



Clare Stanley QC

Call: 1994

QC: 2015

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Clerks' Details

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Qualifications and Appointments

- BA Hons (Cantab) (Law Tripos, Downing College)
- BEc (Adelaide)

“A very impressive barrister”

The Legal 500, 2014

Memberships

- Chancery Bar Association
- COMBAR

Publications

- "Facing the consequences", (2015) T.E.L. & T.J., 171(Nov), 11-15
- "A question of trust: the Quistclose trust – clarity at last" (2015) 8(3) C.R. & I. 106-109
- "Latches and Limitations" (2014) *Trusts & Trustees* 20 (9): 958-965
- "The personal liability of directors to third parties and shareholders", *Trusts & Trustees* 2013 19(5) 388- 429
- "Traps for the unwary: the pitfalls of ad hoc arbitration", (2012) *Trusts & Trustees* 18 332-340

Practice Overview

Clare's practice focuses heavily on three key areas: commercial / business disputes, professional liability, and private client/trust litigation.

Clare is usually instructed in highly contentious disputes, and provides advice across the range of areas in which she practices, helping clients to achieve their commercial aims without the need to litigate: "*Clare provides highly intelligent, strategic and commercial advice combined with excellent advocacy skills.*" (Chambers & Partners, 2016); "*Commercial in her approach and gutsy when needed; very popular with clients.*" (Legal 500, 2015).

Praised for her written and oral advocacy, she is often involved in actions brought onshore and offshore in litigation involving claims for breach of trust and fiduciary duty, cross-border insolvency and "major fraud cases. *She is praised for her grasp of detail and her trusts law expertise...: 'Very practical and very good at bringing people around to see things in a certain way.'*" (Chambers & Partners, 2014).

Clare is equally happy working as part of a wider team or as sole Counsel and is recognised as "*thorough, approachable and excellent in court, she also commands the respect and confidence of lay clients.*" (Legal 500, 2015).

Clare is recommended in the directories for:

- Commercial litigation
- Trusts and Probate
- Professional negligence
- Partnership



Publications cont

- Fraud – Running the Risk”, (2009) *Solicitor’s Journal*, 8 September
- Hedge Funds – Can investors recover their losses?”, (2008) *Practical Law Company*, December
- Former joint editor *Glasson’s International Trust Laws*

Trusts, Tax, Probate and Estates

Particular areas of expertise:

- Contentious trust litigation between beneficiaries and trustees, and claims by third parties.
- Disputes involving wills, estates and family provision.
- International cross-border trust litigation.
- Trust arbitration.

Recommendations for Trusts, Probate & Estates:

- “A first-class advocate with the ability to carefully and thoroughly analyse cases.” *Legal 500*, 2015
- “Assimilates large amounts of information quickly” and “Extremely client friendly.” *Legal 500*, 2014
- “Clare Stanley is ‘a feisty senior junior who is not afraid to take on challenging odds.’” *Legal 500*, 2012

Recent cases:

- ***Freedman v Freedman [2015] W.T.L.R. 1187***: Clare acted for the successful claimant in this well-known and widely reported case in which the Court set aside a discretionary settlement for mistake.
- ***Hinds v Hinds [2015]*** Cayman Court of Appeal – Clare acted for the beneficiary defendants at trial and on appeal in relation to competing claims by two separate estates to ownership of valuable pieces of land in Cayman; limitation and laches, derivative claims.
- ***Brudenell-Bruce (Earl of Cardigan) v Moore & anor [2015] W.T.L.R. 373***; high value claim for breach of trust in relation to duty to repair trust property; removal of trustees (Clare acted for the successful trustee).
- ***Challinor v Juliet Bellis (A firm) [2015] EWCA Civ 59***; [2015] 2 P. & C.R. DG3 (Court of Appeal) – Quistclose / resulting trust claim (Clare acted for the successful defendant solicitors in a claim that the firm had received monies from non-clients and disbursed them in breach of trust).
- ***Stengel v McEvoy*** (settled) – revocation action challenging will as a forgery.

Other relevant cases:

- Acting for adult children in 1975 Act claim to a £40 million estate of their late father
- Acted for an executor in a pre-grant claim for an injunction against co-executor and money claim for misappropriation of money from the testator.
- Acted for beneficiaries of an offshore trust in a high value fraud claim against the protector
- Acting for the claimant in a revocation claim challenging the will on the grounds of incapacity
- Acted for principal beneficiaries of a US\$100 million offshore trust seeking orders for an account and removal of trustees accused of fraud
- Acting for offshore personal representatives in an action challenging the validity of a Jersey trust as a sham / device to evade UK tax
- Advising insurers of trustees alleged to have facilitated fraudulent property investment scheme in central Europe
- Advising trustees accused of “gross negligence” in failing to exercise an option