



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*

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:

- *"She has a mastery of trusts disputes. She is very straightforward to deal with and very pragmatic, with a 'no panic' approach. She's an excellent advocate, and is extremely thorough and well prepared."* Chambers & Partners, 2020
- *"She's very solid and very sound. She gives a firm view and sticks to it."* Chambers & Partners, 2020
- *"Is a seasoned trusts litigator with razor-sharp technical ability."* Legal 500, 2020
- *"Clare is a punchy advocate with real gravitas in the area of contentious trusts."* Legal 500, 2019
- *"She is meticulously prepared for trials and always gives you complete confidence. She is on top of everything and is very good at dealing with witnesses. She is a firepower advocate."* Chambers & Partners HNW, 2018
- *"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

Recent cases:

- *Re Norma Bruhl* (deceased) (ongoing): dispute about construction of will
- *Monderer v Nevis* (ongoing): a case concerning whether beneficiaries of a trust can sue trustees who are also directors of underlying trust owned companies
- *B v C* (2019) (1975 Act claim just handed down): issue was about value of estate where the main assets are shares in a family company
- *Palmer v Boam* (2018): liability of trustees to account in relation to their management of underlying family business
- *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.
- *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"