out of an agreement between two corporate entities to jointly pursue an oil exploration venture. The dispute raises complex questions concerning agency, disclosed principals, good faith and fiduciary obligations.
- Acting for a marketing agency in defence of a £1.6million claim, where it was alleged that the agency had exposed its client to third party intellectual property claims.
- *F&T Terrix Limited v CBT Global Limited* [2021] EWHC 3379 (Comm). Sole counsel for the successful Claimant in Circuit

Commercial Court proceedings arising out of the non-delivery of a shipment of nitrile gloves, raising issues of contractual interpretation, waiver and measure of damages.

- Advising on the enforceability of a personal guarantee contained in a tenancy agreement, where the intended guarantor had signed the tenancy agreement as director of the tenant company but not in his personal capacity.
- Advising on the merits of a proposed claim against a former real estate agent in relation to his receipt of an unauthorised secret commission.
- Acting as junior counsel in assessment of damages proceedings in the Chancery Division (for a claim worth in excess of £8 million) to determine the value of a shareholding in a higher education provider, involving argument about the appropriate valuation methodology and the application of a minority discount (settled).
- Acting as sole counsel for the successful public authority in a dispute over the existence and terms of a vehicle hire agreement, the effect of a no-oral modification clause and the applicable measure of damages.
- Assisting a provider of French holiday accommodation in connection with a customer's proposed claim for repudiatory breach of contract arising out of the cancellation of her reservation. The proposed claim raised interesting issues of contractual interpretation, frustration and measure of damages.
- Advising on the proper interpretation and effect of limitation and exclusion clauses in an agreement for the sale of fruit processing equipment.
- Acting for the successful commercial landlord in a fiercely contested summary judgment application in a dispute concerning the lease of business premises, raising questions about the effect of a no set off clause and the enforceability of a guarantee.
- Acting for a bank in multi-party possession proceedings. The proceedings included a subrogation claim and raised issues concerning limitation, mistake and unpaid vendors' liens.

Company & Insolvency

- Acting for the British Alpaca Society in its successful defence of a claim by a member who (1) sought to imply a term of good faith into the Society's articles of association and (2) alleged that this term had been breached by the manner in which disciplinary proceedings against him had been conducted.
- Obtaining reverse summary judgment for the Defendants (a company and its directors) in a claim made by a former company director. The former director complained of procedural errors in the manner in which his directorship had been suspended and subsequently terminated.
- Advising on the effect of a creditors' vote under paragraph 56(1) of Schedule B1 of the Insolvency Act 1986 and the Insolvency Rules 2016, and on the terms of the resulting settlement agreement.
- Acting as junior counsel in claims in the Chancery Division worth nearly €50 million, brought by administrators against a company secretary in relation to alleged conflicts of interest and a failure to provide accounting information to company directors (with a view to enabling the company to identify frauds perpetrated by one of its directors) (settled).

Insurance

Insurance is another area of particular interest to Melody, and she has worked on a range of insurance disputes, including coverage disputes and insurance brokers negligence claims. Melody has written and spoken on claims control clauses in insurance policies and contractual discretion in the insurance context. Her experience also includes:

- Acting as junior counsel in defence of claims in excess of £50 million brought by 176 claimants against insurers of an insolvent accountancy practice.
- Advising on the merits of a claim for the recovery of sums paid under a home insurance policy, raising issues concerning misrepresentation, waiver and affirmation.
- A claim by a former rugby player under a personal accident and illness insurance policy, insuring against permanent total disablement.
- Acting in proceedings, brought under the Third Parties (Rights Against Insurers) Act 2010, against the public liability insurers of a company in liquidation, in relation to the installation of a CWI System at a residential property, raising scope of coverage issues.
- Acting for insurers in the defence of a claim under an all risks on portable property business insurance policy, arising out of the theft of a number of tools stored in a van.

Professional Liability, Disciplinary and Regulatory

Melody acts in claims against a broad range of professionals, including solicitors, financial advisers, surveyors, accountants and auditors. She has particular experience with claims against solicitors arising in the conveyancing context, including claims relating to boundary issues, planning permission, rent review, service charge terms and land registry restrictions. Melody has acted in a number of disputes involving multiple parties and additional claims, as well as negligence claims arising against a backdrop of (allegedly) fraudulent transactions. Examples include:

- *Ashraf v Lester Dominic Solicitors & Ors* [2022] EWHC 621 (Ch). An appeal in the High Court in a claim against two firms of solicitors (along with several other parties) arising in connection with alleged conveyancing fraud. The claim raised a novel issue concerning duties owed by solicitors to non-clients.
- *Kingsley Napley LLP v Harris* [2021] EWHC 901 (QB). Acting as junior counsel for solicitors, who successfully resisted a substantial counterclaim brought by the Defendant in relation to the firm's conduct of financial remedy proceedings and other matters.
- Sole counsel defending a £1.1 million claim brought by the Claimant against two corporate entities and a director of both entities, alleging negligent advice and negligent misstatement in relation to a failed investment; raising issues concerning directors' duties, agency and authority.
- Sole counsel for a firm of solicitors in High Court proceedings, where the claimant alleged that the defendant solicitors had failed to advise her on the effect of an overage agreement.
- An application in the Queen's Bench Division, regarding non-compliance with an order for disclosure, raising issues concerning the interpretation of the order and principles governing solicitors' liens.
- Claims by a bridging finance lender against a valuation panel management company and a surveyor, alleging negligence and breach of contract in respect of the valuation of a residential property. The proceedings raised issues regarding the identity of contracting parties and terms of contract.
- Acting for a senior partner of a law firm in connection with an investigation by the SRA in respect of disclosure issues which arose in the course of a lengthy group litigation action.
- Assisting a partner in a firm of accountants in connection with an investigation by the ICAEW relating to alleged conflicts of interest, bias and a breach of anti-money laundering regulations.
- Proceedings brought by a show jumping trainer against a farrier for damages in excess of £2 million, arising out of the negligent diagnosis and treatment of an international show jumping horse.
- Acting for a firm of solicitors in defence of claims brought in contract and in unjust enrichment, arising out of their conduct of employment tribunal proceedings brought by the claimant against his employer, an NHS trust, for constructive dismissal.

Sports

Melody's experience extends to a range of sporting disputes, with a particular focus on contractual claims between football agents/intermediaries, players and clubs. Examples include:

- Acting for a football player in proposed proceedings against his club for breach of contract (comprising a failure to notify the player of loan and transfer offers from another club).
- Acting for an FA intermediary in a claim (worth in excess of £2 million) against a Premier League player and a sports agency for breach of an exclusive agency agreement.
- Acting as junior counsel for a football player in defence of arbitral proceedings brought by an intermediary. The claim raised issues concerning the law of mistake, non est factum and contractual interpretation.
- Advising a canoeist on the merits of a proposed appeal in a selection dispute.
- Acting as junior counsel for a sprinter in relation to a preliminary investigation by UK Anti-Doping into the alleged presence of dorzolamide in the sprinter's urine sample – securing an exceptional decision by UKAD to refrain from charging the athlete with an Anti-Doping Rule Violation.

Qualifications

EDUCATION

BA (Hons) Jurisprudence, BCL (Balliol College, University of Oxford); BPTC (BPP University)

PUBLICATIONS

Co-authored with J Goudkamp, "A Tour of the Tort of Negligence" (2016) 32 Professional Negligence 137

LANGUAGES

French (Intermediate)
