



## Gilead Cooper QC

Call: 1983

QC: 2006

gcooper@wilberforce.co.uk

### Clerks' Details

+44 (0)20 7306 0102

tcsqc@wilberforce.co.uk

### 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.

## “Incomparable”

Citywealth Leaders List, 2017

### Memberships

- Chancery Bar Association
- Professional Negligence Bar Association
- PAIAM (Professional Advisers to the International Art Market)
- ACTAPS

### Publications

- “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)
- 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

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* 2016), and is consistently recommended in the major legal directories. The recent *Chambers* 2018 edition ranks him in Band 1 for both Traditional Chancery and Trusts and in Band 2 for Offshore and Art and Cultural Property. “*He's a trial barrister. He is a supergun you bring out for the cases where you really want to get on with matters.*” The *Legal 500* describes him as “*a genius and a great strategist*”, commenting that he is “*fast becoming one of the most sought-after senior Chancery practitioners*”. He is 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. He is also featured in *Legal Week's Private Client Global Elite*, and 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* 2015). 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.

### Practice Overview continued

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.

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

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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.

**What the directories say:**

*"He gives incisive, well-crafted opinions and is a fearless advocate."*

*"His submissions are always reduced to the most lucid and persuasive arguments and, what really sets him apart, is his ability to read the court and adapt his approach to circumstances."*

*"A first-rate lawyer with tremendous clout, he has acted in many of the leading cases over the past ten years."*

*"A very knowledgeable, creative barrister, whose very fine advocacy is incisive and rapier-like."*

*"He has the intellectual edge on a lot of other people. He doesn't follow an obvious path or just give up. He's usually able to think a way around things."*

*"A very inventive barrister."*

## 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.

## Commercial continued

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 and 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.

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.*"

- Perpetuity period under the new section 4 of the Bermuda Perpetuities and Accumulations Act. Concerned a US\$2 billion trust.
- **Cotton v Earl of Cardigan** [2015] W.T.L.R. 39. Appeal against trustees' application under Public Trustee v Cooper for approval of the sale of Tottenham House.
- **Brudenell-Bruce v Moore** [2014] EWHC 3679 (Ch). Removal of trustees and claims for breaches of trust and repayment of unauthorised remuneration.
- **Khan v Gany Holdings** BVIHC (Com) No. 10 of 2012. Claim for an account against trustee of a BVI trust.
- **Al-Sadi v Al-Sadi** [2013] EWHC 2379 (Ch). Costs on the claimants' discontinuance of their action.
- **Slutsker v Haron** [2013] EWCA Civ 430 (CA). Challenge to a Cayman trust of real property in London by the husband of the settlor claiming rights under Russian family law.
- **In the Estate of Mong Man Wai William** [2012] CACV 34/2012. Hong Kong Court of Appeal decision in Beddoe proceedings directing executors not to use estate funds to oppose the interests of the beneficiaries of the estate.
- **Scarfe v Matthews** [2012] W.T.L.R. 1579. Will construction; the application of the doctrine of election where rights of forced heirship are asserted under French law.
- **Cripps Trust Corp Ltd v Sands** [2013] W.T.L.R. 579. Beneficiaries successfully oppose a Beddoe application where the trustees sought permission to use trust funds for arguably unnecessary litigation.