



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

Publications

- "Negligent Valuation: Damages"; (1995) Int. I.L.R.

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.

Professional Liability

Gilead's key cases include:

- **Stuart v Goldberg Linde** [2008] WLR 823. Court of Appeal guidelines on the rule in *Henderson v Henderson*. Neither the merits of the second action, nor delay in starting it, are relevant factors in deciding whether it is an abuse of process to bring separate proceedings.
- **Gloyne v Richardson** [2001] 2 BCLC 669, [2001] EWCA Civ 716 (Court of Appeal). Construction of share option agreement.
- **Gloyne v Richardson** [2002] All ER (D) 447, [2002] EWCA Civ 1980. Strike-out of claim against solicitor who had failed to serve proper notice under share option agreement.
- **Ebert v Venuil** [2000] Ch. 484 (Court of Appeal). Jurisdiction of the High Court to make an order prohibiting a litigant from issuing vexatious proceedings.
- **Bristol & West v Baden, Barnes and Groves** [2000] Lloyd's Rep PN 788. Solicitor under no obligation to disclose confidential information obtained under previous retainer.
- **Summit Property v Pitmans** [2000] All ER (D) 1226. Solicitors' duty to two clients when a conflict of interest arises; one client wishing to exploit confidential information belonging to the other.
- **Summit Property v Pitmans** [2001] Lloyd's Rep PN 16 (Court of Appeal). Defendant successfully defending claim but ordered to contribute to loser's costs.
- **Raybould v Jameson** [2000] All ER (D) 1679. Solicitor failing to advise client of risk of committing blackmail.
- **Turner v Plasplugs Ltd** [1996] 2 All ER 939 (Court of Appeal). Liability of legally aided party to order for costs.
- **Wapshott v Davies Donovan** (1996) 72 P & CR 244 (Court of Appeal). Measure of damages in claim against negligent solicitors.
- **Hemmens v Wilson Browne** [1995] Ch 223. Liability of solicitor to non-client third party in inter vivos transaction.
- **Re Moonbeam Cards Ltd** [1993] BCLC 1099. Directors' disqualification.
- **Moore v Khan-Ghuri** [1991] 2 EGLR 9 (Court of Appeal). Contract for sale of land by auction.