



## Zoë Barton QC

Call: 2003

QC: 2020

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### Clerks' Details

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### Qualifications and Appointments

- MA (Hons) (Edin)
- Postgraduate Diploma in Law, City University
- Awarded scholarships by Gray's Inn and City University
- Member of the Chartered Institute of Arbitrators

## “An impressive and formidable new silk.”

The Legal 500 2021

### Memberships

- Chancery Bar Association
- Property Bar Association
- ACTAPS and ConTrA
- Professional Negligence Bar Association
- MCI Arb

### Practice Overview

Ranked as a leading barrister in multiple practice areas, a strength that makes her well-suited to litigation that straddles disciplines, Zoë is “an impressive and formidable new silk” (Legal 500 2021) particularly noted for advocacy and client skills. Her practice is grounded in a strong technical understanding of property and trusts. In addition to her practice spanning the breadth of those areas, this technical expertise serves as the foundation of her civil fraud practice, which forms a significant element of her work and where the ability to establish or challenge proprietary interests and trust structures can be decisive. Zoë also practises in professional liability, typically related to her other practice areas.

Zoë is “an impressive and formidable new silk” and “astute tactician” whose “client-craft in conference is second to none” (Legal 500 2021). She is “very bright, proactive and innovative” (Legal 500 2020), “a great advocate who is very commercial and tenacious”, “brilliant tactically” (Chambers & Partners 2021) and who has “real presence” (Chambers HNW), shows “exceptional attention to detail” and “gets straight to the point and is very knowledgeable” (Chambers & Partners 2020).

Zoë is especially well-regarded for her advocacy having been described as “a concise, effective and tenacious advocate”, “a superstar advocate in the making” and somebody who “understands complex legal issues quickly and flawlessly demonstrates this through her persuasive advocacy” and “is extremely eloquent and can think quickly on her feet” (Legal 500 2019) with one solicitor commenting “she’s absolutely fabulous and is very persuasive before the court. I would not want to be on the end of a cross-examination by her” (Chambers & Partners).

Zoë “has a discerning eye for the important points in a case” (Chambers & Partners) and applies herself assiduously to her clients’ cases, combining being “very quick to get to grips with matters” with “a keen eye for detail” and being “sharp, concise and very approachable”, such that “her work is flawless”. But what sets Zoë apart from her peers is her “excellent rapport” and the way in which she “builds incredible faith in her clients”. She is “good at keeping everybody focused”, “very calm”, “very approachable, and very keen to see a good result for the client”. Zoë understands and reflects her clients’ objectives and as a fan of saying what she thinks, she “provides forthright, unwavering advice”, “does not shy away from difficult issues and gives her opinion without fear or favour” (Chambers & Partners) in “a nice manner ... that clients appreciate”, leaving “[clients] ... very impressed with her”. She knows that litigation is a war of attrition, understands the importance of strategy and uses her ability to “[deal] with the technical issues very well” to that end, creating and exploiting weaknesses in her opponents. Zoë is frequently instructed in cases that call for equitable remedies as her appreciation of where the merit lies lends itself particularly well to cases concerning the exercise of discretion.

Zoë is also a Member of the Chartered Institute of Arbitrators.



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## Property

Zoë's property practice encompasses all aspects of disputes related to property, ranging from landlord and tenant and real property. However, it also includes commercial and insolvency disputes with a tangential property angle, such as frauds or insolvency cases which seek to establish or undermine proprietary interests and commercial and regulatory disputes concerning property. Her clients include major infrastructure providers such as Network Rail, utility companies, government departments, commercial investors, high street retailers, developers, lenders, insolvency practitioners and even a sovereign state.

Zoë regularly accepts invitations to speak to the Property Litigation Association, both regionally and at the annual conference in Oxford, and has also spoken to the RICS Dilapidations Forum.

### Examples of Zoë's related work include:

#### Development

- Acting in a claim concerning breach of restrictive covenants, their discharge and variation and in respect of the Open Spaces Act 1906.
- Appearing in claims concerned with negotiating damages in connection with developments, including in connection with the construction of a residential development on a constrained dock site where the extent of a right of way and associated trespass by the developer and the basis of calculation of £8m sought by way of negotiating damages was in dispute.
- Advising in connection with development agreements, options, overage and clawback payments and their protection.
- Advising in respect of a high-profile Central London development site in respect of rights of light and restrictive covenant against a background of multiple transfers of parts of land.
- Advising developers in respect of rights of access and development rights in connection to land, including in relation to the establishment of an easement over (arguably) railway land and subject to statutory exceptions.
- Acting for Network Rail in proceedings concerning various easements at Manchester Piccadilly and issues of excessive user in the context of redevelopment at and around the site.

#### Insolvency

- Advising and appearing for and against receivers and insolvency practitioners in respect of vesting orders, disclaimers, disputes as to the beneficial ownership of property, void property dispositions, shams, transactions to prejudice creditors, property expenses as administrations expenses and the proper execution of deeds for sale of land.
- Acting for and against trustees in bankruptcy in respect of claims relating to property, including as to possible s.423 claims.
- Acting in claims concerning disclaimer, including for parties seeking vesting.
- Advising in respect of CVAs.
- Advising as to the effect on proprietary interests in cases involving bona vacantia and escheat.

#### Real Property (inc. disputes as to ownership and mortgages)

- Appearing in claims concerned with the contracts for the sale of land, including in respect of their validity, rescission, practical completion, good title, notices to complete and forfeiture of deposits and specific performance.
- Acting in a case concerned with whether various titles had been subject to merger.
- Advising as to beneficial ownership and / or equities which arise by reason of constructive trust, proprietary estoppel, including in respect of failed joint ventures in a commercial context and nuptial settlements / financial resources in a matrimonial context.



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## Property continued

- Defending in a three-week Chancery division trial of two competing proprietary estoppel claims in respect of land in Berkshire, settled after cross-examination of both claimants' cases.
- Acting in High Court proceedings for the registered proprietor of a charge securing sums advanced for a property development venture after the charge was fraudulently removed from the register. Issues of voidable transactions, tacking on, priority and the availability of subrogation to earlier charges.
- Acting in claims to rectify the title for mistake, including in cases of fraud, and in claims for indemnities from the Land Registry.
- Acting in a claim concerned with the proper construction and rectification of conveyances by which land was 'double-conveyed'.
- Acting for a claimant in respect of claims in negligence, nuisance and the rule in *Rylands v Fletcher* arising from chemical pollution that emanated from neighbouring land.
- Obtaining judgment for a defendant wife whose marital home had been charged as security for repayment of sums by her husband who had guaranteed a company's borrowing facility where the land was held by the couple on trust, the transaction was void by reason of a presented bankruptcy petition and / or voidable by reason of undue influence (*Goldcrest Distribution v McCole* [2016] EWHC 1571 Ch).
- Obtaining first registration before First Tier Tribunal of farmland with significant development potential where the legal and beneficial ownership was disputed and there were allegations of forgery in respect of a conveyance and declaration of trust and assertions of adverse possession (*Caston v Farnese* [2015] UKFTT 0629 (PC)).
- Acting for a claimant in the recovery of a central London property he had transferred to a blackmailer who had threatened to reveal their homosexual relationship to the claimant's family and prominent members of his religious community; importantly, anonymity was maintained for the claimant, his name not appearing even on the face of proceedings.
- Mortgage fraud cases, including for a Premiership and England international footballer, typically involving forged documents often by a husband or father.
- Obtaining possession in 'difficult' cases, such as of a crack whore house in a suspected case of cuckooing of the tenant who had resided since the 1940s and in cases, often in the High Court, where there are safety or public order concerns.
- Claims for accounts and related equitable remedies in cases of breach of trust or fiduciary duty in the context of property ownership e.g. in cases of joint ownership and in relationships of landlord and agent.
- Acting in claims for vesting orders and appointment of trustees in respect of land, and which involve allegations of sham trusts and void dispositions.
- Acting in claims concerned with rights of way, trespass and adverse possession, including appearing in claims between registered proprietors of possessory title and former paper title owners.

## Commercial and regulatory

- Defending a claim brought by the former F1 boss for fraudulent misrepresentation for contracts for the sale of land and design services, alternatively repudiatory breach of contract against a developer of prestigious 'superhomes' and related land-owning parties. Raises interesting issues as to the degree of connection between the contracts and the availability of rescission.
- Advising in connection with proper construction of loan agreements as to the necessity for strict compliance with repayment provisions.
- Acting in a claim concerned with the remuneration of one party, including in quantum meruit, in connection with a property investment scheme.



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## Property continued

- Advising against the background of a conflict of interests in respect of a property collective investment scheme operated via a limited partnership as to the duties of good faith owed by limited partners and the general partner.
- Mercantile Court trial for a claim in contract and quantum meruit for a brokerage fee arising out of the introduction of a lender to a large property development project in Oxfordshire.
- Acting in proceedings concerning sale and purchase agreements, including where breach of warranty and fraudulent misrepresentation / deceit are alleged.
- Trial for assignee of lender in a claim concerning a buy-to-let property portfolio which stood as security for lending which included mis-sold interest-rate hedging products and the true extent of a previous settlement of claims relating to the mis-selling.
- Advising as to the effect on enforcement of a transfer of a registered charge from a sole proprietor to joint ones where those parties treated the underlying debt as assigned in shares between them.
- Advising and appearing at trial in claims concerning FSMA regulated activities (such as regulated mortgage contracts) and permission of the Court to enforce where the lender is not an authorised person.

## Landlord & Tenant (inc telecoms)

- Acting in claims regarding the renewal / termination of business tenancies.
- Appearing in trials as to whether a tenant was a protected tenant or tenant at will of premises.
- Appearing for and advising telecoms operators in connection with the new Code, including in respect of the interaction between the Code and the 1954 Act.
- Advising a prominent educational institution in respect of the true extent of interests of various parties in a library building in circumstances where an 1855 long lease had been enlarged by the lessee.
- Advising in respect of the enforceability of restrictive covenants, including in relation to the Competition Act 1988.
- Acting in claims concerned with the exercise of break notices and rent review provisions and their construction, disrepair claims and other landlord and tenant covenants including claims concerning consent for alterations or assignment.
- High Court trial for the successful claimant in a dilapidations claim concerning industrial premises affected by the Buncefield oil depot explosion (*Twinmar Holdings Limited v Klarius UK Limited* [2013] EWHC 944 (TCC)).

## Trusts, Tax, Probate and Estates

Zoë's private client work often concerns high-net worth individuals and associated trust and corporate structures both onshore and offshore, including contentious probate claims. Common themes include protecting or attacking express trusts (or their trustees), breach of trust and fiduciary duty, the taking of accounts and equitable compensation.

An area of particular specialisation of Zoë's is acting in claims relating to dead bodies, which raise interesting issues of jurisdiction and as to the appropriate manner of disposal in light of the deceased's wishes.

Zoë regularly contributes to conferences and journals in this area and has been published in *Trusts & Trustees*.

### Examples of Zoë's related work include:

- Acting for trustees in respect of a claim that they acted in breach of duty by reason of 'inadequate deliberation' in the exercise of their powers in their distribution of a death in service lump sum.



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## Trusts, Tax, Probate and Estates continued

- Advising trustees in Jersey in light of provisions regarding repayment in loan agreements as to whether monies received by them from beneficiaries were properly to be described as repayment of loans together with rolled up interest or whether repayment was waived.
- Advising both asset owners (including trust and corporate entities) and parties to marriages in respect of whether a particular asset might be said to constitute a nuptial settlement or financial resource within the meaning of the Matrimonial Causes Act 1973.
- Acting for a charity in a claim as to the validity of a contract for the sale of land governed by the Charities Act 2011.
- Advising in respect of a claim for the removal of a professional Manx trustee of employee benefit trusts for failure to consider the exercise of his powers.
- Acting in a claim concerned with the possession of a dead person by various parties, including family members and others. Questions as to proper extent of the limited grant, passing over and appropriate arrangements for a funeral.
- Advising in respect of the devolution of land in the Bahamas and, in particular, whether a devise of it by a will in the 1890s created a fee tail and otherwise the identity of the heir through the generations and the effect of various grants of letters of administration.
- Acting in a claim which concerned the ownership of assets categorised either as choses in action or chattels which were said to have passed on an intestacy of a Greek domiciled individual resident in this jurisdiction.
- Acting in disputes concerning rival claims between trustees of trust assets and insolvency practitioners seeking to attack such trusts to establish claims in favour of a creditor class, and vice versa.
- Advising in connection with the death of a Russian businessman who had been pursued for embezzlement by the Russian authorities as to the status of various individuals claiming to owners of shares in BVI companies and / or beneficiaries of trusts whose assets included BVI shareholdings.
- Chancery division trials for revocation of grants and obtaining grants in solemn form in the context of vitiating factors (e.g. mental incapacity, want of knowledge and approval, undue influence).
- Advising as to the validity of testamentary instruments in the context of proper execution of the whole or amendments, inter vivos revocations of a testamentary instrument, copy wills where the original is lost and related Chancery division trial.
- Advising a beneficiary in respect of the incomplete administration of an estate in Barbados where the deceased died over 30 years ago and his executor, domiciled here and suspected of maladministration, has since died.
- Advising in claims against solicitors in respect of monies held by them in client accounts and wrongfully paid away.
- Removal and substitution of personal representatives and trustees.
- Advising and appearing in disputes in respect of rights of possession to the body of the deceased.
- Acting in claims for accounts in common form and on the footing of wilful default, including against professionals such as those brought by principals against agents (such as solicitors and estate management agents) in a commercial context.
- Appeared for personal representatives appointed in substitution of a brother who had obtained a grant of letters in respect of the deceased's estate on the basis of an intestacy in proceedings for breach of trust and of fiduciary duty against that brother and obtaining freezing injunction and Bankers Trust orders to locate estate's assets.
- A modern decision as to the ambit of the costs protection afforded to a party requiring a will be proved in solemn form pursuant to CPR 57.7 (*Re Jordan / Elliott v Simmonds* [2016] EWHC 962 (Ch)).



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## Trusts, Tax, Probate and Estates continued

- Trial of a claim to admit to probate in form of law the will of a millionaire whose daughter, dubbed 'secret' by the tabloid press, required it to be proved in solemn form but brought no counterclaim (*Re Jordan / Elliott v Simmonds* [2016] EWHC 732 (Ch)).
- Trial of claim by executors as to the proper construction of a mirror will and rectification of a charitable gift in a case where a professionally drafted will had contained several errors and omissions (*Re Harte* [2015] EWHC 2351 (Ch) [2015] WTLR 1835).
- Trials seeking determination of questions as to the extent of estate or trust assets, for example, where assets which are said to be held on trust or subject to an equity by reason of proprietary estoppel.
- Trial of an application to extend the power of advancement to the whole of a settlement pursuant to s.57 of Trustee Act 1925 to permit in specie transfer of capital to the remaindermen where trust held non-income producing shares, alternatively pursuant to the Variation of Trusts Act 1958 as among one class of beneficiaries were unborn children.
- Actions concerning priority of kin, often where there are questions in respect of parental and sibling relationships and concerning presumptions in respect of marriages and birth certificates and raising questions as to the availability of scientific testing.
- Obtaining at trial an account on the footing of wilful default and substitutive performance by a trustee of a trust fund dissipated in breach of trust and fiduciary duty for the beneficiary children.
- Advising in respect of the proper application of proceeds of life assurance policies, including under the Married Women's Property Act 1882.
- Seeking vesting orders and appointment of trustees in respect of land.
- Advising several charity residuary beneficiaries in respect of a claim concerning the sale of the deceased's principal asset during the administration, a large estate, in particular the availability of tracing and following by the claimants to recover the £1.8m received by the charities under the will in the event of the claim succeeding.
- Trials in claims for reasonable financial provision under the 1975 Act.
- Acting in a claim by an estate in its administration and to recover possession of a property occupied by a convicted criminal son of the deceased who asserts a beneficial interest and that he has the benefit of a tenancy.
- Obtaining judgment for a firm of solicitors for their fees as a result of a particular lien over the beneficial interest of their former client's share in the estate of a deceased on the basis that the share was obtained by the fruits of their labour in a contested probate action.

## Civil Fraud

A common thread in Zoë's cases is an allegation of fraud, where being able to establish or challenge proprietary interests and set up or attack trusts structures is often of central importance and to which Zoë is able to bring her significant technical expertise in other practice areas to bear.

Her instructions involve a wide range of frauds and frequently include breaches of duty by fiduciaries, challenging antecedent transactions in insolvency, asset tracing and often concern the laws of multiple jurisdictions (including BVI, Gibraltar, states in the USA, Liberia) and raise conflict of laws issues.

Disputes also frequently involve heavily contested interim or ancillary applications, such as for freezing injunctions, proprietary injunctions, non-party disclosure or challenges to jurisdiction.



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## Civil Fraud continued

### Examples of Zoë's related work include:

- Instructed in a jurisdiction challenge in respect of a claim against a Swiss domiciled defendant and issues as to effective service.
- Acting for a betting agent domiciled in Gibraltar in claims brought by the spouse of a gambling addict who gambled monies he obtained by fraud, in which she claimed an interest, with online gambling platforms. Defending claims in unjust enrichment and accessory liability (dishonest assistance, knowing receipt) for receipt of gambled monies. Advising as to jurisdiction challenge and the true scope of tort, delict and quasi-delict under the European regime.
- Acting for a claimant company in invoicing fraud perpetrated by employees, agents and suppliers of the company for 20 odd years whereby they falsely inflated supplier invoices, with the inflated portion being shared between the supplier and agent / employee. Unlawful means conspiracy and bribery claims were pursued and resulted in settlement at mediation.
- Acting for a guarantor alleged to be liable under a guarantee agreement in connection with a loan agreement by which a joint venture business borrowed monies. Issues included fraudulent misrepresentation, whether the loan agreement was binding and the enforceability of a guarantee in light execution by some only of the named parties.
- Appearing on behalf of applicant in letters rogatory request in support of proceedings in Florida valued at \$80m and which concerned threats to life following allegations of the maladministration of an estate in Barbados (from which no distributions were ever made, save to the executor himself fraudulently) over a period of more than 30 years.
- Acting in proceedings concerning the true ownership of various family business assets in a largely informally run family business upon the falling out of various brothers who were co-owners. Arguments concerning authenticity of documents, alleged resulting and constructive trusts, proprietary estoppel and unfair prejudice.
- Defending a claim brought by the former F1 boss for fraudulent misrepresentation for contracts for the sale of land and design services, alternatively repudiatory breach of contract against a developer of prestigious 'superhomes' and related land-owning parties. Raises interesting issues as to the degree of connection between the contracts and the availability of rescission.
- Acting in a successful jurisdiction challenge for a BVI domiciled client where the claimant sought the return of a multi-million pound asset which had been sold by a receiver and subsequently sold on to the BVI client. Successfully demonstrated that the Court had wrongly permitted service out of the jurisdiction without the claimant satisfying the requisite test as regards the underlying merits of the claim.
- Advising in connection with the death of a Russian businessman who had been pursued for embezzlement by the Russian authorities as to the true ownership of BVI company shareholdings and possible challenges that might be made to that ownership.
- Acting for the liquidators of a company which had operated an unlawful collective investment scheme and been made subject to public interest winding-up. Advising as to viable causes of action including as against professionals who received investors' monies for the fraudulent scheme on the basis of a Quincecare duty and establishing possible assets including by challenging the release of charges by the company for no money.
- Claim for non-party disclosure against a bank in connection with account documentation and instructions (as distinct from account statements) and in particular, ultimate beneficial ownership declarations, to assist in claim where the true ownership of various companies was in issue.
- Acting in a factually and legally complex multi-party dispute between members of a Greek shipping family as to the ownership of Liberian corporations, the validity of the actions of those corporations (including fraudulent changes to issued bearer shares, articles and directors), question of vires as to contracts entered into by the corporations and disguised distributions of capital.



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## Civil Fraud continued

- Acting in a claim regarding an alleged transaction to defraud creditors by the grant of an overriding lease, in particular as to whether the price was the fair market value.
- Advising as the best use of proceedings in multiple jurisdictions (including in the USA where there claims included a RICO element) in attempts to ultimately obtain judgments against individuals with assets in this jurisdiction understood to be connected with the claims in fraud overseas.
- Acting in claims often in the context of insolvency, including as to possible s.423 claims, typically in connection with property assets and / or assets alleged to be held in trust.
- Acting in a claim concerning the enforcement by a lender of security over land in Dubai raising issues as to conflict of laws and the application of Golden Victory to the assessment of damages, assertions as to which ranged between nominal and \$2billion.
- Acting for a claimant in the recovery of an asset he had transferred to a blackmailer who had threatened to reveal their homosexual relationship to the claimant's family and prominent members of his religious community; importantly, anonymity was maintained for the claimant, his name not appearing even on the face of proceedings.
- Claims concerning the enforceability of charges and personal guarantees, including successfully resisting summary judgment on the basis of prima facie evidence of fraud affecting another agreement entered into at a similar time by the same parties, which required the further investigation of the court (a rare application of *Miles v Bull*).
- Acting for an investment vehicle in dispute with a US Court appointed receiver in respect of the control of investment fund monies paid into Court in England against the backdrop of allegations of fraud and an investigation by the US Commodity Futures Trading Commission.

## Professional Liability

Zoë draws on her considerable expertise in general commercial transactions, trusts and property issues to effectively handle complex and sophisticated professional negligence disputes. She has the benefit of acting regularly for both claimants and defendants.

Whether she acts for disappointed beneficiaries in a claim arising out of the drafting of a will, a lender concerning fraudulent property transactions, Zoë can act in both in the underlying dispute and the related claims against negligent professionals such as solicitors and valuers.

### Examples of Zoë's related work include:

- Claim by two prominent housebuilders in connection with the drafting of option agreements over a very large site in Oxfordshire and subsequent advice.
- Advising a firm of solicitors in respect of service of a lease break notice by incoming landlord prior to registration of its interest at HM Land Registry.
- Acting for a charity in connection with putative claims against solicitors and surveyors in relation to their advice as to the sale of land by a charity, which sale was later alleged to be void.
- Acting for purchasers of land who claimed that they were not appropriately advised as a proposed substantial redevelopment neighbouring the home they purchased. Issues as to scope of duty and extent of advice.
- Acting for liquidators appointed in respect of a number of companies conducting fraudulent collective investment schemes in which investors' monies were held by solicitors and then paid out of their client accounts in breach of Solicitors' Account Rules and to make payments to 3rd parties apparently unconnected with the investment vehicles.
- Acting for solicitors in a claim alleging that the firm was tainted by undue influence or fraud over a client by her partner that vitiated their retainer and various allegations of breach of Solicitors' Code of Conduct. Successfully struck out the claim and upheld on appeal.





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## Professional Liability continued

- Acting for a developer in connection with solicitor's advice as to the extent of a right of way.
- Advising a firm of solicitors where a positive covenant in respect of clawback payments was not properly protected before the client entered into a contract for sale such that the burden of the clawback payments will not pass and remain hers alone.
- Acting for a claimant in a claim against a firm of solicitors on behalf of the estate of the deceased where the firm failed to advise severance of the joint tenancy of a property, such that there were insufficient assets for the nil-rate band trust in the will the firm drafted.
- Acting for a firm of solicitors in defending a claim arising out of the alleged failure to advise against sale of a property in the context where the sale exposed the proceeds to be diminished by care home fees.
- Acting for a firm of solicitors in defending a claim arising out of the purchase of a multi-million pound property in the context of poor quality works by the developer who refurbished and converted it and the purchasers' claim against the surveyor who reported.
- Acting for a purchaser of a property in respect of a solicitor's failure to advise in respect of multiple dwellings relief in SDLT.
- Successful strike-out and summary judgment application dismissing the claimant's claim against solicitors instructed in the administration of an estate, which the executrix had thought insolvent, concerning date of knowledge for limitation and the effect of a vesting order in respect of a beneficial interest in a property in the proper administration of an estate.
- Acting in numerous claims concerning ineffective property notices.
- Acting in claim against solicitors for failure to advise one of three lay clients, two business partners and the spouse of one of them, where there were numerous conflicts of interests between them.
- Advising as to possible negligence of a solicitor in respect of a failure to advise properly concerning her duties as executrix.
- Advising an insured in respect of allegations of recklessly condoning a fraudulent act (namely reverse frauds and imposter frauds) in conveyancing transactions in the context of withdrawal of cover by the insurer.

## Domestic Arbitration & ADR

Zoë is a member of the Chartered Institute of Arbitrators, giving her a particular insight into the process. She is predictably well-placed to assist in arbitrations and other forms of ADR. This includes acting in expert determinations as an expert in her relevant fields and as which she accepts instructions. Zoë has found that both expert determinations and arbitrations can be particularly well-suited to property-related disputes concerning questions of construction or where there are ongoing commercial relationships between the parties that need to be maintained. She also has experience of advising in respect of the enforceability of arbitration awards, the Courts' supportive role in arbitrations and the Arbitration Act 1996 generally.

Zoë has been instructed to assist clients in dozens of mediations and (perhaps unusually for a member of her profession) has been described as useful to the process by a mediator on more than one occasion. This is doubtless because she appreciates when the resolution of disputes other than at trial is an important client objective (whether because her client wishes to obtain something that the Court is not capable of awarding or to salvage a commercial or personal relationship) and adapts her style to best pursue those aims: deploying the forensic, advocacy and drafting skills which can benefit a mediation, whilst able to refrain from dominating the process, keeping it client-centred.