



Gilead Cooper QC

Call: 1983

QC: 2006

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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.

“He blends gravitas and commerciality with intellectual rigour.”

Chambers & Partners. 2019

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*

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 2019* 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 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. 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*). 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

- "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.

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."

Trusts, Tax, Probate and Estates

Trusts and estates litigation, both in the UK and offshore, has formed the mainstay of Gilead's practice since he took Silk in 2006. He specialises in contentious trial work.

Gilead has also been involved in numerous Cultural Property cases, including disputes falling within the jurisdiction of the Spoliation Panel.

"'Class Act' Gilead Cooper QC is always in demand for his prowess at bringing trust and succession disputes to a swift and satisfying resolution for his clients. A regular fixture in Bermuda and the Cayman Islands, he is appreciated for the quality of his 'straightforward, commercial advice' and the forcefulness with which he puts his case."

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

Cases include:

- *In the Estate of the Eighth Earl of Bathurst* [2018] EWHC 21 (Ch). The Dowager Countess (as life tenant of a trust of heirlooms) unsuccessfully claimed the right to enjoy the chattels in specie. Construction of a statutory codicil, involving the admissibility of extrinsic evidence of intention.
- *In the Matter of the C Trust* [2016] SC [Bda] 53 Civ. The first case to extend the 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.



Trusts, Tax, Probate and Estates continued

- *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.
- *Al-Sadi v Al-Sadi* [2011] EWHC 976 (Comm). Whether claimant can rely on amended pleading when defendant applies to set aside service out of the jurisdiction.
- *Howell v Lees-Millais* [2011] EWCA Civ 786. Court of Appeal decision on CPR Part 36 offers.
- *Re Servoz-Gavin, Deceased* [2011] Ch 162; [2010] 1 All ER 410. Nuncupative Wills: Validity of an oral will made by a merchant seaman in service with a foreign vessel.
- *Jones v Firkin-Flood* [2008] EWHC 2417 (Ch). Removal of trustees for breaches of duty including failure to supervise business assets controlled by the trust.
- *Sharp v Adam* [2006] WTLR 1059 (Court of Appeal). Testamentary capacity of testator with advanced multiple sclerosis.
- *Abacus Trust (Isle of Man) Co v Barr* [2003] Ch 409. Application of the Rule in Hastings-Bass. The origin of the principle that the court would only intervene where there had been a breach of fiduciary duty, which was subsequently upheld in *Futter v Futter* in the Supreme Court.
- *Schindler v Brie* [2003] WTLR 1361, [2003] EWCH 1804 (Ch). Power of attorney granted to pursue claim in Germany for War reparations; whether power was revocable; whether claimant should continue as personal representative.