

OUR PEOPLE

Melody Hadfield

CALL 2018



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Melody's practice spans across civil fraud, commercial litigation and arbitration, insurance, professional negligence and sports. Multi-party litigation has been a prominent feature of her work, and she is experienced in a wide range of contractual matters, with particular strengths in disputes raising complex issues of mitigation and measure of damages.

Melody also acts in claims involving allegations of misrepresentation or other serious wrongdoing, and is currently instructed as a junior in one of the largest fraud disputes ever heard by the Commercial Court.

She has worked on a number of cross-border disputes, and is assisted in this regard by her French language abilities; Melody 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), asset disclosure and applications to protect confidential information. She has acted in fraud claims raising bankruptcy and insolvency issues and questions of jurisdiction and governing law.

Featured Civil Fraud cases

- *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 across multiple jurisdictions and decades) in connection with investments made by the Kuwaiti social security fund.
- *The Claimants Listed in Schedule 1 v Spence & Ors*. 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 are advanced in misrepresentation, unlawful means conspiracy and negligence, with a combined value in excess of £45 million.
- *Abdulrida & Ors v Al Najar & 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 directors had caused a company to carry on business in a manner which defrauded HMRC.
- 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.
- Assisting with closing submissions for conjoined ICC and LCIA arbitrations for claims for breach of fiduciary duty and dishonest assistance raising issues in relation to causation, equitable forfeiture and election between inconsistent remedies (during pupillage).

Commercial and Commercial Chancery

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.

Featured Commercial and Commercial Chancery cases

- *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 in relation to contractual interpretation, waiver and measure of damages.
- 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 (where the cancellation occurred as a result of restrictions imposed by the French government in light of the COVID-19 pandemic). 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.
- *Filatona Trading v Navigator Equities* [2020] EWCA Civ 109: assisting, during pupillage, with the preparation of an appeal

against a High Court judgment in a dispute over a shareholder agreement, concerning the interaction between principles of contractual interpretation, the law of agency and the parole evidence rule.

- Assisting with a claim against the guarantors of a company's liability under a loan agreement (during pupillage). The proceedings raised questions in relation to execution formalities for deeds, estoppel and whether the guarantors' liability was discharged by a variation of the terms of the loan agreement.
- Assisting with UNICITRAL arbitration proceedings worth USD 270 million for a dispute between a sovereign state and a construction company raising issues relating to damages for misrepresentation and complex issues of illegality and public policy (during pupillage).

Melody's experience extends to a wide range of traditional and commercial chancery matters, including lenders' possession claims, claims raising company law and insolvency issues and statutory demands. Examples include:

- Acting for the successful commercial landlord in a fiercely contested summary judgment application in a dispute concerning the lease of business premises, raising questions in relation to the effect of a no set off clause and the enforceability of a guarantee.
- Acting for a bank in multi-party possession proceedings including a subrogation claim and raising issues in respect of limitation, mistake and unpaid vendors' liens.
- 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 failures to provide accounting information to company directors (with a view to enabling the company to identify frauds perpetrated by one of its directors) (settled).
- *Perry v Neupert* [2019] EWHC 52 (Ch): assisting, during pupillage, with proceedings under s.50 of the Administration of Justice Act 1985, where trustees of the deceased's estate joined the proceedings in order to oppose the appointment of the deceased's daughter as personal representative of the estate.

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. She also assisted, during pupillage, with an application for permission to serve a claim form (for an anti-suit injunction) outside the jurisdiction as well as an advice on a question of BVI's law of fraudulent conveyances.

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.

Featured Insurance cases

- An advice 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.
- During pupillage, drafting pleadings for claims against insurers and insurance brokers, including a business interruption claim and a claim arising out of insurers' purported avoidance of a policy for material non-disclosure and misrepresentation.
- An advice, during pupillage, on the application of the terms "claim" and "single claim" in a directors and officers liability insurance policy where it was alleged that company directors had caused the company to enter into transactions at an undervalue.

Professional Liability, Disciplinary & 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.

Featured Professional Liability, Disciplinary & Regulatory cases

- *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 ancillary relief proceedings and other matters.
- An application in the Queen's Bench Division, in respect of non-compliance with an order for disclosure, raising issues in respect of the interpretation of the order and principles governing solicitors' liens and the effect of alleged misconduct.
- An appeal in the High Court in a claim against two firms of solicitors (along with several other parties) arising in connection with an allegedly fraudulent conveyancing transaction, raising a novel issue in respect of duties owed by solicitors to non-clients.
- 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.
- Assisting with an application to strike out a £22 million claim brought against a solicitor in connection with a conveyancing transaction (during pupillage). The proceedings raised issues surrounding the law on reflective loss, directors' duties and illegality.

Sports Law

Melody's experience extends to a range of sporting disputes, with a particular focus on anti-doping matters and contract claims in the sports context.

Featured Sports cases

- Advising a canoeist on the merits of a proposed appeal in a selection dispute.
- Acting as junior counsel in relation to a preliminary investigation by UK Anti-Doping into the alleged presence of dorzolamide in a sprinter's urine sample, resulting in an exceptional decision by UKAD to refrain from charging the athlete with an Anti-Doping Rule Violation.
- During pupillage, assisting with an EFL arbitration for a dispute over the interpretation of a football transfer agreement and promissory notes issued to the seller to enable the factoring of monies from the transfer.
- Assisting, during pupillage, in the preparation of a CAS appeal in proceedings arising from the detection of furosemide in a gymnast's urine sample.

Melody is authorised to accept instructions from lay clients directly under the Public Access Scheme.

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

MEMBERSHIPS

BASL

BILA

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