

# Landmark Chambers

## Barrister CV

Rupert Cohen



### Contact us

[clerks@landmarkchambers.co.uk](mailto:clerks@landmarkchambers.co.uk)

+44 (0) 20 7430 1221



# Rupert Cohen

Call: 2011

rcohen@landmarkchambers.co.uk

Rupert has a highly successful property and chancery practice allied with a specialist knowledge of costs law.



Expertise

Property

## Contact Practice Managers

### Mark Ball

020 7421 1308

mball@landmarkchambers.co.uk

### Harry Feldman

020 7421 2485

hfeldman@landmarkchambers.co.uk

### Connor McGilly

020 7421 1304

cmcgilly@landmarkchambers.co.uk

### Ruby Sims

020 7421 1337

rsims@landmarkchambers.co.uk

## Practice Summary

Rupert has a successful property and chancery practice allied with a specialist knowledge of costs law. He was appointed Junior Counsel to the Crown (Attorney General's B Panel) in 2020 and is an ADR Accredited Mediator.

Rupert's webpage on property litigation can be accessed through the following link: [Property Litigation section](#)

Rupert's webpage on costs litigation can be accessed through the following link: [Costs Litigation section](#)

Rupert's webpage for his services as a mediator can be accessed through the following link: [Mediation section](#)

He is described in the directories as *"a fantastic advocate, frighteningly clever and an absolute pleasure to work with. My go to junior for complex or tricky points of law."* (**Legal 500 – Property Litigation, 2022**). *"A go-to guru for costs cases at the junior level."* (**Legal 500 – Costs Litigation, 2022**). *"A costs wizard who is clearly very able. Clients love him as he is both succinct and confident."* (**Chambers & Partners – Costs Litigation, 2021**) *"Direct, commercial and a joy to work with."* *"He has such a phenomenal way with words and on his feet."* (**Chambers & Partners – Real Estate Litigation, 2021**).

He is also ranked in both Chambers & Partners 2022 and Who's Who Legal 2021 as a "leading mediator" and described as "a noteworthy mediator with particular expertise and experience in substantial property disputes" (**Chambers & Partners – Mediators, 2022**), in addition to "He is very good at thinking strategically as well as on the technicality of law. He is fantastic on his feet." "Rupert is calm and very polished. He is diplomatic with clients." (**Chambers & Partners – Real Estate Litigation, 2022**)

#### Recent cases:

- **Aviva Investors Ground Rent GP Ltd v Williams** [2023] UKSC 6
- **Belsner v CAM Legal Services Ltd** [2022] EWCA Civ 1387 (led by David Holland KC)
- **FirstPort Property Services Ltd v Settlers Court RTM Co Ltd** [2022] UKSC 1
- **Pigot v Environment Agency** [2021] EWCA Civ 213 (led by Richard Turney)
- **Lejonvarn v Burgess** [2020] EWCA Civ 114
- **Mirchandani v Lord Chancellor** [2020] EWCA Civ 1260
- **Global Assets Advisory Services Ltd v Grandlane Developments Ltd** [2019] EWCA Civ 1764
- **West v Stockport NHS Foundation Trust** [2019] EWCA Civ 1220 (led by Nick Bacon KC).

## Property

Rupert is listed in both Legal 500 and Chambers & Partners as a leading junior in real estate litigation.

He has recently acted for intervening parties twice in the Supreme Court in **Aviva Investors Ground Rent GP Ltd v Williams** [2023] UKSC 6 and **FirstPort Property Services Ltd v Settlers Court RTM Co Ltd** [2022] UKSC 1.

He frequently appears in the High Court and County Court concerning a wide variety of property related issues from contested trials about prescriptive easements to unopposed lease renewals featuring expert valuation evidence on rent. A list of his recent cases appears below.

- A one-day strike out application before HHJ Monty KC concerning a claim to an implied easement of parking. The judgment in Harepath v Kufta can be accessed [here](#).
- A three-day trial before HHJ Monty KC concerning a claim to a prescriptive easement. The judgment in Von Hogerthal v Boyan can be accessed [here](#).
- A two-day trial in an unopposed lease renewal before Recorder McNamara. The judgment in Clipper Logistics v Scottish Equitable can be accessed [here](#).
- A three-day trial before HHJ Belcher in an opposed tenancy renewal concerning ground (f) of section 30(1) of the 1954 Act.
- A two-day trial before Master McCloud concerning the nature and extent of the grant of a right of way. The judgment in McGill v Stewart [2020] EHC 3387 can be accessed [here](#).

- A two-day trial in the Upper Tribunal concerning the modification of restrictive covenants pursuant to section 84 LPA 1925. The judgment in Willis v Rollins [2019] UKUT 315 can be accessed [here](#).
- A two-day trial before HHJ Dight CBE on whether a tenant held under a lease or licence and, if the former, occupied the premises for the purposes of a business in the context of claim under the 1954 Act.
- A five-day trial before HHJ Johns KC concerning a claim for a declaration that consent to alterations had been unreasonably refused.
- A one-day summary judgment application before HHJ Godsmark KC concerning ground (g) of section 30(1) of the 1954 Act. The judgment in Mawby v Nottingham Castle Marina can be accessed [here](#).
- A two-day trial before HHJ Hand KC on the proper construction of an estate rent charge.

In addition Rupert has advised clients on all areas of property litigation including rights to light, boundary disputes, property related professional negligence, dilapidations, land registration, mortgages, TOLATA claims to name but a few.

## ADR

Rupert is a well-known mediator who in the past five years has mediated more than 60 mediations ranging from multi-party disputes concerning terminal dilapidations to difficult family disputes involving claims based on proprietary estoppel and Inheritance Act claims. He qualified as a mediator in 2015 (ADR Group Accredited Civil and Commercial Mediator) and is a panel mediator at various organisations including:

- The Property Mediators
- Civil Mediation Council
- Costs Alternative Dispute Resolution (CADR)
- RICS/PLA Boundary Disputes Mediation Service
- ADR ODR International
- Wandsworth Mediation Service (Commercial Mediator)
- Chancery Bar Association's Pro Bono Mediation Scheme.

He is described as “a *noteworthy mediator with particular expertise and experience in substantial property disputes. He frequently assists with cases concerning proprietary estoppel, service charge arrears and an array of issues arising between landlords and tenants*” (Chambers and Partners – Mediators 2023).

Rupert is a firm believer in momentum in mediations. Whilst being empathetic and patient by nature he doesn't lose sight of the need to encourage parties to put on the table constructive offers at an early stage. His approach involves inviting the parties to do as much of the leg work as possible prior to the mediation by thinking about possible settlement structures and concessions. That enables him, after spending time with each party to understand their motivations and concerns, to move to the process of creatively shaping a settlement sooner rather than later.

Given his professional background he is in a position to use his own knowledge to suggest possible settlement proposals. In so doing he sustains the momentum of the mediation and, with a combination of empathy, patience, reality-testing and (where required) bluntness, creates the platform for a settlement.

## Costs Litigation

Rupert is listed in both Legal 500 and Chambers & Partners as a leading junior in costs litigation. He is described as: “A go-to guru for costs cases at the junior level.” (**Legal 500 – Costs Litigation, 2022**). “A costs wizard who is clearly very able. Clients love him as he is both succinct and confident.” (**Chambers & Partners – Costs Litigation, 2021**)

Rupert regularly appears in the Court of Appeal, the High Court and the SCCO on costs matters ranging from Solicitors Act assessments, applications for security for costs, non-party costs orders and private prosecutions costs to name but a few.

He has also advised on a wide range of costs matters from costs issues in the context of group litigation / collective proceedings orders to the assignment of CFAs. He has particular experience in non-party costs orders, DBAs, the enforceability of CFAs, contentious business agreements and issues arising from litigation funding.

His recent costs cases include:

- ***R. (on the application of Chapter 4 Corp (t/a Supreme)) v Southwark Crown Court*** [2023] EWHC 1362
- ***Harlow DC v Powerrapid Ltd*** [2023] EWHC 586 (KB)
- ***Shepherd & Co Solicitors v Brealey*** [2022] EWHC 3229
- ***Das UK Holdings Ltd v Asplin*** [2022] EWHC 2214
- ***Belsner v CAM Legal Services Ltd*** [2022] EWCA Civ 1387
- ***Swivel UK Ltd v Tecnolumen GmbH*** [2022] EWHC 825 (Ch)
- ***R. (on the application of TM Eye Ltd) v Southampton Crown Court*** [2021] EWHC 2624 (Admin)
- ***Mirchandani v Lord Chancellor*** [2020] EWCA Civ 1260
- ***Lejonvarn v Burgess*** [2020] EWCA Civ 114
- ***Bagshawe v Lord Chancellor*** [2020] EWHC 1089
- ***Fuseon Ltd v Senior Courts Costs Office*** [2020] EWHC 126
- ***Global Assets Advisory Services Ltd v Grandlane Developments Ltd*** [2019] EWCA Civ 1764
- ***West v Stockport NHS Foundation Trust*** [2019] EWCA Civ 1220.

## Qualifications

- First class degree (Christ Church, Oxford) – 2009

- Distinction (GDL) – 2010
- Very Competent (BPTC) – 2011
- Academic scholar at Christ Church, Oxford
- Hardwicke, Denning and Bowen scholarships from Lincoln's Inn

## Recommendations

"Rupert is incredibly intelligent, not afraid to tackle new material, and is someone who can work quickly." "He is an absolute titan in the costs world."

### **Costs Litigation, Chambers and Partners 2024**

"Rupert's ability to grasp complex legal issues quickly. He has argued points which other barristers have not even noticed." "An excellent team player - very commercial twinned with excellent technical knowledge." "He is a wizard in the courtroom and his natural charisma enthralls all with ease. His written advice is clear and comprehensive and we can simply pass on to clients without the need to explain legal language." "He always goes the extra mile and is great at developing and maintaining relationships with his instructing solicitor, always keeping in touch and sending helpful updates." "Rupert reaches definite conclusions and expresses them clearly. He suggests alternative solutions to assist in a commercial outcome."

### **Real Estate Litigation, Chambers and Partners, 2024**

"Rupert makes the client feel heard. Very friendly and extremely clever, there's something about him that gets people to like him. He makes them feel completely relaxed and trusting of his skill." "He always comes to every mediation with enthusiasm." "He's very efficient, charming and nice to deal with."

### **Mediators, Chambers and Partners, 2024**

"Rupert is an expert in the highly technical and specialist field of contentious solicitors costs. He has an encyclopaedic knowledge of the law and practice and is well known to the judiciary sitting in the specialist SCCO."

### **Costs, Legal 500, 2024**

"Rupert is fantastic with clients and provides clear cut advice which the client understands and appreciates. His advocacy is well beyond his years."

### **Property Litigation, Legal 500, 2024**

"a superb mediator, who is willing to provide an indication of how he thinks an issue would be resolved in court. These indications can be very persuasive, given his knowledge of the law and his wealth of experience before judges"

### **Dispute Resolution, Mediators, Legal 500, 2024**

"Clients really like Rupert because he instils confidence and he's very good before judges." "He explains complex legislation in such a user-friendly fashion and always has an eye on cost and the feasibility of the action." "Rupert is assertive and takes a refreshing approach." "Rupert's attention to detail in his written work is superb."

**Real Estate Litigation, Chambers and Partners, 2023**

"Approachable, polite and affable, but doesn't take any nonsense. Instead he moves things forward."

**Mediators, Chambers and Partners, 2023**

"He is rated highly in property-related mediations."

**Mediators, Chambers and Partners, 2023**

"Rupert Cohen is a fantastic strategist, very calm and measured. He is a great advocate." "He is an excellent advocate, very good on the law, meticulous on detail, and fights very hard for the client."

**Costs Litigation, Chambers and Partners, 2023**

"Rupert is a go-to for anyone with costs disputes. He has an encyclopedic knowledge of the papers and the law, which he is able to combine with a charming and eloquent approach in court."

**Costs Litigation, Chambers and Partners, 2023**

"Rupert has intelligence, charm and strategic nous in equal measure. He inspires supreme confidence in his clients, especially when it comes to real property disputes."

**Property Litigation, Legal 500, 2023**

"Rupert has an extremely solid background and knowledge base in the area of legal costs."

**Costs, Legal 500, 2023**

"Rupert is a fountain of knowledge on all costs matters who fills the court with confidence when addressing it. He pulls no punches, and explains clearly and eloquently how and why costs masters have fallen into error." "His strategic advice is fabulous and he's very concise – you don't get waffle with Rupert."

**Costs Litigation, Chambers and Partners, 2022**

"He is very good at thinking strategically as well as on the technicality of law. He is fantastic on his feet." "Rupert is calm and very polished. He is diplomatic with clients."

**Real Estate Litigation, Chambers and Partners, 2022**

"A noteworthy mediator with particular expertise and experience in substantial property disputes." "Rupert knows property law inside out and has the enviable knack of being able to persuade deeply entrenched parties to compromise their positions."

**Mediators, Chambers and Partners, 2022**

"A go-to guru for costs cases at the junior level."

**Costs, Legal 500, 2022**

"Rupert is a fantastic advocate, frighteningly clever and an absolute pleasure to work with. My go to junior for complex or tricky points of law."

**Property Litigation, Legal 500, 2022**

"A costs wizard who is clearly very able. Clients love him as he is both succinct and confident." "Costs is a highly rule-bound area of the law and he knows them all." "He is a go-to for ATE disputes and anything which requires more technical arguments."

**Costs Litigation, Chambers and Partners, 2021**

"Direct, commercial and a joy to work with." "He has such a phenomenal way with words and on his feet."

**Real Estate Litigation, Chambers and Partners, 2021**

"The next superstar junior of the costs Bar. He's an absolute first-class costs lawyer with a phenomenal knowledge on the subject matter."

**Costs, Legal 500, 2021**

"He is very bright and is always a pleasure to work with." "He is very knowledgeable and results-oriented." "Provides clear commercial advice and is excellent to work with."

**Real Estate Litigation, Chambers and Partners, 2020**

"Able to get to the root of a technical and novel point with ease, precision and clarity." "He is proactive and strategic in ways that set him apart. When I work with Rupert, I always feel like we're one step ahead of our opponent."

**Costs Litigation, Chambers and Partners, 2020**

"He is very bright and is always a pleasure to work with." "He is very knowledgeable and results-oriented." "Provides clear commercial advice and is excellent to work with."

**Real Estate Litigation, Chambers and Partners, 2019**

"One of the leading juniors at the Bar in costs."

**Costs, Legal 500, 2019**

"Rupert is exceptionally clever and a joy to work with. He's well ahead of his year of call and his advice is always on time, to the point and concise."

**Costs Litigation, Chambers and Partners, 2018**

## Cases and inquiries



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|----------|--|
| 29 11 23 | Court of Appeal hands down judgment in Churchill v Merthyr Tydfil County Borough Council               |
| 25 08 21 | Almacantar (Marble Arch) SARL & Anor v The Railway Pension Exempt Unit Trust [2021] EWHC 2385 (Comm)   |
| 30 05 18 | McDaniel & Co v Clarke [2014] EWHC 3826 (QB); [2014] 6 Costs L.R. 96                                   |
| 29 05 18 | Khaira v Shergill [2017] EWCA Civ 1687; [2017] 5 Costs L.R. 953  |
| 29 05 18 | Stone Rowe Brewer LLP v Just Costs Ltd [2015] EWCA Civ 1168; [2015] 6 Costs L.O. 779                   |
| 25 05 18 | Peterborough and Stamford Hospitals NHS Trust v McMenemy [2017] EWCA Civ 1941; [2017] 6 Costs L.R. 973 |
| 25 05 18 | Awuah v Secretary of State for the Home Department [2017] UKFTT 555 (IAC); [2017] 4 Costs L.R. 615     |
| 24 05 18 | Kitcatt v MMS UK Holdings Ltd [2017] EWHC 786 (Comm)   |
| 24 05 18 | Kitcatt v MMS UK Holdings Ltd [2017] EWHC 675 (Comm)   |
| 24 05 18 | Willow Court Management Co v Alexander [2016] UKUT 290 (LC); [2016] L. & T.R. 34                       |
| 08 05 18 | R (Ezeugo) v Director of Legal Aid Casework [2018] EWHC 691 (Admin)                                    |