

RICHARD DEW

"Richard is an excellent advocate and a real rising star at the Chancery Bar."
(Chambers UK 2019)



Call 1999

Richard Dew's practice is focussed on Wills, Estates and Trusts and related professional negligence. His practice is predominantly litigation, and he is frequently involved in large and complex claims. He also advises and represents in Court of Protection matters and provides expert advice in respect of tax and tax planning (principally capital taxation).

He is a former chair of the STEP Contentious Trusts and Estates SIG and is an elected member of the Chancery Bar Association Committee. He also sits on the Law Society's Wills and Equity Committee. He is a member of STEP and ACTAPS.

Richard is an editor of Rossdale's Administration of Estates and regularly writes and lectures on chancery and private client matters.

Richard has been shortlisted by Chambers UK for the (Chancery) 'Junior of the Year' award 2021.

Private Client: Contentious

The majority of Richard's practice consists of litigation in the private client area, including challenges to Wills and trust, the administration of estates, trusts of land disputes and related professional negligence claims (including tax negligence). He has wide experience of litigation at all levels and considerable expertise in ADR and mediation.

Reported Cases:

- **Rokkan v Rokkan** [2021] EWHC 481. Whether Norwegian rules of forced heirship applied to the estate of a Welsh deceased. Also considered the law of ademption.
- **Titcombe v Ison** [2021] Lexis Citation 43. An allegation of a secret trust in favour of Richard's client.
- **Schumacher v Clarke** [2021] EWHC 3381. Richard, on behalf of representative beneficiaries, successfully contested an application by trustees for directions
- **Parsonage v Parsonage** [2019] EWHC 2362. A battle of Wills. A probate claim where each party

Location

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- alleged that the Will in favour of the other was invalid. Richard cross examined witnesses and experts.
- **Knight v Knight** [2019] EWHC 915. Brotherly love. After the death of one brother, the survivor asserted that he owned the house in which the deceased had lived. Richard, acting for the estate, demonstrated that it had always been agreed that the home was owned by the deceased and held in the name of the survivor to avoid the consequences of a bankruptcy. Raised difficult issues of illegality.
 - **Sheffield v Sheffield** [2018] EWHC 2360. Richard acted for the trustees in a complex claim against them for an account that spanned many years. The account was settled and the judgment concerns the liability of the trustees for the costs of the account.
 - **Thornton & Ors v Woodhouse & Anor** [2017] EWHC 769 (Ch) Richard successfully defended a probate challenge following a lengthy and tragic court battle.
 - **P v P** [2015] WTLR 1039, [2015] Fam Law 773 (at first instance **AB v CB** [2015] 2 FLR 25: At first instance Mostyn J varied a trust so as to award the wife a lump sum award from the trust. This would have necessitated the sale of the property, which the settlor had always intended to remain unsold and to the prejudice of the other beneficiaries. Richard appealed on behalf of the trustees. The Court of Appeal gave permission to appeal, considering these points had not properly been considered. On appeal the court was highly critical of Mostyn J.'s judgment but the decision was upheld.
 - **JSC Mezhdunarodniy Promyshlenniy Bank v Pugachev**: Richard acted for a director of a trust company caught up in the litigation and provided substantial assistance in the (intense) process of providing disclosure required by the Court. He then represented her in court in resisting orders for further disclosure and in obtaining back her passport.
 - **Tadros v Barratt** [2014] EWHC 2860: A substantial cross-jurisdictional probate dispute, the reported case involves an attempt to prevent parallel litigation in Holland.
 - **Goodman v Goodman** [2013] 3 WLR 1551: Concerning whether an executor can be removed by section 50 AEA 1985 prior to a grant of probate.
 - **Shovelar v Lane** [2011] 4 All ER 669: A decision by the Court of Appeal regarding a costs order following a trial of a mutual Wills claim

Private Client: Non-Contentious

Richard regularly provides expert tax and tax planning advice, principally related to capital taxation. He is regularly instructed to advise and represent in applications to vary trusts and for the approval of compromises, often involving very substantial trusts. He is an acknowledged expert on the EU Succession Regulation.

Reported Cases:

- **Cotterell v Beaumont (the Allendale Settlements)** [2020] EWHC 2234 – Can section 57 Trustee Act 1925 be used to amend administrative provisions without a specific transaction? This important decisions shows that it can and will be useful to trustees in modernising their administrative provisions.
- **PQ v RS** [2019] EWHC 1643. How to include illegitimate beneficiaries? Richard acted for trustees in obtaining approval so as to exercise their powers so as to add to the class of beneficiaries persons born out of marriage and excluded by the terms of an old trust.
- **Gelber v Sunderland Foundation** [2018] EWHC 2344. An application by trustees of a settlement for the Marlborough family to apply substantial funds for the benefit of Blenheim Palace as a means of unlocking larger monies by means of a planning consent and modifying the powers to appoint trustees. Richard acted for a minor defendant.

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- **M Family Trusts:** An application to approve trustees entering into very substantial transactions to re-organise the trust holdings and to vary the terms of the trusts. Richard acted for the minor beneficiaries.
- **P Settlement Trusts:** An application to vary trusts, Richard acted for two of the beneficiaries.
- **A Trusts:** An application to vary very substantial trusts for the benefit of a minor

Court of Protection

Richard is an acknowledged expert in Court of Protection matters, acting and advising in both contentious and non-contentious matters. He has recent considerable experience in establishing (and ratifying) personal injury trusts.

Reported Cases:

- **Re Z [2019] EWCOP 55.** An application by a notified party for disclosure of documents arising in existing Court of Protection proceedings, raising important principles of open justice and standing in the Court of Protection.

Tax

Richard acts in capital taxes matters in onshore and offshore jurisdictions.

Recommendations

“His judgement is finely tuned and he is very approachable. Technically superb.”

“Completely on top of his game, hyper-organised and very responsive.”

“He knows the domestic probate trust field inside and out, and clients love him.”

“He’s pragmatic and commercial. His advice is extremely well written and clear, and he is excellent in negotiations.”

“Technically superb and a man with finely tuned judgement.”

Chambers UK 2021

‘Very responsive counsel who is easy to work with can quickly identify the issues. Very good in-depth knowledge of trusts and probate.’

Legal 500 2020

“He knows the domestic probate trust field inside and out, and clients love him”

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“He’s pragmatic and commercial. His advice was extremely well written and clear, and he was excellent in negotiations.”

Chambers HNW 2020

“He is so bright, energetic and full of charm.”

“He is extremely knowledgeable, very pleasant to work with and technically very impressive.”

“He is very responsive, very clear in his advice, and commercial as well – he understands what the clients need.”

“Pragmatic, sensible to deal with and a good advocate.”

“Always a pleasure to deal with.”

“Richard provided clear and practical advice.”

“He is a very safe pair of hands. He is robust when he needs to be, and he is reliable.”

Chambers UK 2020

“A skilled advocate and fights fiercely for his clients – drives a hard bargain.”

Legal 500 2020

“An excellent advocate”

“He is very responsive, very clear in his advice, and commercial as well – he understands what the clients need.”

“Sensible, pragmatic, sensible to deal with and a good advocate,”

“Always a pleasure to deal with – broadly respected, with a sunny disposition.”

HNW Guide 2019

“Very good technician but also sees the bigger picture”

WWL UK Bar 2019

“Technically very good, whilst also being absolutely brilliant on his feet. He is an outstanding litigator and he knows how to approach cases tactically.”

“A practical lawyer who understands the commercial realities of these disputes. He’s brilliant when handling difficult matters.”

Chambers UK 2019

“Richard is an excellent advocate and a real rising star at the Chancery Bar.”

“He is one of those people who is very pleasant to work with as well as being very thorough and always on top of his work.”

Chambers UK 2019

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“When it comes to probate, there is no one better at the junior end.”

Leagl 500 2019

“Someone to instruct if you want a really serious understanding of trusts law; he is often selected instead of a silk.”

“A real heavyweight, who doesn’t mince his words. He ensures the client and solicitor know the best course of action and the importance of taking it. He is worth his weight in gold.”

HNW 2018

“A top-level practitioner”

“A go-to person when you need an experienced junior who can handle a big case.”

“He is extremely knowledgeable on trust and probate matters,”

“Technically, he is very good while he is absolutely brilliant on his feet and performing in court. He is an outstanding litigator and he knows how to approach cases tactically as he is very experienced at achieving results in court that are beneficial to the client.”

“He is very succinct, gets to the point, and has a real confidence about him which reassures clients. He is very good in how he articulates his advice.” ‘

Chambers UK 2018

“A clever and tenacious lawyer.”

“He is very commercially-minded and very good both in court and with clients.”

Chambers UK 2018

“Someone to instruct if you want a really serious understanding of trusts and also someone who is particularly good on litigation disputes.”

“He is a real heavyweight and doesn’t mince his words. He ensures the client and solicitor know the best course of action and ensures they go ahead and take it. He is worth his weight in gold.”

“He is very highly respected at the Chancery Bar.”

Chambers HNW 2017

“He is incredibly commercial, effective and efficient. When you have a problem that is complicated he is very good at untying the Gordian knot.”

Chambers UK 2017

“Richard has a well-deserved reputation in the area of chancery litigation. He instantly impresses with his intellect, is excellent with clients and is just as capable on his feet as on the papers. I have no hesitation in recommending him to others looking for top-quality advice.”

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“He is not afraid to join the difficult calls or meetings. He understands the solicitor’s position. I like that, it is important.”

Chambers UK 2016

“An acknowledged expert on tax issues and professional negligence claims”

“he is extremely passionate about his work. There is nothing he doesn’t know, and he is brilliant with the clients. He is also very pragmatic and commercial”

Chambers UK 2016

“Very bright operator and particularly knowledgeable on Inheritance Act work.”

Legal 500 2015

“Excels in traditional chancery work, especially in relation to professional negligence and taxation work. He couples this with considerable knowledge of capacity questions and inheritance tax matters and has notable expertise in Court of Protection cases”

“Very incisive and very clear in his advice”

“He takes a pragmatic and commercial approach and has excellent client-handling skills”

Chambers UK 2015

“Superb powers of analysis”

“Instantly impresses with his intellect. He is excellent with clients and is just as capable on his feet as when handling the paperwork.”

“superb junior, who combines strong academic credentials...with a flair for litigation and ADR”

Chambers UK 2014

Qualifications

- LLB (Hons)

Associations & Memberships

- Law Society’s Wills and Equity Committee
- ACTAPS
- Chancery Bar Association
- STEP

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Publications

- [Parker's Modern Will Precedents](#) (Eighth edition)
- [Rossdale's Administration of Estates](#) (Fifth Edition)
- [Tolley's Inheritance Tax Planning](#)
- [Ranking, Spicer and Pegler's Executorship Law, Trusts and Accounts](#)
- Lexis Nexis: The Registration Act 2002

Chapters:

- Injunctions: in International Trusts Disputes.

Articles:

- [Brewster and the future for unmarried cohabitants](#), Lawskills (Feb 2017)
- [Trusts & Disclosure \(2011\)](#) PCB 241
- Can TLATA be interpreted as a fiscal bill? (2009) TELTJ 106
- A Wasted Opportunity (2007) 83 TELTJ 23
- Extrinsic Evidence Rreturns (2006) 80 TELTJ 17
- The Claimant's share of blame (2006) 73 TELTJ 7

Speaking Engagements

- Attacking Trusts in Divorce (for the Chancery Bar Association in London, the Cayman Islands and Guernsey).
- Acting for the PR in contentious litigation
- Insolvent Trusts
- Setting Aside Trusts
- The European Succession Regulation

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