



## Clare Stanley QC

Call: 1994

QC: 2015

cstanley@wilberforce.co.uk

### Clerks' Details

+44 (0)20 7306 0102

practicemanagers@wilberforce.co.uk

### Qualifications and Appointments

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

*“She’s an excellent advocate, and is extremely thorough and well prepared.”*

Chambers & Partners 2020

*“A very reassuring, authoritative and approachable silk who exudes a calm aura.”*

The Legal 500 2020

## Memberships

- Chancery Bar Association
- COMBAR
- INSOL

## Publications

- “Vulnerable gifts made by vulnerable people”, (2017) *Trusts & Trustees* 23(5): 542-557
- “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

## Practice Overview

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

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Clare is usually instructed in highly contentious and often hostile disputes, and provides advice across the range of areas in which she practices, helping clients to achieve their commercial aims without the need to prolong litigation.

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.

### Clare is recommended in the directories for:

- Commercial litigation
- Trusts and Probate
- Professional negligence



## Publications cont

- "Traps for the unwary: the pitfalls of ad hoc arbitration", (2012) *Trusts & Trustees* 18 332-340
- 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

## Commercial

### Particular areas of expertise:

- Asset tracing, especially through complex offshore structures involving foreign law
- Banking and finance disputes
- Civil Fraud litigation
- Company & Partnership disputes
- Commercial arbitration
- Insolvency

### Recommendations:

- *"Clare is always very helpful, down to earth and friendly. She tries to find practical solutions."* Chambers & Partners, 2020
- *"An extremely user-friendly, very thorough and effective advocate."* Chambers & Partners, 2020
- *"Shows outstanding ability and dedication when handling complex, commercial, multi-jurisdictional work."* Chambers & Partners, 2019
- *"She is very cool, calm and collected, and a force to be reckoned with."* Chambers & Partners, 2019
- *"Very diligent and methodical, she is quite fearless and isn't easily intimidated"* Chambers & Partners, 2018
- *"An expert in civil fraud and insolvency cases. She is a forceful advocate who is admired for her ability to identify the good and bad points in a case with objectivity"* Chambers & Partners, 2018

### Recent cases:

- *St Vincent European v Robinson* [2018] EWHC 1230 (Comm); [2018] 5 WLUK 464: one of the leading cases on reflective loss where a beneficiary is trying to sue a trustee, who is also a director.
- *In the Matter of China Agrotech (FSD 157 of 2017) (NSJ)*: acting for Hong Kong liquidators of a Cayman Islands incorporated company seeking recognition in Cayman of liquidators' appointment for the purposes of proposing parallel schemes in Hong Kong and Cayman.
- *In the Matter of TCC International Holdings Limited (FSD 152 of 2017)*: Scheme of Arrangement; Hong Kong listed Cayman Islands company where two classes of shareholder (preference and ordinary). Question was whether there should be one shareholders' meeting or two.
- *ITC v Ferster* [2017] EWHC 217 (Ch): company law, breach of directors' duties, excessive remuneration, accounting for profit, election between remedies, equitable compensation following *AIB v Reddler*.
- *American Leisure Group v Wright & others* [2015] 2015 WL 3953014: jurisdiction dispute; statutory submission to the jurisdiction under CPR r. 11. Clare acted for the successful defendant in setting aside service of Claim Form out of the jurisdiction in a £100 m + claim.
- *Swiss Life v Kraus* [2015] EWHC 2133 (QB): jurisdiction dispute; case concerns the threshold acts which are sufficient to amount to submission to the jurisdiction of a foreign court. Clare acts for the Claimant in this claim to enforce a New York judgment in the English court.



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## Commercial continued

- *Actial Farmaceutica Lda v De Simone* [2015] EWCA Civ 1032: Clare acted for the successful respondent. The appeal concerned the circumstances in which the court will grant an injunction pending appeal in a case where the Court at first instance held it had no substantive jurisdiction over the dispute (a multi-jurisdictional conspiracy to defraud claim).
- *N v (1) S and (2) NCA* [2015] (Burton J): series of injunctions requiring bank to operate a mandate in circumstances where bank had made suspicious activity reports to the National Crime Agency under POCA; Court's jurisdiction to grant interim declarations protecting bank from criminal liability.
- *Westwood v Weyerhaeuser* (settled) – Clare acted for an international law firm alleged to have participated in an unlawful means conspiracy to assist a client to defeat an arbitration award.

### Other relevant cases:

- Acting for defendants in company's claim for breach of fiduciary duty and claim for secret profits
- Acting for BVI shareholder in claim against Cayman company for breach of Articles of Association
- Anti-suit injunction seeking to restrain proceedings in USA brought allegedly in breach of arbitration and exclusive jurisdiction clause
- Advising shareholders in relation to claims against company for fraudulent misrepresentation
- Advising redemption creditors re priority under Cayman companies legislation
- Advising for foreign proceedings in high value fraud claim whether purchase of shares could be traced via 'backwards tracing' and a Quistclose trust
- Acting for service provider in contractual dispute with an NHS Trust over levels of "savings" achieved and contractual mechanisms for calculating fees due
- Acted for liquidator in a claim challenging the validity of a distribution agreement on the grounds that it was a forgery and/or infringed the pari passu rule (settled)
- Acting for the defendant in a £120 million claim against hedge fund manager for breach of fiduciary duty (settled)
- Acting for two former partners in a claim for an account in relation to post-dissolution profits made by the defendant using partnership assets