

Emma Catia Walker

Call 2014



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Emma is a skilled and experienced commercial disputes and international arbitration specialist and advocate. Emma is registered in Part II of the DIFC's Register of Legal Practitioners with full rights of audience.

She is recommended in the Legal 500 as a leading junior in Commercial Litigation, contributing "*attention to detail, and the ability to pull together experiences from a number of areas and therefore approach cases with a fresh perspective*".

Emma brings expertise in a wide range of complex disputes, across a wide breadth of -industry sectors, including banking and finance, energy, maritime, aviation, construction and insurance. She undertakes work which is multi-faceted, drawing from her experience in commercial, construction, insurance, insolvency, employment and arbitration. Many of her cases have an international and cross-border element.

She has acted in ICC, LCIA, DIFC-LCIA, UNCITRAL and SCC arbitrations. Emma is regularly instructed to appear both in tribunals and courts in England & Wales, and Dubai. She has also appeared in the Supreme Court of Mauritius. She has advised as an expert in LCIA proceedings, Moscow City Arbitrazh Court.

Before joining 2TG, Emma practised as counsel at 3 international law firms, working alongside solicitor teams on a regular basis, addressing matters from the point of initial instruction. Also, she acted as Commercial Legal Counsel for a national children's charity. Emma has taught as a Visiting Lecturer at King's College London in both Contract Law, and Corporate, Finance and Security Law.

Expertise

Commercial Dispute Resolution

Emma's commercial practice covers a wide range of industry sectors, including, banking and finance, energy, construction, and insurance.

Many of Emma's matters consist of an international and cross-border element.

Emma is currently instructed as junior counsel in a high-value cross-border banking dispute, to the value of over £28m, which is due to be hearing in the Commercial Court in June 2024.

Notable Commercial Dispute Resolution cases

Acting for a Petitioner in s.994 proceedings arising from the mismanagement an alarm company, including seeking (and obtaining) a stay of proceedings to rectify the Register of Companies.

The Saudi British Bank v Abengoa S.A. (Commercial Court) [2019-2022]. Emma acted (led by Richard Hanke) for the Claimant in a claim under a number of banking guarantees, to the value of over £5m, successfully obtaining summary judgment.

East Fish Processing LLC v (1) Ecolog International FZE (2) Ecolog International CFI 052/2021 (DIFC). Emma acted as sole counsel for the joint Defendants who were a supplier to the UN, in relation to an alleged breach of contract concerning supply of commercial commodities, and non-payment. The Defendants were successful in both defending the claim and awarded their counterclaim. The Defendants were also successful on appeal.

A v B [2021-2022] (DIFC and Commercial Court, London). Emma acted (led by Rupert Reed KC) successfully in a worldwide freezing injunction obtained in DIFC and England & Wales for approximately US\$88million.

Acted in two matters as sole counsel before Commercial Court relating to breaches of an SPA and one in relation to breach fiduciary duties.

Acted as sole counsel for a petrochemical service provider in services agreement dispute with multinational chemical manufacturing company.

The World LLC v Shokat Dalal (Commercial Court) [2019-2020]. Emma acted (led by Ian Mill KC) for the _____

Defendant in a claim concerning recognition and enforcement of judgments of the Dubai courts in the sum of approximately £35million, which included allegations that the judgments were procured by fraud.

Advised a European food franchise in a commercial contractual dispute, amounting to approximately £15million, under a Franchise Management Agreement.

Advised two airlines, in relation to two different disputes – one dispute concerned non return of security deposit in accordance with an aircraft leasing contract, whilst the second dispute concerned contractual and tortious breaches of an aircraft purchase agreement.

Paralel Routs Ltd v Fedotov [2019] EWHC 2656 (Ch). Emma acted (led by Richard Hanke) for the Defendant in a claim brought to recover £26million allegedly due under 17 loan agreements, which were in fact part of a corporate raid by a Russian former business rival.

Acted for a Claimant biomedical company in USD\$9 million breach (settled upon receipt of Particulars of Claim).

Represented an energy company in its claim for breach of commercial restrictive covenants and commercial fraud claim (settled upon receipt of Particulars of Claim).

State Trading Corporation v Betamax Ltd [2019] SCJ 154. Emma acted (led by Stuart Isaacs KC) for the Defendant, before the Supreme Court of Mauritius, concerning the set aside of a SIAC arbitration award, on the grounds of breach of domestic public policy.

Elena Baturina v Alexander Chistyakov [2017] EWHC 1049 (Comm) (led by Nick Cherryman) relating to the defence of a Russian investor against claims for breach of contract, breach of fiduciary duty and fraud relating to a joint property development.

International Arbitration

Emma regularly acts as counsel in domestic and international arbitration proceedings, and has experience in both institutional and ad hoc arbitrations.

Notable International Arbitration cases

Acted in an ICSID arbitration brought under UK-UAE BIT concerning real estate investments.

Provided expert evidence for Moscow City Arbitrazh Court in relation to the interpretation of an LCIA arbitral award.

Acted in a US\$8million Bilateral Investment Treaty SCC arbitration, representing two Russian Claimants, against the government of an Eastern European state relating to expropriation and suspension of the Claimants' shares in a major local bank.

Acted in a US\$275million ECT claim, under ICSID, for an oil and gas exploration and production company.

Acted in a US\$1.7 billion UNCITRAL arbitration, as part of a counsel team, for an oil and gas exploration and production company.

Acted in a £2.2million LCIA tax arbitration concerning corporation tax, share valuation and fraud.

Acted for a Malian gold production and exploration company against a private equity fund in an approximately US\$10million dispute, in relation to early termination of a project finance facility.

Acted for a Saudi-based high net worth individual in a EUR 65 million action relating to the sale and purchase of a luxury yacht (London Maritime Arbitrators Association).

Civil Fraud & Asset Recovery

Emma is regularly instructed in civil fraud disputes, and has experience in dealing with urgent interim applications. Much of her commercial and insurance work includes issues of commercial fraud, especially in relation to claims concerning breaches of fiduciary duties and economic torts (inducement of breach of contract and conspiracy), and deceit.

Emma has advised an international telecommunications company on the impact of the Bribery Act 2010.

She is regularly instructed in matters concerning asset recovery, concerning international and cross-border assets.

Notable Civil Fraud & Asset Recovery cases

A v B [2021-2022] (DIFC and Commercial Court, London). Emma acted (led by Rupert Reed KC) successfully in a worldwide freezing injunction obtained in DIFC and England & Wales for approximately US\$88million.

Advised a member of the 'Big 4' in dispute with another member, as to regulatory breaches.

Acted as sole counsel for a large high street department store in a contractual dispute, and successfully was awarded a counterclaim in relation to commercial fraud.

Paralel Routs Ltd v Fedotov [2019] EWHC 2656 (Ch). Acted (led by Richard Hanke) for the Defendant in a claim brought to recover GBP26million allegedly due under 17 loan agreements, which were in fact part of a corporate raid by a Russian former business rival.

Represented an energy company in its claim for breach of commercial restrictive covenants and commercial fraud claim (settled upon receipt of Particulars of Claim).

Acted as junior counsel in a US\$8m Bilateral Investment Treaty SCC arbitration, representing two Russian Claimants, against the government of an Eastern European state relating to expropriation of the Claimants' shares in a major local bank (SCC, Stockholm).

Property Damage

Emma is frequently instructed on claims concerning property damage. At present, she is instructed on property damage cases concerning:

- Flooding due to burst pipes, sub-standard plumbing and poor architectural design.
- Fire due to failure to extinguish, electrical faults and negligent architectural design.
- Japanese Knotweed concerning spread from local government land.
- Trees due to ingress of roots requiring superstructure repairs, underpinning, and root-barriers following subsidence.
- Cavity Wall Insulation due to allegations of improperly or negligently installed CWI.

She has extensive experience of property damage claims as sole counsel, and brings her commercial litigation, civil fraud and insurance experience to bear in claims concerning policy coverage issues, subrogated recovery, expert evidence, non-disclosure and fraud.

Notable Property Damage cases

Acting for the Claimant owners of a property destroyed following the escape of fire from an adjoining residential property. The claim raises issues of professional negligence in addition to the ignis suus doctrine.

Acted for a charitable trust concerning fire spread from electrical power cables.

Acting for the Claimant in two subrogated recovery actions brought for breach of the ignis suus duty arising from a catastrophic fire.

Acting for Claimants in multiple high-value subrogated recovery actions arising from an escape of water in period properties across England.

Acted for subrogated insurers in recovery proceedings arising from a catastrophic warehouse fire.

Acted for an events company concerning fire damage to approximately 100 vehicles.

Insolvency

Emma is regularly instructed in corporate and personal insolvency matters, including in relation to liquidations, administrations, voluntary arrangements, bankruptcies and transaction avoidance actions.

She also has considerable experience of insolvency and company law matters arising in the context of her insurance and civil fraud practices.

Notable Insolvency cases

Acted for a HNW individual in an application to set aside a statutory demand (Insolvency and Companies Court).

Acted as sole counsel in numerous possession and sale applications.

Acted as sole counsel in numerous contested administration applications, winding-up petitions and bankruptcy petitions.

Advised on US\$1.05 Billion Sale of a Power Plant Stake and the finance re-structuring matter for an international food and drinks company.

Employment

Emma advises and acts as sole counsel, appearing regularly on behalf of Claimants and Respondents, in Employment Tribunals, in a range of employment cases concerning all areas of employment law. She regularly acts for a broad range of clients, including individual employees and employers, SMEs, FTSE and multinational companies, and local authorities.

Most of Emma's cases involve overlapping issues including constructive unfair dismissal, wrongful dismissal, discrimination, whistleblowing, harassment, victimisation, misappropriation of confidential information, and breach of restrictive covenants.

Emma was awarded "*Leading Legal Mind in Employment Law 2020*" by SME Legal Awards.

Notable Employment cases

A v NHS Trust [2023-ongoing]. Acting for the employee in a disability discrimination and constructive unfair dismissal claim.

Izod v Peterborough Milton Golf Club Ltd [2022]. Acted for the Respondent in a claim for unfair dismissal and breach of contract.

Williams v Hurryflow Ltd [2021]. Acted for the Respondent in a claim for unfair redundancy.

Ukwu v Tritax Management LLP & Others [2020-ongoing]. Acted for two Respondents in relation to whistleblowing and discrimination.

Paintal v Art Asia Trust Ltd & Others [2020]. Acted for the three Respondents in relation to a claim concerning automatic unfair dismissal, and whistleblowing.

Parkes v The Chief Constable of Merseyside Police [2020]. Acted as counsel for the Claimant in relation to a claim under Regulation 5, Agency Worker Regulations 2010.

Jenkins-Hurrell v The Champion School & Ors [2019]. Acted for the three Respondents in relation to a claim concerning harassment, discrimination, and constructive unfair dismissal.

Blessing v JWT Commercial [2019]. Acted as counsel for the Respondent concerning whistleblowing and unfair dismissal.

Advised on £1.8 billion deal between LCCG and Equitable life.

A v B [2019]. Acted for an employee of a government department in relation to constructive unfair dismissal and whistleblowing.

Inquiries

Emma accepts instructions to act on inquiries and investigations.

Emma acted as junior counsel (led by James Maxwell-Scott KC) in the Grenfell Inquiry, drafting questions for witnesses.

Emma acted on a Dutch authority's tax investigation.

Construction

Emma has a broad construction practice, with experience of construction arbitrations (LCIA and ICSID), adjudications and in the TCC.

Emma advises and acts in relation to matters concerning standard form construction contracts, including JCT, NEC and FIDIC. Emma's experience in commercial contract disputes, property damage and insurance claims means that she is able to address complex issues of technical evidence.

Notable Construction cases

Acted for the project designer in a TCC claim concerning termination disputes in relation to a biomass fired energy plant.

Acted for the Employer in payment disputes (adjudication and TCC) concerning a gas-fired power station.

Acted in an ICSID arbitration brought under UK-UAE BIT concerning real estate investments.

Advised on US\$1.05 billion sale of a Power Plant stake and the finance re-structuring matter for an international food and drinks company.

Court of Protection

Emma has been instructed in a Court of Protection matter, led by Joseph O'Brien KC, concerning cross-border elements and the definition of "*habitual residence*".

Significant Cases

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Acted as junior counsel (led by James Maxwell-Scott KC) on the Grenfell Inquiry.

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Appointments

- Queen Mother Scholarship (Major) – Middle Temple
- Hong Kong Scholarship (Overseas Placement) – Middle Temple
- Elected Lifetime Scholar, Jesus College – University of Cambridge
- Jelf Medal – King's College London
- Patricia de Souza – King's College London

Education

- BPTC (Very Competent), The City Law School
- LLM (Commercial Law) (First), University of Cambridge
- LLB with Transnational Legal Studies (First), King's College London

Languages

- BSL (level 3)
- Spanish (intermediary)
- French (basic)

Memberships

- The Honourable Society of Middle Temple
- LCIA YIAG
- Young ITA
- LCLCBA
- Employed Barristers' Committee
- Young Employed Barristers' Committee

Publications

- LexisPSL Commercial, " Restrictive covenants and restraint of trade in commercial contracts" (pending publication);
- Thomson Reuters Practical Law Arbitration Blog (November 2017 and April 2018);
- Case Note, Journal of Damages in International Arbitration (Vol 4, No 2, 2017) and Quantum Quarterly (Q4, 2017).

Recommendations

"Emma contributes attention to detail, and the ability to pull together experiences from a number of areas and therefore approach cases with a fresh perspective."

Legal 500 2024

"very good barrister"

Legal 500 2022