



Neil Cadwallader

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Call 1984

Personal

MA (Cantab.), Dip. Law, FSALS, Registered Mediator (CEDR), FCI Arb, Barrister
Chancery Recorder

Deputy Adjudicator to H M Land Registry

Born 1959

Education

Downside School 1972-1976

Pembroke College, Cambridge: Philosophy 1976-1980

The City University: Diploma in Law 1983

Practice

Neil is a chancery/commercial barrister, and his particular specialisations are:

- Property
- Chancery law
- Partnership (a leader at the Bar) and company law
- Commercial landlord and tenant (recommended in the Legal 500)
- Professional negligence
- Commercial disputes

He is also very experienced in:

- Confidential information
- Mortgage
- Probate
- Trusts, probate and administration of estates
- Insolvency

Neil handles mostly high-value (up to about £100m to date), high-complexity matters, often for developers and other substantial landowners, not infrequently against leading Counsel.

Neil has worked for numerous local authorities and social landlords over many years. Examples of the matters he has handled include the following.

- Advising on claim for judicial review/restitution concerning termination of negotiations for sale of land for hotel and casino complex and best value issues
- Providing representation on substantial commercial rent review arbitration (successful)
- Advising on division of land and responsibilities for school, and sports facilities between 2 authorities and governors of school following change of school status; and joint use agreement

- Advising in dispute over payments for provision of low level support and counselling, and housing benefit
- Advising in dispute with Crown Estates over nature and extent of ferry rights
- Advising as to title to former school under charitable trust law and Education Acts
- Advising as to title to former school under School Sites Acts, Reverter of Sites Act
- Drafting terms of contract with utility provider for refurbishment of housing stock before bulk transfer
- Huge variety of landlord and tenant matters (break clauses, service charges, recovery of rent, rent reviews)
- Questions of title to land
- Advising on right to buy.

For social landlords he has:

- reviewed and redrafted standard assured tenancy and assured shorthold tenancy agreements with c 15,000 tenants
- advised on how best to increase rents and service charges from social tenants
- advised on a professional negligence claim in respect of a defective VAT-saving scheme

He also has many years' experience in dealing with developments, options, restrictive covenants and title matters in relation to property held for local authority pension funds.

Published comments

- Chambers UK Guide 2009: in chancery, a "hugely personable and refreshingly unflamboyant advocate." He maintains a broad chancery and commercial practice and is particularly noted for his expertise in property-related work; in partnership, "a nice and highly effective opponent".
- Clients highly rate Neil's "forensic skills and skilful cross-examination style", noting that he is "someone who gets to grip easily with the details of document-heavy litigation": Chambers' UK Guide 2009.
- A leading junior with 'a brain the size of a planet': Chambers' UK Guide 2008
- "Very clever". Neil Cadwallader is 'extremely constructive and creative in his approach' to property matters: Legal 500 2008
- A leader at the Bar in partnership: Chambers' UK Guide 2008
- A leader at the Bar in Chancery law recommended for his "incisive analytical approach": Chambers' UK Guide 2007
- A leader at the Bar in in partnership ("commonsensical and dedicated"): Chambers UK Guide 2007
- Recommended for his "unswerving dedication to the client": Chambers' UK Guide 2006
- "Tremendous barrister" Neil Cadwallader attracted recommendations from peers and clients for his breadth of legal knowledge": Chambers' UK Guide 2005
- "Described by peers as an 'impressive and intelligent' advocate" Chambers' UK Guide 2004
- A chancery expert: "very intellectual and a very good chap. A safe pair of hands." The Lawyer
- 'Recommended for landlord and tenant' Legal 500

- 'A lawyer's lawyer' Legal 500

Mediation Qualifications

Neil was accredited as a mediator by CEDR in 2001. In 2007 he was awarded the status of Registered Mediator to recognise his expertise in and commitment to mediation.

Mediation Activities

Neil is part of the team putting together the Exchange Chambers Mediation Service.

Mediation experience

Neil has acted as lead mediator in over 20 mediations so far: almost all complex and requiring the attendance of counsel and solicitor.

The disputes which Neil has mediated have been in the following areas:

- real property
- commercial landlord and tenant
- company
- partnership
- contract and commercial
- co-habitation
- trusts, wills and probate
- professional negligence
- tort.

Other ADR

- Arbitration. Neil is a Fellow of the Chartered Institute of Arbitrators. He has taken part as an advocate in a number of arbitrations (including in particular in the areas of commercial rent review and real property) and has successfully conducted arbitral proceedings in the fields of real property, partnership, wills and probate.
- Early neutral evaluation. There have been numerous occasions over many years on which Neil has been asked to provide early neutral evaluation in the form of an opinion written for both opposing parties, giving a non-binding indication of the probable outcome of their dispute. These have been particularly in the fields of real property, commercial landlord and tenant and partnership law.
- Negotiation. Neil has over 20 years' experience in negotiating complex chancery/commercial disputes, from round table conferences and settlement meetings to the door of the court, and even after.

Membership of professional organisations

- CEDR

- CIARb
- Fellow of the Society for Advanced Legal Studies
- Property Bar Association
- Northern Chancery Bar Association (formerly Secretary)
- Northern Circuit Commercial Bar Association (committee member)
- Chancery Bar Association
- Professional Negligence Bar Association.