



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.

"Intellectually brilliant"

Chambers & Partners, 2016

Memberships

- Chancery Bar Association
- Association of Pension Lawyers
- Professional Negligence Bar Association
- Professional Advisers to the International Art Market
- ACTAPS

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.

Gilead is consistently ranked and independently recommended in both Chambers & Partners and The Legal 500. The recent Chambers 2017 edition ranks him in Band 1 in three categories (Trusts, Offshore, and Traditional Chancery) and in Band 2 for 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"*.

Gilead specialises in complex, high-value disputes, often involving allegations of fraud, breaches of trust and fiduciary duties, and professional negligence. In *Jones v Firkin-Flood*, Gilead represented two of the beneficiaries of a trust in removing all but one of the trustees and in setting aside a purported disposition in favour of a third beneficiary (who was shown to have diverted funds into other businesses from which his siblings were excluded). More recently, Gilead 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 another recent case, *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.

Gilead is independently recommended in the directories for his expertise in Art and Cultural Property, and has been involved in a number of restitution claims before the Spoliation Panel. 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.

His skills as an advocate have been employed in a diverse range of cases and issues, such as the effect of the Rule in *Hastings-Bass*, the construction of share option agreements, and the revocability of a Power of Attorney granted for the purpose of pursuing claims in Germany for War reparations.



Practice Overview continued

Gilead's practice has a strong international element, and he has appeared in the courts of Hong Kong, the BVI, Bermuda and Cayman. He is featured in Who's Who Legal 2016 and in Legal Week's "International Trusts & Private Client Elite" list of 100 specialists across Europe, the US and Asia.

"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."

"He is intellectually brilliant and very easy to work with."

"Charming and a free thinker who is not afraid of putting forward controversial perspectives."

"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."

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 and Cayman.

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.



Commercial continued

Last year Gilead led James Weale in the Earl of Cardigan's 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."*