



Gilead Cooper QC

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Clerks' Details

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Qualifications and Appointments

- BA in English, Christ Church, Oxford
- Dip. Law, The City University
- He is an CEDR Accredited Mediator and has been called to the Bar of the BVI.

“The Rolls-Royce silk of the Chancery Bar. He is a master strategist and a star advocate.”

The Legal 500 2020

Memberships

- Chancery Bar Association
- Professional Negligence Bar Association
- PAIAM (Professional Advisers to the International Art Market)
- ACTAPS
- LCIA
- [Fellow, The American College of Trust and Estate Counsel \(ACTEC\)](#)

Publications

- [Open \(in\)justice: privacy, open justice and human rights](#) for Trusts & Trustees (July 2019)
- [Trusts and Modern Wealth Management book review](#) for Trusts & Trustees (2019)
- "Cultural Divisions: the rivalry between family and chancery", Trusts & Trustees (2014) Vol 20, Issue 8, 815
- Lost in translation: community property and the common law trust, Trusts & Trustees (2013)

Practice Overview

Described in Chambers & Partners as *"an unsurpassed advocate at the Chancery Bar"*, Gilead has appeared in many high-profile cases in recent years, both in the UK and abroad. He receives praise for *"his ability 'to pull rabbits out of hats' in fiendishly difficult cases"* (HNW Guide), and is consistently recommended in the major legal directories. The recent Chambers & Partners 2020 edition ranks him in Band 1 for both Traditional Chancery and Trusts and in Band 2 for Offshore and Art and Cultural Property. *"He has a great strategic mind", "a brilliant advocate and a thorough practitioner. He is very hands-on and responsive". "He is exceptionally bright. He is regularly instructed on the more complex claims in this area."* In The Legal 500 2020 edition he is ranked Tier 1 for Offshore work and describes him as *"an incredibly quick mind with great intellectual powers, he is an excellent courtroom advocate"*. He *"is the Rolls-Royce silk of the Chancery Bar. He is a master strategist and a star advocate"*. He is also featured in Legal Week's Private Client Global Elite. He was described by Who's Who Legal 2018 as *"one of the top silks in our research this year"*, and is one of five silks in the *"Most Highly Regarded"* category. Gilead was the winner of the Antiquities Law Barrister of the Year Award in the Lawyer Monthly Legal Awards 2016.

Gilead's practice has a strong international element. He has appeared in the courts of Hong Kong, the BVI, Bermuda, Cayman and Nevis, and has been involved in litigation in Jersey, Guernsey and Gibraltar. Last year he provided expert advice in relation to the Panama Papers in Imran Khan's action against Nawaz Sharif in the Pakistan Supreme Court which led to Sharif being removed as prime minister.

Gilead specialises in complex, high-value disputes, often involving allegations of fraud, breaches of trust and fiduciary duties, and professional negligence. He also has "a notable specialism in matters involving art and antiquities" (Chambers & Partners). He has been involved in a number of restitution claims before the Spoliation Panel, and often advises and represents major national museums and galleries. He acted for the Tasmanian Aboriginal Centre in a dispute over some human remains that formed part of the collection of the Natural History Museum.

Gilead recently represented the trustees in In the Estate of the Eighth Earl of Bathurst, in which the Dowager Countess, as life tenant of a trust of family heirlooms, unsuccessfully claimed the right to enjoy the chattels in specie. He also acted for the Earl of Cardigan in his dispute with the trustees of the Savernake Estate: in one action, which went to the Court of Appeal, the trustees sought the court's sanction for a sale of the trust's prize asset, Tottenham House; in a separate action, the Earl of Cardigan succeeded in removing one of the trustees, and obtained repayment of unauthorised remuneration as well as compensation for breach of trust.



Publications continued

- Case Note: Re The St Andrew's (Cheam) Lawn Tennis Club Trust, Trusts & Trustees (2012) Vol 18, Issue 8, 816.
- Contributor to Palmer on Bailment
- Contributor to Tolley's Pensions Law
- "How (not) to get rich on the Internet"; (1999) NLJ
- "Negligent Valuation: Damages"; (1995) Int. I.L.R.
- "Negligence – the Surveyor and the Mortgagee"; (1991) E.G.

Practice Overview continued

In *Slutsker v Haron*, Gilead successfully resisted the claim by Vladimir Slutsker, a former Russian Senator, to go behind the terms of a Cayman trust that had been set up by his former wife to hold (via an English company) their matrimonial home, a valuable house in The Boltons. The case involved a conflict between Russian matrimonial law and UK domestic law. Another of Gilead's cases, *Sharp v Adam*, is one of the leading modern authorities on testamentary capacity. Gilead's experience also includes appearances in the Court of Protection.

Before coming to the Bar, Gilead enjoyed a brief career in publishing, editing books on photography, popular science and astronomy. He also spent a couple of years teaching in pre-revolutionary Iran. After completing his pupillage, he worked in the Litigation Department of Freshfields before taking up a tenancy at 7 New Square. He joined Wilberforce Chambers in December 2015.

Commercial

A highly experienced litigator, Gilead has appeared in a number of high-value, high-profile cases in recent years, involving claims against trustees, executors, company directors and partners for breaches of fiduciary duty and civil fraud. His practice has a strong international element, and has appeared in the courts of Hong Kong, the BVI, Bermuda, Cayman and Nevis. He has also advised in litigation in Jersey, Guernsey and Gibraltar.

Gilead appeared for the defendants in *Khouj v ACP*, leading James Walmsley. The case concerned a claim on behalf of the estate of a former Saudi Foreign Minister, in which the executor was seeking extensive disclosure of information relating to substantial investments by the deceased during his lifetime, raising issues of agency and fiduciary duty. The defendants had decided to bring in a new legal team at the eleventh hour, and Gilead and James were instructed over the weekend with the trial listed to commence the following Monday – in the event, the judge granted an adjournment until the Thursday.

In *Jones v Firkin-Flood*, Gilead acted for the beneficiaries of a will trust in removing trustees and blocking their resolution to distribute the fund in unequal shares between the family members. The trust had been set up by the beneficiaries' father, "Dougie", who was reputed to have been a member of Manchester's notorious "Quality Street Gang". Money (the source of which was obscure) had been used to set up accounts in Liechtenstein, and large sums had been invested in a hotel and country club. It was alleged that funds had been diverted to set up a casino business, from which two of the three children were excluded. The case raised issues of dishonesty as well as breaches of fiduciary duties under both company law and trust law.

In *Khan v Gany Holdings*, the settlor had been a successful businessman who had made his fortune in Pakistan, Malaysia and Hong Kong. He had been highly secretive, and had established a number of opaque corporate and trust structures around the world to hold and manage the family wealth. After his death, his younger son had taken control of the family businesses, to the exclusion of his sister and her family. There were allegations that one of the trustees (a BVI company controlled by the son) had acted dishonestly and had misappropriated assets that rightfully belonged to the estate. Gilead represented the sister and her family at the trial before the Eastern Caribbean Supreme Court in the BVI.

C v D concerned a Bermuda Trust set up using funds from a Swiss foundation. One branch of the family alleged that the entire trust (which had been in existence for several decades) had been created fraudulently, in violation of Swiss law, and was void ab initio.

Gilead also acted for the successful Defendants in *Slutsker v Haron*, a claim by high profile Russian former politician, Vladimir Slutsker. Mr Slutsker had challenged the transfer of a valuable London property into UK company, whose shares were held by a Cayman settlement. Mr Slutsker asserted that under Russian joint property rules he was the beneficial owner of a 50% share. A separate action by Mr Slutsker in Cayman was struck out on Gilead's application.



Commercial continued

Gilead appeared for the Earl of Cardigan in his claims against the trustees of his estate, obtaining an order for the removal of one of the two trustees, together with compensation and the repayment of unauthorised remuneration. Other notable cases include acting for Robin Birley in his claim against the estate of the late Mark Birley, the proprietor of Annabel's and other well-known London clubs.

Gilead is ranked as a leading silk in Chambers & Partners, where he is described as "*intellectually brilliant and very easy to work with.*" He is "*methodical and diligent in his approach, and able to argue clearly and concisely.*"