

Chancery

From commercial disputes to dead body rights, this area provides a mix of complex legal and factual scenarios.

Chancery work almost always concerns dealings in property, in one form or another. As such it overlaps with a number of other practice areas (for example land, company and insolvency, civil fraud, and intellectual property), but also includes other areas not found elsewhere: charities, pensions, wills and probate, and trusts. Chancery work can be sub-divided into ‘traditional’ and ‘commercial’ chancery, broadly depending on whether it arises in a commercial or non-commercial context.

Inheritance and fiduciary duty

A typical traditional chancery case might be a dispute over the disposition of property among family members following a death. This might be a relatively straightforward claim by a disinherited relative seeking a share of the deceased’s estate; in a more complex case there might be a dispute about the respective entitlements of family members to interests in property held by trusts or offshore company structures.

A typical commercial chancery case might involve a trustee or company director accused of breaching their fiduciary duties, for example by taking bribes. Cases like this often include complex asset tracing exercises, where the law is technical but the significance to the client is enormous.

Cases that fight tend to run for at least a year, often longer (sometimes much longer); barristers tend to be most heavily involved at the start, advising on the merits of a claim and drafting the pleadings, and at the end, when the case reaches trial (and any appeal). In between there will be a number of smaller hearings dealing with case management and miscellaneous applications. Other cases never reach court, either because

they settle or because they involve purely advisory work on a non-contentious matter.

Litigation and paperwork

The sporadic nature of the work means that Chancery barristers tend to have several cases on the go at any given time, and can expect to spend the majority of their time in chambers rather than in court. Some matters (for example urgent injunction applications) occasionally require a lot of work in a short space of time, which may involve working late nights or at weekends. Chancery cases in this country tend to be dealt with in the Chancery Division of the High Court or in the county court; internationally there is also work for chancery barristers in a number of offshore jurisdictions, such as the Channel Islands and the Caribbean.

The best thing about chancery practice is the huge variety it offers: everything from large-scale commercial litigation to small family disputes over burial rights in a dead body. The worst thing is the volume of documentation that sometimes needs to be read: there is nothing glamorous about ploughing through box after box of lever-arch files.

Significant recent cases include the Supreme Court decisions on proprietary rights in bribes received by fiduciaries (*FHR v. Mankarious*), the effect of illegality on property transactions (*Patel v. Mirza*), and the rights of disinherited family members in a deceased’s estate (*Ilott v. The Blue Cross*). Other chancery cases that have hit the press include the unsuccessful claim of a lottery winner’s son to an increased share of his father’s £101m winnings, and the dispute between London restaurateur Des Gunewardena and his former business partner Sir Terence Conran.

Choose this if you have...

- Attention to detail
- The ability to analyse and explain complex factual and legal scenarios concisely and persuasively.

Recession-proof?

Chancery practice is broad enough to weather most economic downturns, both because it is to an extent counter-cyclical (so insolvency and mortgage-related work picks up during recessions) and because it is often a poor economic climate that provides the trigger for clients to resort to litigation in the first place. There is virtually no publically-funded chancery work, but plenty of opportunities for pro bono work: for one example, see the Chancery Bar Association’s CLIPS scheme.

Brexit implications

From a purely legal perspective chancery practitioners are unlikely to see significant changes in the sort of work they do as a result of Brexit, since the role of EU law in chancery work has been relatively limited.

As a pupil...

Chancery pupils can expect to work regular, ordinary working hours—around 9.00 am to 6.00 pm depending on the chambers. Most of their time is likely to be spent in chambers, working on whatever their supervisor happens to be dealing with at any given time. A few sets provide small pieces of advocacy work for second-six pupils; others may provide advocacy exercises assessed in-house.

Types of law practised

- Company.
- Insolvency.
- Contract.
- Equity and trusts.
- Land and property.
- Restitution.
- Tort. @

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