



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.



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.
- 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.



Trusts, Tax, Probate and Estates continued

- 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)).
- 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.