



## 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 (University of Adelaide, Australia)

*“Terrific on her feet and her cross-examination is absolutely outstanding”*

Chambers & Partners 2018

### 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



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

## 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

## Professional Liability

Clare specialises in professional liability claims against solicitors, accountants, brokers, directors and trustees.

- Accountants: negligent tax advice, negligent valuations.
- Directors: negligence, breach of fiduciary duty cases, fraud claims, tracing claims.
- Investment professionals: negligence, breach of fiduciary duty cases, fraud claims, tracing claims.
- Property professionals: negligent valuations.
- Solicitors: negligence claims, and also fraud and trust claims against solicitors.
- Trustees and fiduciaries: acts for beneficiaries, third parties, trustees in claims for negligence, breach of fiduciary duty cases, fraud, constructive trusteeship and asset tracing.

### Recommendations:

- *"Terrific on her feet and her cross-examination is absolutely outstanding."* **Chambers & Partners, 2018**
- *"She is a very practical, reassuring presence who can get up to speed with a difficult case incredibly quickly."* **Chambers & Partners, 2018**
- *"With a very high level of technical ability, she's able to see a lot of the nuances in the case."* **Chambers & Partners, 2017**
- *"Clare provides highly intelligent, strategic and commercial advice."* *Chambers & Partners, 2017*
- *"Excellent in court but can similarly advise clients in a pragmatic and commercial way."* **Legal 500, 2017**
- *Described as a 'powerful advocate', Clare is an experienced commercial chancery practitioner, well-known and highly regarded for contentious trust litigation, commercial and professional liability cases. Often instructed on behalf of PLC's or high net-worth individuals in respect of large-scale and bitterly fought litigation, Clare is 'praised for her grasp of detail' and as someone 'who is not afraid to take on challenging the odds'. Clare's cases often involve allegations of misrepresentation, fraud and breach of fiduciary duty."* **Legal 500, 2017**
- *"Her practice covers a wide range of sophisticated professional negligence matters and she acts for a number of leading law firms. She has a strong track record in claims involving negligent trust, tax and insolvency advice."* **Chambers & Partners, 2016**
- *"Clare provides highly intelligent, strategic and commercial advice combined with excellent advocacy skills."* **Chambers & Partners, 2016**

### Recent Cases:

- ***Caliendo v Mischcon de Reya [2015]*** – one of The Lawyer's "Top 20" cases of 2015. Clare acts for the solicitors in a claim in relation to sale of Queen's Park Rangers to Flavio Briatore and Bernie Ecclestone. [Reported in the Court of Appeal on relief from sanctions at [2016] C.P. Rep. 3; [2015] 5 Costs L.R. 849]
- ***Page v Unite the Union & EAD Solicitors LLP*** (settled) – Clare acted for the solicitors in a claim for alleged negligent handling of claims by Union members for equal pay compensation.
- ***Brudenell-Bruce (Earl of Cardigan) v Moore & anor [2015] W.T.L.R. 373*** – acted for the professional trustee in high-profile trial of a trustee negligence claim by the Earl of Cardigan against the trustees of his family's estate.
- ***Challinor v Juliet Bellis (A firm) [2015] EWCA Civ 59 (Court of Appeal)*** – Clare acted for the successful defendant solicitors in this failed claim that the firm had received monies from non-client investors in a property investment scheme on trust.



- **Rentokil v Goodman Derrick [2014] EWHC 2994 (Ch)** – Clare acted for the successful defendant solicitors in a claim for loss of a chance relating to the sale of Rentokil's office premises in Croydon.

## Professional Liability continued

### Other recent cases:

- Acting for well-known West End firm in a high value claim for negligent IHT advice
- Acting in a series of cases for solicitors in relation to series of allegedly fraudulent conveyancing transactions
- Acting for well-known firm of solicitors in relation to allegedly negligent advice in defending large scale litigation against trustees

## 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:

- *"Judges are very complimentary about her and how she controls matters. She absolutely knows what she is doing and takes total command of the case by dint of her easy and straightforward manner."* **Chambers & Partners, 2018**
- *"Clare is insightful and can really help clients with overall strategy. Her turnaround time is amazing and she is very amiable."* **Chambers & Partners, 2018,**
- Clare *"is recognised for her strong experience in contentious trusts and probate litigation. One lawyer comments: "She makes very informed insights about the case and she can really help clients with overall strategy."* **Chambers HNW, 2017**
- *"She is exceptionally bright and very easy to work with."* Legal 500, 2017
- *"Clare Stanley QC is regarded by peers as a standout name in the field, and is internationally recognised for her excellent private client practice."* **Who's Who Legal, 2017**

### Recent cases:

- Black v Purkiss (2016): trial of a claim to set aside inter vivos gift of real property for lack of capacity and undue influence
- Baker v Dunne [2016] W.T.L.R. 1489: Beddoe orders in the context of enforcement of a judgment obtained by the trustee
- Preedy v Dunne [2015] W.T.L.R. 1795: scope and nature of trustees' powers under TOLATA.
- Freedman v Freedman [2015] W.T.L.R. 1187: trial of a Pitt v Holt claim to set aside a discretionary settlement for mistake.
- Hinds v Hinds [2015] Cayman Court of Appeal: competing claims by two separate estates to ownership of valuable pieces of land in Cayman; limitation and laches, derivative claims.



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- 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 – now one of the leading cases on Quistclose / resulting trusts.

## Trusts, Tax, Probate and Estates continued

### Other relevant current cases:

- Acting for beneficiaries of trust settled by late grandmother for an account against trustee (their aunt) and trustee de son tort (their uncle)
- Acting for trustees of two family trusts settled by late grandfather, compromising claims under terms of conditional agreement for appointment of new trustee and division of trust property amongst two sides of the family
- Acting for executors of high value estate offshore – questions of construction of bequests and legacies, meaning of residuary estate, completion of administration
- Acting for partner of deceased in a 1975 Act claim relating to high-profile estate
- Acting for defendant children in a 1975 Act claim brought by their father's partner; issue concerns value of non-majority shareholding in a family business
- Acting for defendant widow in a 1975 Act claim brought by adult child of first marriage
- Acting for offshore personal representatives in an action challenging the validity of a Jersey trust as a sham / device to evade UK tax
- Advising Jersey trustees accused of "gross negligence"

## 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:

- *"Very diligent and methodical, she is quite fearless and isn't easily intimidated"*, Chambers & Partners, 2018
- Clare *"... is 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:

- 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.



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- St Vincent European Partner v Robinson and others (current): acting for main defendant in alleged €30 mill claim for breach of shares pledge, and fraud; reflective loss and role of tender in redemption of security.
  - 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.
  - 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 Weyerhauser (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