

Contentious Probate Update 2024



Thursday, 26th September



9.30am – 4.25pm



Exeter Racecourse

Our Wills & Trusts team are delighted to invite you to their annual conference with Devon & Somerset Law Society.

The seminar aims to bring practitioners up to speed with all the latest developments in the world of contentious probate. It is principally targeted at solicitors who are (or would like to be) involved in contentious probate work, but it would also be of interest to non-contentious lawyers, will writing firms and professional executors.

Topics include:

- Proprietary estoppel: When is detriment sufficient to support a claim
- Domicile and dealing with overseas assets
- Revisiting testamentary capacity
- Donatio Mortis Causa – gifts in contemplation of death
- Appeals to the Court of Appeal
- Possession in the context of estates
- Undue influence and fraudulent calumny
- Interactive workshop session

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Programme

“Excellent chancery and probate team stands out on the Western Circuit, with members offering a wide range of expertise.”

The Legal 500, 2024

9.30 – 10.00am	Registration and refreshments
10.00 – 10.05am	Introduction from Chair Oliver Wooding, Barrister and Mediator
10.05 – 10.35am	Proprietary estoppel: When is detriment sufficient to support a claim Christopher Jones, Barrister & Mediator Christopher will consider how the Court approaches detriment in proprietary estoppel claims in light of the recent cases of <i>Spencer</i> , <i>Hack</i> , <i>Glastone</i> and <i>Winter</i> .
10.35 – 11.05am	Domicile and dealing with overseas assets Jack Pankhurst, Barrister Jack will provide an overview of common issues relating to domicile and the administration of estates with assets overseas
11.05 – 11.35am	Revisiting testamentary capacity Ben Harwood, Barrister An exploration of the rule in <i>Banks v Goodfellow</i> following the High Court judgment in <i>Leonard v Leonard</i> [2024] EWHC 321 (Ch)
11.35 – 11.50	Break
11.50 – 12.20pm	Donatio mortis causa – gifts in contemplation of death Daniel Soar, Barrister and Mediator Daniel will explore the recent decision of <i>Rahman v Hassan</i> [2024] EWHC (Ch) in which text messages sent by the deceased on the day of his death were held to be sufficient to transform the disposition of his £1.4m estate.
12.20 – 12.50 pm	Appeals to the Court of Appeal: a user's guide Alex Troup KC, Barrister and Mediator Alex will provide a practical guide to running appeals to the Court of Appeal, highlighting traps to avoid and tips for success.
12.50 – 1.50 pm	Lunch

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1.50 – 2.20pm	Possession in the context of Estates Kayleigh Bloomfield, Barrister How to obtain possession from a) beneficiaries and b) executors occupying estate property.
2.20 – 2.50pm	Undue influence and fraudulent calumny Natasha Dzameh, Barrister & Mediator Natasha will consider the areas of undue influence, by reference to <i>Rea v Rea</i> [2024] EWCA Civ 169, and fraudulent calumny.
2.50 – 3.05pm	Refreshments
3.05 – 4.00pm	Interactive Workshop Session Joss Knight, Barrister
4.00pm	Q&A session

Barristers



Alex Troup KC

Year of call: 1998

"Alex is a top-rated barrister and mediator, and his combination of skill, expertise and excellent bedside manner is evidenced time and again on every instruction. He can command a room whilst simultaneously remaining professional and sensitive to a client's position. The quality of his work is always impeccable." The Legal 500, 2024

Alex is ranked as the only 'star individual' on the Western Circuit in chancery matters by Chambers UK and is Head of our Wills & Trusts team. He is also the only silk ranked in private wealth outside of London in the High Net Worth Guide 2023. Alex's 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 Dependents) Act 1975.



Oliver Wooding

Year of call: 2009

"Oliver is superb, very focused, technically sound and detail-orientated. 'He has a broad practice and always provides us with practical, no-nonsense advice. He is a strong advocate in court' 'He is great; very personable and approachable and so solution-orientated.' 'He is extremely brainy, very modest and good with clients.'" Chambers UK, 2024

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 Dependents) 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.



Christopher Jones

Year of call: 2004

"Chris is excellent. He is very pragmatic and solution-orientated. He is very clever, good in the courtroom, has brilliant cross-examination skills and is so good with clients.' 'He is very down to earth with clients, and has a good sense of humour and puts clients at ease.'" Chambers UK, 2024

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 also a qualified mediator.

Barristers



Natasha Dzameh
Year of call: 2010

Natasha is a methodical thinker who prepares thoroughly for trial. On her feet she is fast, but particularly comes into her own in closing arguments. Her written work is also very thorough but most importantly when working together on a matter, she is always available to talk something over on the phone."

The Legal 500, 2024

Natasha is a commercial and chancery barrister with extensive experience in will, trusts and probate matters. This includes: applications for the removal of personal representatives and/or trustees, breaches of trust and of fiduciary duty (including dishonest assistance and knowing receipt), claims under the Inheritance (Provision for Family and Dependents) Act 1975, construction and rectification, constructive and resulting trust disputes including TOLATA, devastavit, estate administration disputes, insolvent estates, proprietary estoppel, will validity challenges (formal and substantial validity) and Quistclose trusts. Natasha is also the Deputy Head of the Commercial Team, has dealt with cross-jurisdictional matters and has previously worked with a British Overseas Territory. She is regularly instructed as sole counsel on multi-faceted matters of significant value which involve an overlap between her specialisms. Natasha is consistently ranked in Chambers UK and Legal 500 as a leading junior. She has been published in the Trusts and Estates Law & Tax Journal several times and is also a qualified mediator.



Joss Knight
Year of call: 2014

"Joss is very tenacious. 'He is very calm and reliable and gives sound, sensible and commercially minded advice. He provides advice well beyond his year of call in terms of his experience.' 'Joss is easy to work with, he is good with clients and his advocacy is nimble.' " Chambers UK, 2024

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.



Daniel Soar
Year of call: 2016

"Dan is exceptionally user friendly and he has a knack for providing commercial and practical advice, delivered in an understandable manner. He is technically strong and will find solutions, even in complex circumstances."

The Legal 500, 2024

Daniel has a broad wills and trusts practice encompassing both contentious and non-contentious work. He has experience advising on the proper construction of wills, their formal and substantive validity, will challenges based on lack of capacity, want of knowledge and approval, and undue influence. Daniel also frequently advises in relation to claims for provision pursuant to the 1975 Act.

Barristers



Jack Pankhurst

Year of call: 2021

Jack's practice encompasses a wide range of wills and trusts work. He is instructed on both contentious and non-contentious matters. His recent caseload includes the construction of wills, validity challenges, claims for CPR 64 directions, apparent stalemates between executors and beneficiaries, executors' costs protection, the removal of personal representatives, and claims under the 1975 Act. Jack is also a commercial practitioner with a particular interest in offshore disputes, partnership, contractual and company law matters. He is experienced in acting in cases which relate in some way to agricultural or rural affairs. Jack welcomes invitations for in-house training and seminars relating to his areas of practice. He is a qualified mediator.



Kayleigh Bloomfield

Year of call: 2021

Kayleigh joined Chambers in October 2022 following the successful completion of her specialist commercial and chancery pupillage. She accepts instructions across all main areas of this practice group. Kayleigh frequently appears trials, to include small claims and fast-track matters covering all areas of commercial and chancery law such as contract, construction, and boundary disputes. Kayleigh also welcomes instructions for pleadings and advice across all areas of Chambers' commercial and chancery practice group in addition to her court practice.



Ben Harwood

Year of call: 2022

He frequently represents clients at small claims and fast-track trials, as well as for various interim, procedural and enforcement applications, including strike out, summary judgment, disclosure, relief from sanctions and applications for charging orders and third-party debt orders.

Ben regularly provides representation and advisory work across a range of commercial matters, and is experienced in breach of contract matters, consumer rights claims, and debt recovery proceedings including s.69 Solicitors Act 1974 claims.