

## Emma Mockford

YEAR OF CALL: 2016

*'Calm, measured but fearless when necessary.'*

Legal 500 2021

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## Practice Overview

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Emma is a sought after junior, with a busy practice spanning all areas of chambers' work including public and human rights law, EU and competition law and commercial law. She is regularly instructed in complex and high-profile litigation, both led and as a sole advocate, across all of her core practice areas and in a range of tribunals including the Supreme Court, Court of Appeal, High Court, and Competition Appeal Tribunal.

Highlights of her recent instructions include acting for the lead group of Claimants in the challenge to the Home Secretary's Rwanda policy, acting for the CMA in connection with its investigation into the merger of Meta and GIPHY, and acting for the Independent Monitoring Authority in connection with a series of cases relating to the continued application of the EU Charter of Fundamental Rights post-Brexit.

The directories recommend Emma as a leading junior in competition law, public and administrative law and civil liberties and human rights. They variously describe her as "a future star of the Bar" (C&P 2023); "the complete package and a fantastic barrister" (L500 2023) and "an incredible intellect" (Who's Who Legal 2022). In 2023, Emma was one of a handful barristers to be included in The Lawyer's Hot 100. In 2020, Emma was also the first junior barrister to be profiled by The Lawyer, in its new 'Barrister of the Week' series, which described her as a "leading junior", with a "cross-disciplinary practice" and "multi-faceted approach". Before coming to the Bar, Emma qualified as a solicitor at Freshfields Bruckhaus Deringer LLP (2011-13) and practised as an associate in the firm's dispute resolution department in London (2013-16), specialising in EU and competition litigation and public law.

Emma is a member of both the Attorney General's C Panel as well as the Equality and Human Rights Commission's C Panel. She is also a trustee of the AIRE Centre and in 2020 was the joint recipient of the Young Pro Bono Barrister of the Year Award.

## Competition

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Emma's practice covers all areas of EU and competition law, including both stand-alone and follow-on competition law claims, regulatory appeals, State aid / subsidy control and judicial review on EU law grounds. She acts for both claimants and defendants and is recommended in the field of competition law by each of Chambers & Partners, the Legal 500 and Who's Who Legal. She has particular expertise in the emerging area of collective actions, having acted in connection with numerous applications for collective proceedings orders.

Highlights of Emma's current and recent instructions in this field include:

- ***Facebook / Meta v Competition and Markets Authority***: Emma successfully represented the CMA in both the CAT ([2020] CAT 23) and the Court of Appeal ([2021] EWCA Civ 701) in this case against Facebook relating to the imposition of interim measures during an ongoing merger investigation (led by Marie Demetriou QC). She also represented the CMA in the subsequent judicial review of its substantive merger decision, raising novel issues to do with dynamic competition ([2022] CAT 26).
- ***On The Beach v Ryanair***: Emma acted for Ryanair in connection with an application for a *lis pendens* stay under Article 30 of the Brussels Regulation, raising issues of retained EU law ([2022] EWHC 861 (Ch)).
- ***Road Haulage Association v MAN SE & Ors***: Emma acts for the RHA following its successful application for the first ever opt-in CPO relating to the trucks cartel ([2022] CAT 25) (led by James Flynn QC).
- ***Cinven and others v CMA***: Emma is junior counsel for the Cinven Appellants in its challenge to the CMA's decision fining a number of pharmaceutical companies for excessive pricing and unlawful agreements in relation to hydrocortisone tablets.
- ***Mark McLaren Class Representative Ltd v MOL (Europe Africa) Ltd & Ors***: Emma is acting for the class representative in the RoRo collective proceedings (led by Sarah Ford QC). A CPO was granted in February 2022 ([2022] CAT 10) and upheld on appeal in December 2022 ([2022] EWCA Civ 1701). The case has also led to an important judgment on the extent to which defendants to collective proceedings can make contact with class members ([2022] CAT 53).

- ***Consumers' Association v Qualcomm***: Emma is defending Qualcomm in connection with this collective action brought against it by the Consumers' Association, Which?. This has included acting in connection with a strike out application raising novel issues around the extent to which the principle in ***Hollington v Hewthorn*** applies in the Competition Appeal Tribunal ([2023] CAT 9).
- Emma was instructed by the Infineon defendants in this follow on damages claim arising out of the smart card chips cartel (led by Sarah Ford QC and Tim Johnston). This litigation has yielded a number of significant judgments on when time starts to run in the follow-on context ([2022] EWHC 156 (Ch) and [2022] EWCA Civ 782).
- ***Secretary of State for Health & Ors v Servier*** : Emma represented Servier in the 5 week mitigation trial heard in the High Court in summer 2021 (led by Nicholas Saunders QC and Daniel Piccinin) ([2022] EWHC 369 (Ch)).
- ***Michael O'Higgins FX Class Representative v Barclays Bank Plc & Ors*** : Emma assisted in settling the O'Higgins' application for a CPO in relation to collusion in the FX market (led by Daniel Jowell QC, Gerard Rothschild and Charlotte Thomas).
- ***Koninklijke Philips v ASUS Technology PTE & Ors***: Emma represented the implementer in this FRAND dispute, which (amongst other things) produced an important judgment on the extent to which an implementer can avoid a FRAND trial by admitting a SEP holder's entitlement to injunctive relief ([2020] EWHC 29 (Ch)) (led by Daniel Piccinin).
- ***Walter Hugh Merricks CBE v MasterCard Inc & Ors*** : Emma acted for Walter Merricks at the paper stage of his successful appeal against the CAT's 2017 judgment dismissing his application for a CPO ([2019] EWCA Civ 674) and appeared at the October 2018 jurisdiction hearing ([2018] EWCA Civ 2527) (led by Marie Demetriou QC and Victoria Wakefield QC).
- ***Peugeot SA & Ors v NSK Ltd & Ors*** : Emma was instructed by one of the Defendants in this follow-on competition damages action in the CAT relating to the Commission's 2014 bearings decision (led by Tony Singla).

- Advising multiple clients on the implications of the UK's withdrawal from the European Union including under the European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2020.
- A confidential arbitration in relation to the lawfulness of an exclusive distribution arrangement (led by Sarah Abram).
- A confidential State aid matter which raises issues relating to the interaction between EU State aid law and bilateral investment treaty arbitration (led by Kelyn Bacon QC).
- Advising on *Provimi*, choice of Defendant-type issues.
- Advising on the compatibility of domestic health regulation with EU law (unled).

Emma also practised in EU and competition law in her previous role as a solicitor at Freshfields Bruckhaus Deringer LLP. She has a Master's degree in EU competition law from King's College London and has previously lectured in the subject of competition law at Queen Mary's University.

## Public Law and Human Rights

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Emma's public law practice encompasses the full ambit of public law from commercial judicial reviews to human rights based challenges. She acts for a wide range of clients, including NGOs and campaigning organisations, individuals and corporates, and undertakes extensive pro bono work. She has acted in numerous high profile and substantial public law challenges, including the high profile challenge to the Government's policy of removing asylum seekers from the UK to Rwanda; the Heathrow third runway judicial review and the challenge by the End Violence Against Women Coalition to the CPS' approach to the prosecution of rape. She is recommended in the directories in both public and administrative law as well as in civil liberties and human rights.

Emma is a member of both the Attorney General's B Panel as well as the Equality and Human Rights Commission's A Panel. She is also a trustee of the AIRE Centre, a specialist legal charity whose mission is to promote awareness of EU and ECHR rights and assist marginalised individuals and those in vulnerable circumstances to assert those rights.

Examples of Emma's current and recent public law instructions include:

- ***AAA & Ors v Secretary of State for the Home Department***. Emma is acting for the lead group of Claimants (which includes Detention Action, Care4Calais and the Public and Commercial Services Union) in their high-profile challenge to the Home Secretary's policy of removing asylum seekers from the UK to Rwanda (in a team led by Raza Husain QC, Phillippa Kauffmann QC and Sam Grodzinski QC) ([2020] EWHC 3230 (Admin), now on appeal to the Court of Appeal).
- ***R (AT) v Secretary of State for Work and Pensions***. Emma is acting for the Independent Monitoring Authority (the statutory body charged with protecting the rights of EU and EEA citizens under the EU-UK Withdrawal Agreement) before the Upper Tribunal and the Court of Appeal in connection with this case concerning the entitlement of an EU citizen residing in the UK post-Brexit to social security benefits. The IMA has intervened to address an entirely novel regarding the continued application of the EU Charter of Fundamental Rights post-Brexit.
- ***Ariste v The Queen***. Emma is instructed by the Death Penalty Project in connection with an ongoing appeal to the Privy Council against a conviction obtained in the Bahamas based on confession evidence (led by Paul Bowen QC).
- ***R (Newby Foods Ltd) v Food Standards Agency***: Emma successfully defended the Food Standards Agency in connection with this application for judicial review concerned with the classification of certain food products, raising issues of retained EU law (led by Malcolm Birdling) ([2022] EWHC 1505 (Admin)).
- ***Fratila v Secretary of State for Work and Pensions***. Emma represented the Independent Monitoring Authority before the Supreme Court in this case concerning the entitlement of those with pre-settled status to certain welfare benefits ([2021] UKSC 53) (led by Marie Demetriou QC). The case raised issues concerning the interaction of the Withdrawal Agreement with retained EU law.
- ***Semenya v Switzerland*** (Application no. 10934/21): Emma is representing the South African Human Rights Commission in its first ever intervention before the European Court of Human Rights, in the Caster Semenya case (led by Jeremy Gauntlett QC, Zahra Al-Rikabi and Jennifer MacLeod).

- ***Joint Council for the Welfare of Immigrants v Secretary of State for the Home Department*** : Emma acted for the claimant in this judicial review challenging the design and operation of the EU Settlement Scheme ([2021] EWHC 638 (Admin) led by Paul Bowen QC).
- ***End Violence Against Women Coalition v Director of Public Prosecutions***: Emma acted for the claimant in these judicial review proceedings challenging the Crown Prosecution Service's policy and practice in relation to the prosecution of rape and other serious sexual offences ([2020] EWHC 929 (Admin), [2021] EWCA Civ 350; led by Phillippa Kauffman QC and Jennifer MacLeod).
- ***Doctors Association UK v Secretary of State for Health***: a judicial review seeking a public inquiry into the procurement and distribution of PPE during the Covid-19 pandemic, on the basis of Article 2 ECHR (led by Paul Bowen QC and Tim Johnston).
- ***Heathrow Hub Ltd v Secretary of State for Transport***: a judicial review of the Government's decision to endorse airport capacity expansion by way of a third runway at Heathrow Airport on the grounds of incompatibility with EU law ([2019] EWHC 1069 (Admin) and [2020] EWCA Civ 213; led by Robert O'Donoghue QC).
- Representing (pro bono) the family of baby Harry Richford in a substantial, three week inquest before the North East Kent Coroners' Court (alongside Jennifer MacLeod). The inquest concluded that Harry's death was wholly avoidable and had been caused by numerous gross failings on the part of East Kent University NHS Trust, amounting to neglect. The conclusions reached in the inquest ultimately led the health minister, Nadine Dorries, to announce an independent investigation into preventable baby deaths at the trust.
- Acting for a large group of Iranian individuals and companies bringing claims under the Equality Act 2010 and Blocking Regulation against Metro Bank (led by Maya Lester QC).
- Advising a Royal Charter body in connection with its obligations under the Equality Act 2010 in particular vis-à-vis transgender individuals (led by Martin Chamberlain QC).
- Advising LIBERTY in connection with its "Care Don't Share" campaign on the lawfulness of

various information sharing practices operated by different government departments as part of the hostile environment strategy (unled).

- Defending an Equality Act 2010 challenge brought against a financial institution that was seeking to close a customer's accounts (led by Martin Chamberlain QC and Malcolm Birdling).
- Advising a NGO in relation to a potential access to justice challenge (led by Martin Chamberlain QC).
- Advising a pharmaceutical company on a potential unequal treatment challenge in relation to the delisting of one of its products from the Drug Tariff (led by Kelyn Bacon QC).
- Acting for the Ministry of Justice in connection with various prison law claims (unled).
- Advising the Department for Environment, Food and Rural Affairs on information law (unled).
- Acting *pro bono* for a prisoner at HMP Bure who was seeking to challenge alleged interference by the prison authorities with his mail (unled).
- Acting *pro bono* for various social housing tenants in relation to disrepair and reasonable adjustment claims against their landlords (unled).

## Commercial

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Emma is regularly instructed in commercial disputes of varying size and complexity. Her commercial cases often raise cross-cutting issues that are a complement to the other areas of her practice, including group litigation and tortious claims arising out of human rights abuses. Highlights of her recent commercial experience include:

- Acting for Sir Alan Duncan KCMG, the former Parliamentarian and Government minister, in connection with an application made by one of the parties in the long running Venezuela gold dispute to cross-examine him on hearsay statements made during his time in Government (unled).
- Acting for members of the Rohingya community in connection with a tortious claim against Meta relating to the provision of Facebook services in Myanmar (led by Richard Hermer QC and Danny Friedman QC).
- Acting for NRAM plc (formerly Northern Rock plc) in a £100 million professional negligence claim against Eversheds LLP (led by Tom Adam QC and Tony Singla). The case was chosen by *The Lawyer* as one of its Top 20 cases of 2018.
- Defending a substantial professional negligence claim against a tax barrister, brought by over 100 claimants (led by Tom Adam QC). Amongst other things, this litigation yielded an important judgment relating to the selection of sample Claimants in group litigation ([2020] EWHC 1231 (Ch)).
- Acting for the Serious Fraud Office in connection with the Tesco Profit Overstatement group litigation in the Financial List (led by Victoria Wakefield QC).
- Acting for Imperial College Healthcare NHS Trust in a successful over-payment of salary claim (unled).
- Acting for Wye Valley NHS Trust in connection with a constructive trust claim against a contractual counterparty (unled).
- Acting for NatWest bank in a successful strike out / summary judgment application for payment under a guarantee and indemnity (unled).

Emma also has substantial commercial law experience as a result of her experience as a solicitor at Freshfields. During her training contract at Freshfields, Emma spent time in both the firm's commercial litigation and international arbitration teams (as well as assisting on corporate and financial transactional work). After she qualified, she worked on a high-value international commercial arbitration before the LCIA, concerned with the contractual obligations of parents to a joint venture.



## Publications

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*Gold at the end of the rainbow? The quantification provisions of the new EU Damages Directive*, Competition Law Insight, Volume 13, Issue 6 (10 June 2014) (with Lawrence, Hollway and Howe).

*Natural Justice in the CAT – Lessons for the Competition and Markets Authority and Private Parties*, [2015] 8 GCLR 25 (with Das).

*Questions Left Unanswered by the Great Repeal Bill*, ALBA summer conference paper, July 2017 (with Bacon) (available online at <https://adminlaw.org.uk/publications/lecture-papers/>).

*Competition Act Appeals—practice and procedure in the Competition Appeal Tribunal*, LexisNexis practice note, July 2018.

*Balancing Speed and Safety: the Authorisation of Covid-19 Vaccines and Medicines*, Judicial Review, June 2020, DOI: 10.1080/10854681.2020.1780664 (with Stratford and MacKenzie).

## Education & Qualifications

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### Professional experience:

2016: Called to the Bar of England and Wales

2013-16: Associate Solicitor, Freshfields Bruckhaus Deringer LLP

2011-13: Trainee Solicitor, Freshfields Bruckhaus Deringer LLP

### Education:

2016: Bar Transfer Test, BPP Law School

2013-15: MA in EU Competition Law, King's College London

2011: Legal Practitioners' Course, BPP Law School

2007-10: BA in Jurisprudence (Law), University of Oxford (Hertford College) (First Class, All Souls Prize for Best Performance in Public International Law, Final Honour Schools)

### Scholarships and prizes:

Young Pro Bono Barrister of the Year, 2020 (jointly with Jennifer MacLeod)

Highly Commended, Law Society's Excellence in Pro Bono Award (jointly with Jennifer MacLeod)

and Arnold & Porter LLP)

*Pupillage:*

Bar European Group Phoenicia Scholar (2017)

Wolfson Scholarship, The Honourable Society of Lincoln's Inn (2016)

*University of Oxford:*

All Souls Prize for the Best Performance in Public International Law, Final Honour Schools (2010)

Twice recipient of the Hertford College Book Prize for academic achievement (2010)

*Mooting and Advocacy:*

Winner of the KCL Essex Court Chambers Mooting Competition (2015) (a four-stage commercial law competition, the final of which took place in the Supreme Court in March 2015 and was judged by Lord Judge).

Winner of the KCL Graveson Moot (2015) (a three-stage annual competition, covering contract, tort and public law. The final took place in the Royal Courts of Justice before a bench of three, including the Hon Sir David Foskett).

**Appointments:**

Attorney General's Panel of Counsel (B Panel)

Equality and Human Rights Commission's Panel of Counsel (A Panel)

Professional Memberships:

ALBA, BEG, COMBAR, JUSTICE, Liberty

## Directory Quotes

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"She is extremely talented." Chambers & Partners 2025

"She is outstanding and going to the top. She is sensible and hard-working and a good advocate." Chambers & Partners 2025

"Emma can easily gain the trust of the client and can present complex aspects to the court well." Chambers & Partners 2025

"Emma's written work is extremely thorough. She deftly identifies key points in the case and

ensures that submissions have maximum impact." Chambers & Partners 2025

"The good thing about Emma is that she never stops thinking about a case until you are at the hearing; she is always coming up with new ideas." Chambers & Partners 2025

"Emma is calm, thorough, efficient and so bright." Chambers & Partners 2025

"Emma is very hardworking and engaged." Chambers & Partners 2025

"Emma Mockford drafts beautifully. She has a sensational brain and she is absolutely wonderful to work with." Chambers & Partners 2025

"Emma was a pleasure to work with. She is highly strategic and is able to zone in on the issues that really matter." Chambers & Partners 2025

"Emma is a fearless advocate, respected by clients and the court alike." Legal 500 2025

"Emma is one of the best junior barristers at the Bar period, and not just in competition law. She has it all: razor sharp intellect, impeccable judgment, unflappable, and extremely collegiate. She is destined for great things." Legal 500 2025

"Emma is a superb advocate. She is razor sharp, gets right into the detail, and drafts very compelling submissions. She is also a delight to work with." Legal 500 2025

"Her legal analysis is so good and way beyond her years." Chambers & Partners 2024

"She gets on top of everything quickly, and is so precise, clean and sharp in her drafting. It is so key in a barrister whether they have judgement, and Emma has very good judgement." Chambers & Partners 2024

"Emma is quick to grasp the concepts and she is able to develop powerful arguments." Chambers & Partners 2024

"She is very responsive, thorough, knowledgeable, kind and easy to work with." Chambers & Partners 2024

"Emma is absolutely brilliant, very sharp and responsive. She gets on top of issues." Chambers & Partners 2024

"Emma is brilliant and creative. She is great to work with." Chambers & Partners 2024

"Emma really knows how to work with solicitor teams effectively. She is outstandingly good." Chambers & Partners 2024

"Emma is a fantastic junior. Extremely hard-working, practical and responsive, she worked seamlessly with the solicitors throughout." Legal 500 2024

"Emma is a real star. She is perceptive and always willing to express a view which carries authority with even the most seasoned lawyers and clients." Legal 500 2024

"A huge asset to any team she works on. She is wise beyond her years: a cool head on calm shoulders, even in the most complex litigation." Legal 500 2024

"I have been particularly struck by her sense of strategy and commerciality which is well beyond her year of call." Chambers & Partners 2023

"She has a fantastic work ethic, a great feel for the issues and a good knowledge of the law. She has maturity and judgement well beyond her call." "Emma is incredibly personable and approachable; a future star of the Bar." Chambers & Partners 2023

"Strong commercial and practical instincts matched with an excellent legal brain." Chambers & Partners 2023

"Emma is the complete package and a fantastic barrister. She has a good grasp of the bigger picture, is a real team player and regularly punches above her weight, gaining the full confidence of her client in the process." Legal 500 2023

"A fantastic barrister, Emma is hugely knowledgeable regarding competition law and possesses excellent judgement." Legal 500 2023

"Goes above and beyond for her clients. Very well prepared, and judges warm well to her. Very easy to work with." Legal 500 2023

"An incredible intellect who is great to work with". "She'll go very far in the field". Who's Who Legal (UK Bar 2022 – Competition)

"She has very good instincts. She was a solicitor prior to becoming a barrister and has a professionalism that belies her year of call." "She provides very strong advice and insights." Chambers & Partners 2022

"Always thinking of good strategic insights." "Emma has a calm analytical style and is easy to work with." "She is on the ball and responsive; she has good attention to detail and is great at seeing the bigger picture." Chambers & Partners 2022

'Emma has razor sharp intellect, is incredibly thorough and diligent and also very good to work with.' Legal 500 2022

'She has penetrating intellectual ability, drafts beautifully and is a strong team player, always delivering what is promised within the time set. She punches well above her weight in terms of call and gains client confidence immediately.' Legal 500 2022

'Emma is a rising star and destined for great things. She is decisive, takes control and grapples with

complex, cutting edge legal issues and provides a route-map through the issues.' Legal 500 2022

'Emma is absolutely brilliant; ferociously intelligent, a keen analytical mind and turns work around exceptionally quickly. The dream junior.' Legal 500 2022

'She is really superb – a star of the future.' 'Emma is an experienced lawyer and has great judgement.' Chambers & Partners 2021

'Emma is extremely practical and solutions-focussed. She combines substantial expertise in competition and EU law with an ability to think laterally in order to find ways through difficult issues. She is indefatigably hard-working, and she is always a positive team member. Very popular with silks and instructing solicitors alike.' Legal 500 2021

'An effective and efficient advocate, and a great asset to the team.' Legal 500 2021 'Calm, measured but fearless when necessary.' Legal 500 2021

'Diligent, detail-orientated and pragmatic.' Legal 500 2021