

Contentious Probate Update



Wednesday, 8th June 2022

9.45am - 10.00am	Registration and refreshments
10.00am - 10.10am	Introduction by chair Alex Troup, Head of Wills & Trusts team, St John's Chambers
10.10am - 10.45am	Fake news – false beliefs, mistakes and delusions in capacity claims Joss Knight, Barrister, St John's Chambers Joss will examine the court's willingness to make a finding of incapacity where a will was influenced by a misapprehension, from <i>Re Belliss</i> [1929] TLR 452 to <i>Clitheroe v Bond</i> [2021] EWHC 1102 (Ch).
10.45am - 11.20am	Crime, punishment and inheritance - The Forfeiture Act 1982 Leslie Blohm QC, Barrister, St John's Chambers Leslie will be considering recent cases on the Forfeiture Act - <i>Re Challen</i> [2020] Ch 692, <i>Ninian v Findlay</i> [2019] EWHC 297 and <i>Amos v Mancini</i> [2020] EWHC 1063 (Ch), looking at the technicalities in this emotive topic and asking whether it all comes down to judicial sympathy with the applicant.
11.20am - 11.40am	Refreshments
11.40am - 12.15pm	Death and directors: problems faced by executors, trustees and families on the death of a director Charlie Newington-Bridges, Barrister, St John's Chambers Charlie will consider a number of recent cases concerning problems arising from the death of directors including <i>Williams v Russell Price</i> [2020] EWHC 1088 (Ch) in which he acted for the claimant/executors.
12.15pm - 1.00pm	Case law roundup Oliver Wooding, Barrister, St John's Chambers Oliver will review interesting cases from the last 12 months in contentious probate, and what tips and lessons can be drawn from them for your own practice.
1.00pm - 1.50pm	Lunch
1.50pm - 2.25pm	Think of the children! – 1975 act claims by and against minor children Annie Sampson, St John's Chambers Annie will consider recent cases, such as <i>Re R (Deceased)</i> [2021] EWHC 936 (Ch), and issues which arise in 1975 Act claims by and against minor children, including the procedural requirements under Part 21; potential conflicts of interest; and the approach taken to the assessment of 'reasonable financial provision' in such cases.
2.25pm - 3.00pm	How to run (and win) a proprietary estoppel claim Christopher Jones, Barrister, St John's Chambers Christopher will offer practical advice on how succeed in bringing and defending proprietary estoppel claims, and will review the recent case law
3.00pm - 3.15pm	Refreshments
3.15pm - 3.50pm	Seconds out, round one! – How to win the initial skirmishes in a contentious probate case Alex Troup, Chris Jones, Annie Sampson, Georgie Thompson, Jack Pankhurst, Natasha Dzameh, Barristers, St John's Chambers Alex Troup, Chris Jones, Annie Sampson, Georgie Thompson, Jack Pankhurst and Natasha Dzameh lead a group discussion focusing on the issues which commonly arise in the early stages of contentious probate disputes including caveats, citations, subpoenas, limited grants, "put up or shut up" applications and pre-action disclosure applications.
3.50pm - 4.00pm	Q&A session

Presenters



Leslie Blohm QC
Barrister, Call 1982 (QC 2006)
St John's Chambers

"Leslie is a very strong all rounder. He is excellent with lay clients, explaining things patiently with appropriate empathy, his written advice is clear and comprehensive and watching him in full flight in court can be majestic to behold."

CHAMBERS UK 2022, CHANCERY

Leslie is one of the country's foremost chancery barristers with experience of appearing in front of the highest courts in wills and trusts cases. He has over 30 years' experience of conducting contentious probate litigation, ranging from forged wills (*Mawby v Howard* [2002] All ER D 114) to relief from forfeiture arising from manslaughter (*Re Challen* [2020] Ch 692).

Leslie has recently appeared in a number of high profile proprietary estoppel cases including *Davies v Davies* (2014 and 2016) (the 'Cowshed Cinderella' case, both at trial and on appeal twice); *McDonald v Rose* (2017) a £5 million claim against substantial family business; *Habberfield v Habberfield* (2018) (representing the claimant at trial who was awarded £1.15 million from her parents, and recently (2019) successfully defending the award on appeal in the Court of Appeal) and *Gee v Gee* (2018) (where he represented the successful claimant at trial).

He was Chambers & Partners Chancery Silk of the Year 2019, and sits both as a recorder in the Crown and County Courts and as a Deputy High Court Judge (Chancery).

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St John's Chambers houses one of the premier Chancery teams on the western circuit, with a collection of 'expert, approachable, and down to earth' barristers who 'offer London expertise at regional rates'."

LEGAL 500, 2022

CHANCERY, PROBATE &
TAX



Alex Troup
Head of Wills & Trusts,
Barrister, Call 1998
St John's Chambers

"Alex marries technical excellence and courtroom experience with a great human touch and the ability to speak to lay clients. He is very robust with his advice and has gravitas."

CHAMBERS UK 2022, CHANCERY

Alex is ranked as the only "star individual" on the Western Circuit in chancery matters by Chambers UK, and is the Head of the Wills & Trust Practice Group at St John's Chambers. His practice includes both advisory and contentious work relating to trusts, wills and the administration of estates, including claims based on proprietary estoppel and under the Inheritance (Provision for Family and Dependants) Act 1975.

Alex has been trained as a mediator with the London School of Mediation and works both as a mediator and as a representative at mediations.

He has been consistently recommended as a leading junior in Chambers UK, Legal 500 and Legal Experts.

Presenters



Christopher Jones
Barrister, Call 2004
St John's Chambers

"Chris is an intelligent and approachable barrister with a very sensible approach in his legal opinions." " He is quick to grasp the issues and is great on his feet."

CHAMBERS UK 2022, Chancery

Christopher is a chancery and commercial specialist with particular emphasis on trust litigation and advice, contentious and non-contentious probate applications, real property litigation (particularly in relation to easements, restrictive covenants and contracts for the sale of land) and commercial and agricultural landlord and tenant disputes. He also regularly advises on professional negligence claims, particularly in relation to claims against solicitors, accountants and tax consultants in relation to negligent conveyancing and tax advice as well as being a trained mediator.

Christopher is consistently recommended as a leading junior in Chambers UK and Legal 500.

Christopher is identified as "most highly regarded" junior at the property Bar by Who's Who UK Bar: Real Estate 2017, the only barrister on the Western Circuit to be recommended. He is "noted for his 'excellent client, skills, rational thinking and practical application of legal principles'. Jones focuses his practice on litigation relating to easements, restrictive covenants and land sale contracts."



Oliver Wooding
Barrister, Call 2009
St John's Chambers

"Oliver is very experienced in contentious trust and probate work. An excellent advocate, quick on his feet, has gravitas and is very personable."

LEGAL 500 2022, CHANCERY ,
PROBATE & TAX

Oliver's wills and trusts practice spans all contentious and non-contentious matters. He advises upon and acts, both as advocate and mediator, in disputes involving the validity of wills, claims under Inheritance (Provision for Family and Dependants) Act 1975, the removal of executors, construction of wills and trust documents, and for rectification of wills and trust documents. His expertise includes:

- Administration of Estates
- Disputed Wills
- Inheritance Act Claims
- Proprietary Estoppel
- Trusts
- Mediation

Oliver has a specialist practice that focuses on wills and trusts, and real estate matters, and the overlap between them. He is regularly instructed as an advocate, advisor, and mediator in a wide range of disputes.



Natasha Dzameh
Barrister, Call 2010
St John's Chambers

"She is an absolute ball of energy. She is good in court and fights her case. She is very thorough and she thinks outside the box."

CHAMBERS UK, 2022 CHANCERY

Natasha is consistently ranked as a leading junior in Chambers UK and Legal 500 and is often instructed as sole counsel in high value, multifaceted commercial and chancery litigation. She has been published in the Trusts and Estates Law & Tax Journal on: *Beddoe* orders and protective costs orders, claims under the Inheritance (Provision for Family and Dependants) Act 1975, forfeiture, probate procedure and will construction.

Natasha undertakes contentious and non-contentious chancery work and is regularly instructed for mediations. She has considerable experience of estate administration disputes, particularly in relation to the removal of personal representatives, and was recently successful in denying both a professional and a lay executor their indemnity under CPR 46.3 and procuring an order that they pay her client's costs.

Natasha's wills and trusts practice also includes: will construction and rectification claims; will validity challenges due to lack of formalities, capacity issues, duress or undue influence; challenging lifetime gifts and express declarations of trust; disputes over beneficial interests in property due to proprietary estoppel, constructive trusts or resulting trusts; and claims under the 1975 Act, particularly those involving adult children and spouses. She has dealt with several cases involving abuse allegations including coercive control, physical violence and sexual abuse. She was also instructed on a complex breach of trust and knowing receipt claim involving 9 parties with a 10 day trial listing.

Presenters



Charlie Newington-Bridges
Barrister, Call 2011
St John's Chambers

"Charlie is robust in his approach but deals with clients very well. He is very methodical and gets to grips with cases quickly."

CHAMBERS UK 2022, CHANCERY

Charlie undertakes a wide range of commercial and chancery work in litigation, arbitration and mediation. He has experience of substantial, complex and high-value litigation in the High Court and the Court of Appeal. He also has wide experience in the county courts and in injunction applications. His work is often court-based where he is recognised in the directories as 'brilliant, the hardest-working counsel I have seen'. He regularly advises companies, partnerships, charities, trusts, and individuals. He worked in the investment banking industry for 15 years before coming to the bar and so has a particular interest and strength in company, investment, valuation and general financial services related matters.



Joss Knight
Barrister, Call 2014
St John's Chambers

"Joss is a very effective advocate. He provides sound advice."

LEGAL 500, 2022
CHANCERY, PROBATE & TAX

Joss acts in a wide variety of wills, probate and estates matters. He has particular expertise in claims where the validity of the will is disputed, and claims for an interest in property on the basis of proprietary estoppel, resulting trust or constructive trust.

Joss advises on all matters relating to the estate administration, and has particular experience in applications for the removal of executors under s.50 of the Administration of Justice Act 1985, and the administration of insolvent estates. He was recently successful in obtaining the removal of the professional trustees and executors of a seven-figure will trust on the basis they had acted capriciously in the exercise of their discretion and had incurred excessive costs.

He has extensive experience of matters where the validity of the will is disputed on the grounds of forgery, lack of capacity or undue influence.

Joss regularly acts for claimants and defendants in claims under the Inheritance (Provision for Family and Dependants) Act 1975.



Annie Sampson
Barrister, Call 2015
St John's Chambers

Annie's experience encompasses a broad range of wills and trusts work, including both contentious and non-contentious matters. Annie has particular experience of advising in respect of the construction of wills and challenges to their validity; 1975 Act claims, including advising in respect of settlement where there are minor beneficiaries; applications for the removal of executors and trustees; trusts of land; and professional negligence arising in context of wills and trusts work, including claims by disappointed beneficiaries.

Recent cases include:

- Successfully proving an unsigned copy of a will.
- Obtaining permission to appeal a case management decision in the context of high-profile forfeiture claim.
- Advising trustees how to resolve an apparent stalemate between them and the beneficiary of a life interest.
- The mediation of a 1975 Act claim in respect of a multi-million pound estate.
- Advising in respect of the administration of a will trust where the fund was to be divided equally, but each of the beneficiaries obtained a vested interest at a different point in time.
- Advising executors where the estate principally comprised the deceased's unregistered property, the title deeds to which could not be located.

Presenters



Georgina Thompson
Barrister, Call 2017
St John's Chambers

Georgina is a commercial and chancery practitioner and a qualified mediator. She accepts instructions in all of the main areas of commercial and chancery law. Her main areas of expertise lie in commercial litigation, insolvency matters and contentious probate disputes.

Georgina joined chambers in October 2019 following the successful completion of her pupillage. Her pupil supervisors were Alex Troup and John Dickinson. During her pupillage she gained experience in all aspects of commercial and chancery law.

Since taking tenancy in October 2019, Georgina has appeared in the High Court on matters varying from construction adjudication and enforcement in the Technology and Construction Courts, to contentious probate disputes in the Business and Property Courts. Georgina also regularly appears in the County Court dealing with both trials and interim procedural hearings; such as applications to strike out, injunctions and applications to set aside default judgments. Georgina has also developed a busy paper practice advising on matters relating to company and contract law, sale of goods issues and insolvency proceedings.

Alongside her court practice, Georgina has attended a range of mediations acting on behalf of clients; such as beneficiaries in 1975 Act claims, companies involved in sale of goods and supply of services disputes, and trustees in complex, multi-party trusts and probate litigation. Georgina welcomes instructions to attend meditations concerning commercial and chancery disputes.



Jack Pankhurst
Barrister, Call 2021
St John's Chambers

Jack has recently finished his specialist commercial and chancery pupillage and is now a full member of St John's Chambers.

During the year between his LLB and Masters studies, Jack worked in the international buying department of a large UK business and later as an analyst at JPMorgan. In his role within Middle Office, Jack focussed on the booking and settlement of equity and convertible bond trades across global markets. As a fluent German speaker, he was a point of contact for major financial institutions based in Frankfurt, Vienna, and Zürich.

Whilst at University, Jack was involved with pro bono projects in the UK and further afield. In 2017, Jack won funding to intern in Kenya where he assisted advocates in the preparation of a trusts matter concerning Africa's largest urban slum.

Jack recently helped produce guidance on the Coronavirus Job Retention Scheme for employees impacted by the consequences of the pandemic in England and Wales.

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