



## Michaella Jacobs – Barrister

Called 2003

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### **PROFILE:**

Michaella joined 4KBW, Chambers of Timothy Raggatt QC in 2011 after spending several years in a mixed common law set. Her practice covers a range of Chambers' core areas of law, particularly:

- Civil and Commercial Litigation
- Property law
- Trusts

She has appeared in the High Court, Tribunals, Company Courts and various County Courts on a regular basis, attended mediation hearings and has appeared in the Court of Appeal. She is consistently instructed to draft pleadings, witness statements, statements of case, applications, appeal notices, contracts and leases.

### **PRACTICE AREAS**

#### **CONTRACT LAW**

Having practised within this area since her call, Michaella has particular expertise in contractual matters dealing with a plethora of contractual issues, on behalf of a range of clients, including the formation of contractual agreements, creation and incorporation of terms, enforceability of standard and exclusion clauses, breach of contract, misrepresentation and the provision of advice on the quantum and merit of claims.

## **COMMERCIAL LAW**

Michaella has represented commercial clients in a wide range of disputes including service outside the jurisdiction, the purchase of land by corporate entities, partnership, fiduciary duty, oppression and matters appertaining to commercial leases such as their creation, formation by conduct, forfeiture, tenancies at will, dilapidations, renewal and termination.

## **CONSUMER LAW**

Michaella has consistently practiced consumer law within England as well as recently gaining knowledge and experience of consumer law within New Zealand. Her areas of specialism include the applicability and incorporation of consumer rights and regulations, consumer credit, hire purchase, fitness for purpose/sale of goods and the law relating to estate/letting agents.

## **CIVIL LITIGATION**

Michaella has extensive experience within this area for both contentious and non-contentious matters including in relation to injunctions (prohibitory, mandatory and freezing), service outside the jurisdiction, civil procedure applications, summary judgment, set aside applications, debt enforcement, disclosure, costs and directions hearings.

## **PROPERTY LAW**

Michaella has developed substantial experience within this area over a course of many years, advising, drafting and appearing in a myriad of matters including boundary disputes, trespass, easements, freehold and leasehold covenants, nuisance, rights of way, part wall issues, adverse possession and compulsory purchase orders. She has also accumulated vast experience in matters relating to mortgages.

## **LANDLORD AND TENANT**

In conjunction with real property, this constitutes an extensive part of Michaella's practice. She undertakes commercial and residential work on behalf of both landlords and tenants within the public and private sectors. Michaella has had a significant amount of experience dealing with many areas including the creation of leases, both equitable and legal, all manner of issues appertaining to the Landlord and Tenant Act 1954, the forfeiture, surrender and determination of leases as well as service charge disputes, break clauses, dilapidations and tenancies at will.

## **HOUSING**

Michaella regularly conducts cases for both landlords and tenants, within the private and public sectors, involving disrepair, homelessness, assured shorthold and assured tenancies, the accelerated possession procedure, rent arrears and anti-social behaviour.

## **TRUSTS**

Michaella has developed a practice dealing with co-ownership of a home in non-marital relationships, ownership of property, proprietary estoppel and undue influence.

## **REPORTED CASES:**

- ***Tan v Law (2013) Lawtel LTL 25/6/13 AC9701100*** - argument about the assessment of criteria under the new Civil Procedure Rule 3.9 (relief from court sanction).
- ***Fallows v Harkers Transport [2 September 2011] EW Misc 16, HHJ Platt, 1UC62538***, subrogated insurance claim, what constitutes sufficient evidence of loss, mitigation of loss, recoverable damages
- ***Page v Jackson (2009) Lawtel LTLPI 2/2/10*** – assessment of damages
- ***Lamaletie and Royce [2008] EWCA Crim 314*** - whether an assertion of self-defence can trigger bad character provisions for admissibility of evidence.

## **OTHER RELEVANT WORK EXPERIENCE**

Michaella recently spent time working at the Commerce Commission in Wellington, New Zealand where she reviewed documents and their relevance for the purposes of disclosure as part of a prosecution against a firm for breach of consumer law.

She also recently undertook legal study in Australia.

## **PROFESSIONAL MEMBERSHIPS**

Chancery Bar Association

## **CONTACT DETAILS:**

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