

Trusts Litigation Day 2025

Wilberforce
CHAMBERS

Monday 20th January

5.5 CPD

InterContinental London Park Lane, One Hamilton Place, London W1J 7QY

Timetable

9am **Registration and breakfast refreshments**

9.30am **Opening remarks from
Jonathan Hilliard KC and Clare Stanley KC**

9.35am **“The room where it happens” –
'binding in' those not directly before the Court:
Michael Furness KC, Edward Sawyer and
Jamie Holmes**

- Who should be represented by a rep ben, and what duties do they owe
- Quasi-representation and/or consent: when might e.g. a parent represent their line
- Other ways to bind people in – CPR 19.10, 19.13
- What, if anything, has *Denaxe* changed in practice – privies and abuse

10.05am **Dealing with conflicts in trustee decisions
Robert Ham KC, Jonathan Hilliard KC
and Anna Littler**

- What can we learn from the less commonly referred to parts of *Public Trustee v Cooper*?
- When will conflict invalidate a decision already taken?
- Where does the line lie between blessing and surrender of discretion in practice?
- Recent case law examples
- Self dealing and how to deal with it
- A related problem - holding information confidential to another

10.25am **Quistclose trusts: when and how?
Zoë Barton KC and Ernest Leung**

- Basic elements and principles of a Quistclose trust
- Relevant intention: *China Life* and *Prickly Bay*
- Nature of the fiduciary power of the recipient
- Quistclose trust and unfair preferences

10.50am **Break**

11.25am **Workshop sessions
(Choose one from the following page)**

12.40pm **Lunch**

1.45pm **Sub-trusts, derivative actions and trusts in the
context of intermediated securities
Clare Stanley KC and Benjamin Slingo**

- The basics of sub-trusts and derivative actions in the private client context

- How trusts law makes sense of the ownership of intermediated securities
- The possible tension between financial services legislation and the trusts law analysis
- Resolving the tension and opening the way to a claim: *SL Claimants v Tesco Plc* [2019] EWHC 2858 (Ch) and subsequent case law
- The survival of the cause of action: changes of trustee and termination of the trust
- Where the chain stops

2.10pm **Workshop sessions
(Choose one from the following page)**

3.25pm **Break**

4pm **A fresh look at Without Prejudice material in
trustee litigation**

Tiffany Scott KC and Caspar Bartscherer

- The WP principle
- Relevant exceptions in the trust context
- *Carman v Cronos* [2006] EWHC 1324 (Ch)
- *R Trusts* (Royal Court of Guernsey, 43/2017)

4.25pm **Arbitration of trusts disputes - where are we
now?**

**John Martin KC, James Goodwin and
John Grocott-Barrett**

- Key issues: agreements to arbitrate, joining and binding parties, speed, privacy, and interim relief
- Statutory regimes and recent updates
- Recent controversies in the common law - *Grosskopf v Grosskopf*
- Enforcement

4.55pm **Deepfakes and their relevance in the
business world
Guest speaker to be announced soon...**

5.40pm **Closing remarks from
Jonathan Hilliard KC and Clare Stanley KC**

5.45pm **Drinks Reception**

7pm **Dinner at Theo Randall (pre-booked guests only)**

£299 + VAT for conference only
£360 + VAT for conference and dinner at Theo Randall

For further information, please email
seminars@wilberforce.co.uk



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Please choose one workshop for the session at 11.35am and another workshop for the session at 2.20pm

Workshop 1: When worlds collide: trusts, property and matrimonial finance

Fenner Moeran KC, Joseph Steadman and Lemuel Lucan-Wilson

- “Would I lie to you?”— shams, illusions, and forgeries
- “Whose stuff is it anyway?”— void and voidable transfers into asset-holding structures
- “I’m sorry, I haven’t a clue” — relief against (innocent?) trustees and recipients

Workshop 2: "What do you mean?"

Jennifer Seaman, Ram Lakshman and Theo Dixon

- Exploring recent approaches to rectification/construction in different jurisdictions – English High Court (*Marcus v Marcus* [2024] EWHC 2086); the FTT (*Cooke v HMRC* [2024] UKFTT 272); Guernsey (*Re Cloudburst Trust* [2023] GRC 019); Jersey (*Re Maria Trust* [2022] JRC 164.)
- What is ‘sufficient evidence’ needed to convince the court of rectification (*Laird v Simcock* [2023] EWHC 2054; *Pead v Prostate Cancer* [2023] EWHC 642)?
- The appropriate parties to such claims
- Approach to negotiations/compromises
- Related professional negligence proceedings

Workshop 3: Estates and probate – undue influence, technical stuff on capacity

Nikki Singla KC, Simon Atkinson and Samuel Cathro

- Red flags – how to spot them, and where they lead
- Undue influence – can it be proved by implication?
- Capacity – medical evidence, fixed false beliefs and other issues
- Changes of mind – last minute wills and destruction of documents

Please email your choice of workshops to seminars@wilberforce.co.uk or alternatively indicate your choice on your Eventbrite order

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