



## Jonathan Hilliard QC

Call: 2003

QC: 2016

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### Clerks' Details

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### Qualifications and Appointments

- MA in Law, University of Cambridge (1st in year)
- LLM in Law, University of Cambridge (1st in year; starred first; first place in advanced trust law, tax and restitution)
- Number of other university and college prizes, including Chancellor's Medal and Tapp Scholarship
- Taught contract law at Gonville & Caius and Selwyn Colleges, University of Cambridge
- Awarded Denning, Hardwicke & Kennedy scholarships by Lincoln's Inn

*“Exceptionally clever, great with clients and lovely to work with as an instructing solicitor.”*

Chambers & Partners 2020

*“Simply superb – he examines cases forensically and presents issues clearly.”*

Chambers & Partners 2020

## Memberships

- Sits on Trust Law Committee
- Sits on APL Litigation Sub-committee
- Chancery Bar Association
- APL
- STEP Contentious Trusts and Estates Interest Group
- Commercial Bar Association

## Practice Overview

Jonathan has a broad trusts and commercial practice. Much of his time is spent on private, pension and other commercial trust disputes and fraud disputes, both on and offshore. His litigation often takes him into other areas of law, and he has significant experience of cases with family, regulatory, insolvency and public law elements. He also has a significant advisory practice across this spectrum of work.

He very much enjoys the challenge of breaking down complex issues into simple, clear points and the advocacy involved in litigation, both oral and written.

He is ranked in the directories for trusts (private and pension), offshore, civil fraud, traditional chancery and high net worth work (Chambers and Partners) and offshore, pensions and private client (The Legal 500).

*“One of the best young brains at the Bar. He has a ferocious work ethic, an incredible attention to detail, and a creative sense which is badly needed in this area.”* (Chambers & Partners 2019 HNW)

## Publications

- Significant number of trusts and pensions papers.
- Co-author of Protector's and Disclosure chapters in The International Trust and International Trust Laws
- Co-author (with Dr Janet O'Sullivan, Reader of Law at the University of Cambridge) of *The Law of Contract* (1st–6th editions) (Oxford University Press).

*“Jonathan is an extremely commercial and savvy trusts operator. He's really passionate about his subject and knows it inside out.”* *“He's a creative thinker and very clever.”* (Chambers & Partners 2020, Offshore); *“Very dependable and really knows his stuff. He's on the ball and deeply analytical in his approach to complex matters.”* (Chambers & Partners 2019, Offshore); *“He is an extraordinarily brilliant individual.”* (Chambers & Partners 2018, Offshore)

*“He has phenomenal brainpower. His work is tremendous and nothing fazes him. He is very bright and very hard-working.”* *“A joy to work with.”* (Chambers & Partners 2019, Pensions); *“A true star that is rising at a meteoric rate.”* (The Legal 500 2019, Pensions); *“He is very intelligent, hard-working and a pleasure to deal with. He always provides sensible advice and is able to turn matters around speedily.”* *“Simply superb – he examines cases forensically and presents issues clearly.”* (Chambers & Partners 2020, Pensions)

*“Very user-friendly. He has an encyclopaedic knowledge of insolvency-based fraud issues.”* (Chambers & Partners 2019, Civil Fraud); *“He is technically excellent.”* *“Very personable and level-headed in his advice.”* (Chambers & Partners, 2020, Civil Fraud); *“Excellent at making a complicated case seem simple for a judge.”* (Chambers & Partners 2018, Civil Fraud)

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## Practice Overview continued

"An outstandingly intelligent guy and just one of the smartest people you will ever meet." (Chambers & Partners 2019, Trusts); "One of the best young silks in the business." (The Legal 500 2019, Trusts)

"... exceptionally clever, great with clients and lovely to work with as an instructing solicitor" (Chambers & Partners 2020, Family / Matrimonial: Trusts / Tax experts)

## Pensions

According to The Legal 500 2019, Jonathan is "a true star that is rising at a meteoric rate", and Chambers and Partners states that he is "widely regarded as the go-to barrister for technical pensions issues". Jonathan advises regularly on pensions restructuring, other corporate pensions issues, moral hazard concerns, RPI and CPI issues and other similar points. He regularly acts in rectification claims and in the compromises of complex pensions disputes.

Over the last few years, his reported cases have involved the following:

- *British Airways* (2019)- acted successfully in Beddoe and compromise hearings, following involvement in the main litigation for many years.
- *BT judicial review litigation* (2018- 2019)- acted at first instance and in the Court of Appeal for the trustee in relation to the judicial review of HMT's decision relating to the indexation of GMPs following the change to the new state pension.
- *Box Clever* [2011 - 2018] acted for the scheme trustee in this long running litigation.
- *Pensions Regulator v PAYAE & others* (2018) - successfully acted for tPR in landmark pensions liberation fraud case.
- *Wedgwood v Salt* [2017]- 5 day hearing on whether a rights proviso protects future service rights and consequential issues.
- *IBM* [2017]- acted successfully for IBM in its appeal over the validity of closing its pension schemes to future accrual.
- *Silentnight* [2016-]- acted successfully for the trustee in resisting a judicial review application (decided early 2017)
- *Pollock v Reed* (2016)- acted for tPR in a series of hearings over a pension restructuring.
- *MNRPF* (2014/5)- acted for Stena Line in dispute over broadening the pool of contributing employers, culminating in a 20 day final hearing.
- *Becker v Fellowes v TPR* [2013] Acted in relation to a number of pension liberations issue.
- *Bestrustees v Singer & Friedlander* [2013]- calculation of s.75 debt.
- *Pi Consulting v TPR and Dalriada v TPR* [2013] Acted in a number of hearings concerning pensions liberation.
- *MNRPF* (2010) First instance and CA in 2010/11 proceedings.
- *BT Pension Scheme Trustees* [2010] (first instance, CA, including a number of unled hearings).
- *FSS Pension Scheme* [2014] Crown Guarantee issues.
- *Storm Funding* [2013] First instance and CA; appeal listed for 10.2014.
- *Lehman FSD* [2010] DP and UT.
- *Nortel & Lehman v tPR insolvency proceedings* [2010-2013] first instance, CA and SC)
- *Nortel v tPR* [2012] (s.72 PA 2004 dispute.
- *Pilots National Pension Fund* [2009-2014].
- *ITS v Hope* [2010].
- *ITS v GP Noble* [2009-2013].
- *Sea Containers v Gellately* [2011].

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## Pensions continued

- *Low v Bonar* [2011].
- *Bridge Trustees v Yates* [2010-2011]; CA, SC.
- *Bonas CN* [2010].
- *Nortel FSD* [2010].

## Trusts, Tax, Probate and Estates

Jonathan is ranked in band 1 in Chambers & Partners 2019 for trusts work, describing Jonathan as **"very bright and hard-working. He's a real rising star amongst the young QCs and has a phenomenal appetite for work and phenomenal brainpower"**. A substantial part of Jonathan's work concerns ultra-high net worth private trust litigation and associated advice. This encompasses the spectrum of domestic litigation, offshore work, trusts and divorce disputes and work with a fraud or other asset tracing element. His work involves a wide range of jurisdictions, from Jersey and Guernsey to Bermuda, the BVI, the Cayman Islands and Hong Kong.

Jonathan aims above all to be direct and succinct in his advocacy and advice, and to be approachable and easy to deal with. He enjoys the challenge of delivering simple, clear advice on complex technical issues, often to foreign clients and frequently as part of a team where he is there to provide the specific trusts expertise.

Over recent years, a significant amount of his trusts work with an international element has concerned attacking and defending complex offshore structures, whether in the divorce context or in offshore proceedings involving fraud and other linked routes of attack. He has significant expertise in the divorce context and is often instructed as part of a family team.

On the domestic side, he acts in rectification, VTA and other similar court cases concerning trusts and estates, and frequently finds himself in the Chancery Division and Family Division on such cases.

Aside from the comments mentioned in the overview of his practice, the most recent Legal 500 states that he is **"incredibly bright, user-friendly and responsive"**.

**The vast majority of his cases are confidential, but for example he has recently been involved in complex litigation in Jersey, Guernsey, Bermuda, in litigation domestically in the Family Division and in litigation with Hong Kong links to name a handful.**

**He has longstanding experience in the Family Division having for example acted in the *Tchenguiz Imerman v Imerman* divorce and in cases like *TM v AH* [2016] EWHC 572 (Fam) about the joinder of offshore trustees.**

## Professional Liability

Jonathan's professional liability practice focuses particularly on negligence in the context of:

- Trusts
- Pensions (both occupational and personal)
- Actuaries
- Financial services & investment products
- Tax
- Solicitors.

Ever since his first case as a tenant in Chambers, which concerned a long running accountancy and actuarial negligence dispute over the downfall of Equitable Life, his professional liability work has included a significant financial services element.

He is co-author of the Pension Scheme Actuaries chapter in the Professional Negligence and Liability looseleaf.

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## Commercial

Jonathan is ranked in Chambers Global and Chambers & Partners (UK) for his civil fraud and offshore work.

In relation to the former, Chambers & Partners 2019 describes him as "*very user-friendly. He has an encyclopaedic knowledge of insolvency-based fraud issues. Very dependable and really knows his stuff. He's on the ball and deeply analytical in his approach to complex matters.*" Similarly, Chambers and Partners 2020 states that "*he is technically excellent. Very personable and level-headed in his advice.*"

In relation to the latter, Chambers and Partners states that "*Jonathan is an extremely commercial and savvy trusts operator. He's really passionate about his subject and knows it inside out. He's a creative thinker and very clever.*" (Chambers & Partners 2020, Offshore); "*Very dependable and really knows his stuff. He's on the ball and deeply analytical in his approach to complex matters.*" (Chambers & Partners 2019, Offshore); "*He is an extraordinarily brilliant individual.*" (Chambers & Partners 2018, Offshore)

A significant amount of Jonathan's work concerns business and commercial disputes, particularly those relating to:

- Civil fraud
- Asset tracing
- Financial services
- Regulatory issues
- Insolvency
- Company and partnership issues

Jonathan's work in these areas frequently overlaps with his offshore and trusts practices, many of these disputes having an international element, involving fraud or heavy factual disputes, and involving fiduciaries acting in a financial services context. He also has significant experience on the domestic side of the Upper Tribunal's financial services jurisdiction and financial services judicial review.

### On the civil fraud side, to take some recent examples:

- He is involved in a number of large ongoing currently confidential offshore cases across a range of jurisdictions involving allegations of fraud and other linked wrongdoing.
- He has been involved in obtaining injunctions in offshore asset recovery proceedings.
- He has been involved in a number of pensions liberations fraud and tracing cases, such as the landmark *Pensions Regulator v PAYAE & ors* (2018) case.

### Previously, by way of examples:

- He acted successfully as part of the claimants' team in *ITS v GP Noble* [2009-2013], which involved fraud proceedings in a number of jurisdictions, a number of significant hearings and parallel criminal proceedings.
- He acted successfully as part of the claimants' team in the Court of Appeal in *ITS v Susan Morris* [2011-2013] in tracing the proceedings of fraud into a divorce settlement.
- He was involved in litigation concerning the largest alleged fraud in recent Latvian history.

### On the regulatory side, for example:

- He has been involved in the recent leading cases before the Upper Tribunal (Tax and Chancery Chamber) concerning the limits of the jurisdiction of the Upper Tribunal in financial services matters.
- He often acts in relation to regulatory investigations.
- He has been involved in a number of pieces of financial services judicial review matters, including in relation to the life insurance industry.

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## Commercial continued

As far as insolvency is concerned, much of his pensions work takes him into the insolvency arena, and he frequently advises alongside or acts together with insolvency counsel.

Examples of his reported insolvency cases include:

- *Nortel & Lehman v TPR* [2010–2013] (first instance, CA and SC- when a statutory debt ranks as a provable debt or expense).
- *Singer & Friedlander* [2013] (calculation of debts in insolvency).
- *Gleave v PPF* (proof for s.75 debts in insolvency).