

Brian Green QC

Call: 1980
QC: 1997



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Practice Overview

Brian advises on all aspects of commercial and private trusts. He has a specialist practice in pensions and in private client work (tax and trusts), but also has wide-ranging experience of contentious and non-contentious chancery work including professional negligence, constructive trusts and tracing, life assurance and revenue matters.

Brian has acted for both the sponsoring companies and trustees of major pension schemes, and for the trustees and/or beneficiaries of the largest trusts (private/commercial). He has advised the trustees and/or managers of major unit trusts, life assurance companies, banks and other financial institutions on a broad range of contractual and trusts-related matters. He has acted as *amicus curiae* to the court.

On being awarded the Barrister of the Year award by STEP (The Society of Trust and Estate Practitioners), the judging committee stated:

'A genuine heavyweight among trust counsel, our winner is much respected both by his peers and by trust practitioners. He is equally at home as an adviser and an advocate and in both the onshore and offshore jurisdictions. Not at all pompous - to the contrary, he is disarmingly approachable.'

In July 2008 Brian was featured as one of the Top 50 lawyers in the UK by *The Sunday Times*.

In July 2009, Brian featured as Lawyer of the Week in *The Times*.

Professional Reputation

The 2009 edition of *Chambers & Partners* top ranks Brian in both pensions (where he is singled out for star ranking) and traditional chancery.

The 2009 edition of the *Legal 500* top ranks Brian in both pensions and private client, trusts and probate.

Pensions

Brian Green QC is "*the top man for pensions here and anywhere else.*" Peers cannot praise his work highly enough, lauding him as "*a free-thinking and innovative counsel who always has at least one unusual idea to develop*". Observers are stunned by his interpersonal skills, describing him as "*one of those people who has the intelligence but is also exceptionally good with clients*".

Previous editions of *Chambers & Partners* in which Brian has also

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[Email Brian Green](#)

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Tel: +44 (0)20 7306 0102

consistently been top-ranked have referred to his being "*Exceptionally clever and enormously user-friendly*", Green has established the standard by which all other pensions silks are judged. His reputation rests on his "*ability to supply the definitive and most robust opinion on anything*". In court he is renowned as a "*great artist*" and a "*tenacious fighter*" who "*leaves no stone unturned*". Described as "*absolutely superb*" and to his being "*ideal if you want a robust commercial and carefully thought-through answer*" and having a "*smooth and user-friendly with a down-to-earth style to compliment his intellectual ability and practicality*", and have stated that "*fans beat a path to his door*", and that he is "*highly rated by peers for his tenacity and boldness as well as his human touch*". He is referred to as "*impressive and astute*", and one quote states that "*he walks on water in terms of technical grip and pure intellectual ability*".

Editions of the *Legal 500* in which Brian is consistently top-ranked under this heading have referred to him as "*having the ear of the court*", and being "*expected to be instructed in the very largest cases*". *Perceived by many as peerless*". "*He is the counsel of choice for some of the UK's largest schemes, not just for court work but complex advisory issues, and has, says one City law firm, 'a superb mind and grasps the issues immediately and extremely thoroughly'*", "*phenomenally bright and totally client-focused*", "*good on his feet*". He is also stated to be "*pre-eminent at the Bar in this field*", and noted for his "*fine mind*" and "*first class, client-friendly service*" "*Perceived by some solicitors as simply 'the best'*". He is praised for his logical presentation in court, and his ability to charm judges. He is commended for his intellect, as one City firm says you get "*two brains for the price of one. You don't want him on the other side*". He is also praised for his knowledge, combined with a client-friendly demeanour."

Traditional chancery

"*Practical and confidence-inspiring*," Brian Green QC is "*a chancery barrister nonpareil*." As ever, he has had an exceptionally busy 2009 advising on all aspects of commercial and private trusts. Without a doubt a major force in the private client world, Green is a "*true fixer and trouble-shooter*." "*Intellectually flexible*," he is "*able to effortlessly guide you to where you want to be when you yourself are all at sea about how to get there*." *Chambers & Partners*, 2009

Previous editions of ***Chambers & Partners*** in which Brian is also top-ranked under this heading refer to him as "*An 'astute' advocate who 'plays the tactics game', Green has 'that extra edge' when needed*". "*when it comes to hard-fought chancery work, stuffed with technical points, he is in a class of his own*". "*A superb leader who fights cleverly*" - "*lauded by both his peers and solicitors*", "*comes into his own on difficult issues*" and described him as "*formidably bright*", "*consistently cracks the most complicated problems*", and state that he is "*a user-friendly and robust advocate*" and "*as pragmatic as they come at the Chancery bar*".

Private client, trusts and probate

"*Extremely clever*" and "*inspires confidence*". *Legal 500*, 2009 "*Highly approachable, measured and wise*" "*all round top quality for private client work, including complex trust restructuring*". *Legal 500*, 2008.

In previous editions of the *Legal 500* in which he has also been top-ranked under this heading, he has been referred to as "*very personable and highly regarded for his private client expertise, including contentious trusts*", as having "*exceptional common sense*", described as one of chambers' "*excellent silks*", "*... outstanding on both contentious and non-contentious work*", and referred to for the fact that he "*Stands out for his first class service for landed estates, entrepreneurs and commercial trusts*".

8 New Square
Lincoln's Inn
London WC2A 3QP
LDE No - 311

Tel: +44 (0)20 7306 0102
Fax: +44 (0)20 7306 0095

chambers@wilberforce.co.uk

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Pensions CV

'Brian Green QC is "*the top man for pensions here and anywhere else*". Peers cannot praise his work highly enough, lauding him as "*a free-thinking and innovative counsel who always has at least one unusual idea to develop*". Observers are stunned by his interpersonal skills, describing him as "*one of those people who has the intelligence but is also exceptionally good with clients*".'

'Brian Green QC acted for the trustees of the Sea Containers 1983 Pension Scheme during the parent company's insolvency, successfully obtaining the first financial support direction ever made by the Pensions Regulator. He has also been providing consistent advice to denationalised schemes, including the Railways Pensions Scheme and the Electricity Pensions Scheme.' *Chambers & Partners*, 2009

Recent pensions cases include:

- *Foster Wheeler v Hanley* [2009] (CA)
- *Re Telent (GEC Pension Scheme)* [2008]
- *Alitalia v Russo* [2008]
- *Re Sea Containers 1983 Pension Scheme* [2007]
- *British Vita Unlimited v British Vita Pension Fund Trustees Limited* [2007]
- *Steria Ltd v Hutchison* [2006]
- *Phoenix Venture Holdings Ltd v Independent Trustee Services Ltd* [2005]
- *Staveley Industries Plc v Armitage* [2005]
- *Aon v KPMG* [2004 & 2005]
- *MNOPF v Everard* [2005]

Other significant pension cases include:

- *Stevens v Bell (British Airways)* [2000, 2001 & 2002]
- *AMP v Barker* [2001]
- *MNRPF Trustees v Chambers* [2001]
- *Equitable Life Assurance Society v Hyman* [1999 & 2000]
- *Lansing Linde v Alber* [1999]
- *Bairstow v Queens Moat Houses Plc* [1998 & 1999]
- *Express Newspapers Trustee Limited v Express Newspapers Plc* [1998]
- *SWT v Wightman* [1997]
- *HR v JAPT* [1997]
- *Law Debenture v Pensions Ombudsman* [1997]
- *Lloyds Bank Pension Trust Corporation Ltd v Lloyds Bank Plc* [1996].

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[vCard file](#)

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8 New Square
Lincoln's Inn
London WC2A 3QP
LDE No · 311

Tel: +44 (0)20 7306 0102
Fax: +44 (0)20 7306 0095

chambers@wilberforce.co.uk

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Private Client CV

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'Without a doubt a major force in the private client world, Green is a "*true fixer and trouble-shooter*". "*Intellectually flexible*", he is "*able to effortlessly guide you to where you want to be when you yourself are all at sea about how to get there*".' *Chambers & Partners*, 2009

Significant trusts and revenue cases include:

- *Re Birley Estate* [2008 & 2009]
- *Stow v Stow* [2008]
- *Smithson v Hamilton* [2008] (*brought in to lead on appeal in CA - settled*)
- *Shalson v Russo* [2007] (*brought in to lead on appeal in CA - settled*)
- *Trennery v West* [2004]
- *BMBF No.24 v IRC* [2001, 2002 & 2003]
- *Breadner v Granville-Grossman* [2000]
- *Goulding v James* [1997].

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International & Offshore CV

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Brian regularly advises on international trust matters in all offshore jurisdictions which have adopted the UK trusts model including in particular Bermuda, the Channel Islands and the Isle of Man; but also including all other Caribbean jurisdictions, Hong Kong, and Gibraltar.

He has appeared on several occasions in the Supreme Court of Bermuda on a variety of trust matters, and has recently appeared as an advocate in relation to Bermuda trust law issues which arose before the Amsterdam Court of Appeal.

Brian acted as an expert witness on trust law in the case brought by the former owners of *Yukos v The Russian Federation* heard in The Hague under the auspices of the Energy Charter Treaty of the United Nations in November 2008.

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