



Emily McKechnie

Call: 2005

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Clerks' Details

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Qualifications and Appointments

- MA Law (First Class), St John's College, Cambridge
- LLM (First Class), St John's College, Cambridge
- Whitehead Scholar St John's College, Cambridge
- Wright Prize, St John's College, Cambridge
- Hardwicke and Lord Denning Scholarships, Lincoln's Inn

“Thorough, authoritative and approachable.”

Chambers and Partners, 2020

Memberships

- Association of Pension Lawyers
- ACTAPS
- Commercial Fraud Lawyers Association
- Chancery Bar Association
- COMBAR

Publications

- 'Pension trustees' duties of care and skill' (2009) *Practical Law Company*
- 'Trust to the Future' (December 2007) *New Law Journal Vol 157* (with [Michael Furness QC](#))

Practice Overview

Recommended in Chambers & Partners and Legal 500.

Emily regularly represents clients in interlocutory and final applications, as well as at trial and on appeal. She is frequently instructed as junior to Queen's Counsel within and outside Chambers, as well as on her own account.

Emily is a highly regarded commercial chancery lawyer with a comprehensive background specialising in the following matters:

Commercial disputes

Extensive experience acting in a range of commercial disputes, including:

- Fraud
- Asset tracing
- Asset preservation
- Contractual interpretation
- Confidential information
- Arbitration

Emily's practice encompasses legal developments in both domestic and international markets involving:

- Cryptocurrencies (Bitcoin etc.)
- Blockchain
- Cyber fraud
- Financial events (2008 banking crisis; 2020 Coronavirus Covid-19 etc.)

Regularly instructed to seek interim relief, including:

- Freezing orders
- Disclosure
- Injunctions
- Security for costs



Trusts

- Expertise includes:
- Contentious trusts
- Breach of fiduciary duties
- Dishonesty
- Part 8 claims for directions
- Probate and estates
- High value matrimonial disputes
- Constructive, resulting and implied trusts
- Proprietary estoppel

Company and insolvency

- Emily's experience includes:
- Shareholder disputes
- Directors' liability
- Partnerships and LLPs
- Rectification of the register
- Restoration to the register
- Insolvency
- Administration

Pensions

Emily has extensive knowledge of pensions matters, including:

- Trusts, powers and fiduciary obligations
- Part 8 claims for directions (acting for trustees, employers and representative beneficiaries)
- Professional liability, including administrators, legal advisers and trustees
- Pensions Regulator investigations
- Statutory implications
- Equalisation
- Amendment restrictions
- Defective execution
- Past underpayments, limitation and forfeiture
- Employer insolvency

Professional liability

Covering a range of professionals, including trustees, directors, accountants, financial advisors, solicitors, barristers, executors and administrators:

- Professional negligence
- Breach of fiduciary duties
- Dishonesty
- Financial mis-selling
- Regulatory investigations



Offshore

Emily has been instructed on disputes in the following jurisdictions:

- Asia – China; Hong Kong
- Americas – United States; Mexico; Grand Cayman; Bermuda
- Europe – Jersey; Guernsey; Switzerland; Cyprus
- Middle East – Dubai
- Africa – Nigeria
- Australasia – Australia; New Zealand

Testimonials

Described in the directories and by clients as:

- *"Extremely clever, commands respect from clients in meetings, and produces written work of an extremely high standard"*
- *"Fantastically clear analytical mind"*
- *"Adept at finding practical solutions around very difficult and complex issues"*
- *"Assiduous and able to translate complex ideas into simple propositions"*
- *"Very good at conveying things verbally in an understandable manner"*

Trusts, Tax, Probate and Estates

Emily has a wealth of experience in contentious and non-contentious trusts and estate issues.

She is regularly instructed on high value complex matters involving dishonest breaches of trust, sham trusts, failure to account, administration of trusts, and the validity and effect of trust deeds and wills.

Many of the cases in which Emily is instructed involve offshore trusts. She also advises upon trust issues arising in wider litigation, including commercial disputes, pension schemes and matrimonial cases.

Cases on which Emily has recently been instructed include:

- Acting for the object of a multi-million pound Bermudan discretionary trust involving issues about the failure to exercise discretionary powers to restructure trusts and the management of trust assets
- *ND v SD & ors* [2017] EWHC 1507 (Fam) Acting for the wife in matrimonial proceedings in a claim to assets worth over £70 million. The issues include:
 - whether discretionary trusts established by the husband in Cyprus are sham trusts;
 - whether property has been formally settled on trust under the laws of Cyprus;
 - the scope of discretionary powers under Cypriot law
- Acting for the trustees of a Guernsey settlement in a claim involving:
 - removal of co-trustees;
 - an account of trust property;
 - disclosure of trust information;
 - a trustee's entitlement to reasonable security;
 - the legitimacy of invoices rendered to the trust;
 - the interaction between a commercial arbitration clause and the court's inherent supervisory jurisdiction



Trusts, Tax, Probate and Estates continued

- Acting for the trustees of a multi-billion pound Bermuda settlement in complex proceedings concerning:
 - the validity and effect of a Bermuda trust;
 - the validity and effect of a Swiss family settlement;
 - allegations of breach of trust
- Advising executors of a large English estate in relation to claims brought by a beneficiary alleging:
 - lack of mental capacity;
 - undue influence;
 - want of knowledge and approval
- Advising executors in relation to a dispute concerning competing entitlements to the estate of a deceased man domiciled in the Isle of Man.
- Representing the estate of a deceased professional trustee in defence to a £7 million claim involving allegations of:
 - dishonest management of an English family settlement;
 - dishonest management of an English will trust;
 - dishonest management of two property investment companies;
 - dishonest concealment
- Advising professional executors in connection with the administration of an estate amidst allegations that the will was executed under undue influence.
- Representing both claimants and defendants, including executors, in cases concerning the Inheritance (Provision for Family and Dependents) Act 1975.
- Advising on numerous claims concerning the validity of wills by reason of forgery, duress, incapacity, undue influence, and the satisfaction of formal requirements.