



Emily McKechnie

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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

Emily specialises in commercial and traditional chancery work. She has particular expertise in cases involving pensions, contentious trusts and probate, fraud, complex professional liability, and high value commercial disputes, often involving an international element.

Emily is recommended in Chambers & Partners. She is described as *"very user-friendly and bright. She goes the extra mile, providing excellent client service"* (2020). Previous editions have noted that she is *"very easy to work with and very bright"* (2019), *"Very impressive, extremely clever, commands respect from clients in meetings, and produces written work of an extremely high standard"* (2018), *"She is very adept at finding practical solutions around very difficult and complex issues"* and *"very good with clients and extremely professional. She's a good orator and very good at conveying things verbally in an understandable manner"* (2017). She is also *"a great advocate who is very user-friendly, bright and someone who provides excellent client service"* (2016), *"a star of the future"* (2014), having *"a fantastically clear analytical mind"* and being *"very commercial in her judgment"* (2015).

Legal 500 describes Emily as *"extremely pragmatic, diligent and very good at appealing to clients and judges alike"* (2020), *"A great advocate who is user friendly and very bright"* (2019), *"meticulous and smart"* (2017), *"assiduous and able to translate complex ideas into simple propositions"* (2016), being *"one to watch"* (2014) and *"a rising star"* (2014) who *"gets stuck in to the detail in a proactive and intelligent way"* (2015).

Emily is a robust advocate who enjoys the litigious aspects of her practice. She regularly appears in both the High Court and county courts, representing clients in interlocutory and final applications, as well as at trial and on appeal. Emily is frequently instructed as junior to Queen's Counsel within and outside Chambers, as well as on her own account.

In recent years Emily has been instructed in cases involving an international element, including disputes arising in Dubai, Hong Kong, Bermuda, Mexico, Nigeria, Switzerland, Grand Cayman, Cyprus and Guernsey.



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
- 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



Trusts, Tax, Probate and Estates continued

- 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.