

Joseph Mahon

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PROFILE

Joseph's practice spans Chambers' practice areas, with a particular focus on commercial, insolvency and property law.

He is regularly instructed by commercial institutions, corporate clients, local government bodies and individuals, both in written work and in courtroom advocacy.

Joseph has appeared numerous times in the High Court, solo and often on urgent matters. He has a busy County Court practice and is confident in multi-track through to small claims track matters. He has acted both at first instance and in appeals and has been commended for his ability to achieve outcomes beyond his year of call.

EXPERTISE

Commercial

Joseph covers a broad range of commercial work. He has acted at trial, in interlocutory applications, and at the advisory stage, both for claimants and defendants. He is as confident in multi-track litigation as in small claims. His practice covers both High Court and County Court.

Joseph is developing a particular familiarity with matters relating to financing and the provision of credit, as well as breach of contract claims regarding the provision of goods and services. Clients have commented on Joseph's pragmatism, as well as his confidence in trial advocacy.

His recent experience includes:

- Acting for an individual against a bridging loan provider in a multi-track dispute in the sum of £500k. Obtaining a finding of Unfair Relationship pursuant to the Consumer Credit Act 1974.
- Successfully defending a High Court appeal relating to Unfair Relationship and corporate liability for LPA receivers.
- Acting at trial for a financial services company in a breach of contract claim relating to the provision of tax services. Obtaining an indemnity costs order against the Defendant.
- Representing a construction firm in a two-day, multi-track trial relating to the provision of faulty goods.
- Acting for a national energy company, drafting a defence to a claim involving credit referencing and the unlawful sharing of information with credit agencies.
- Acting for a London Hospital Trust in proceedings relating to the crossover between bankruptcy, the extension of credit, and liability in contract.
- Acting for a shipping company in a dispute over liability for demurrage charges.
- Obtaining strike out of a contractual/negligent provision of services claim against a local authority.
- Frequently appearing in applications for charging orders and orders for sale.
- Assisting in the advisory stage of a multi-million pound application to lift a stay of proceedings granted on forum non conveniens grounds.

As pupil to Roger Laville, Joseph gained considerable experience in banking and finance litigation, with notable exposure to cross-border claims involving jurisdictional questions. He dealt with alleged breaches of fiduciary / directors' duties, including breaches of trust and other obligations, applications to amend the register of companies, as well as other company law procedures.

Before joining Chambers, Joseph spent a year as a paralegal at a leading international law firm, where he worked on the largest competition law dispute in the English courts at the time. He also spent time at a start-up law firm, where he advised a range of SMEs and start-ups on their company law obligations.

Insolvency

Joseph has a strong practice in the Insolvency and Companies Court. He has both litigated and advised in a range of insolvency matters and is familiar with the practical realities of such proceedings. He acts for both creditors and debtors.

Recent work includes:

- Across three hearings, obtaining an injunction to restrain presentation of a winding up petition, in a matter involving substantial and complex capacity issues. Persuading the court to grant the injunction notwithstanding its capacity concerns.
- Obtaining an urgent, retrospective administration order as well as various exemptions from administrators' obligations.
- Setting aside a statutory demand in proceedings relating to fraudulent misrepresentation.
- Acting in proceedings seeking an interim order staying bankruptcy proceedings, in order to protect a debtor with a moratorium pending a vote on IVA proposals.
- Obtaining various administration extensions.
- Appearing in numerous winding up petitions, bankruptcy petitions and related proceedings.

Property

Joseph acts for housing associations, local councils, individuals and companies across a range of property and housing matters. He has acted at the appeal stage of possession claims and is confident advising across the spectrum of property law.

Clients have praised Joseph's ability to cut through to the key points, particularly in cross-examination, and to convey complex points simply and directly to judges.

Joseph is particularly adept in discrimination and public law matters, having acted in numerous multi-track possession claims raising complex disability issues. Before joining the Bar, Joseph obtained a masters in public law, which he utilises to his advantage where possible.

Recent highlights include:

- Acting for a housing association in a two-day possession claim, where disabilities crossed over with capacity issues and where the Defendant's vulnerabilities required particular care in court.
- Successfully defending a council in a disrepair claim, including obtaining a finding that the Claimant's expert was unreliable, the report unsound, and its conclusions "highly concerning". Obtaining an indemnity costs order in light of the Claimant's conduct throughout the proceedings.
- Both prosecuting and defending mortgage possession claims, including at trial, and particularly where the arguments raised cross over into credit-based, commercial matters.
- Acting for a leaseholder in a 1.5 day service charge trial in the property tribunal, challenging service charges in the region of £80,000.
- Acting for a city council in a commercial rent review case.
- Representing a private landlord at the trial of a s21 claim for possession.
- Obtaining summary judgment against a claimant in a claim against a London Borough Council for unpaid care fees and housing benefit, then successfully defending an application to set that judgment aside.
- Acting for a leasehold tenant, settling a defence to unlawful sub-letting proceedings. Relatedly, advising on privity of contract, privity of estate, and the emergence of new tenancies.
- Acting for a range of private and social landlords in possession and demotion proceedings, including in relation to forfeiture, as well as applications to suspend/set-aside.
- Acting in, drafting pleadings for, and advising on disrepair and dilapidation claims.
- Numerous anti-social behaviour injunctions (with and without notice), access and works injunctions, and related applications.
- Frequently acting in committal and breach proceedings.

FURTHER INFO

Education/Qualification

- University College London (UCL), Master of Laws (LLM): Distinction – distinction in every module, ranked among the top of his year, dissertation published
- BPP University, BPTC: Very Competent

- BPP University, GDL: Distinction
- Edinburgh University, Theology (MA (Hons))

Awards/Scholarships

- Lincoln's Inn: Lord Denning Scholarship; Accommodation Award
- BPP University: Advocacy Scholarship, BPTC

Publications and Other Experience

Joseph has published articles for the UCL Journal of Law and Jurisprudence ('Humanitarianism within Statist Boundaries: a systemic interpretation of Art. 1F Refugee Convention in light of terrorist concerns', Vol 8(2), 2019), the Lincoln's Inn Student Law Journal ('Religion in the Balance: Constitutionalism, Autonomy and Identity in the CJEU', 2019), and on the website Keep Calm Talk Law.

He has also spent time abroad, working with the leading women's rights organisation in Palestine. While there, he assisted in submissions to UN Treaty Bodies and wrote speeches that were delivered at the UN Human Rights Council in Geneva. He later acted as a consultant for the organisation in a similar capacity.

Before converting to law, Joseph gained notable financial experience, principally in the investment trust section of a leading market-making firm.