



Elaine Palser

Year of Call: 2002

Direct Access: No

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Elaine Palser has an extensive chancery and **commercial** practice, with an emphasis on **contentious probate**, **trusts**, **insolvency**, and related **professional negligence**.

"An excellent advocate", "technically superb", "very good with clients", "a team player", and "a seasoned legal gladiator" (Legal 500), Elaine is recommended as a Leading Junior for Private Client: Trusts and Probate, Insolvency and Professional Negligence. She won Contentious Trusts and Probate Lawyer of the Year 2016 and 2017 (Women in Law awards) and Commercial Disputes Barrister of the Year 2015 (the Lawyer Monthly awards).

With degrees in both law and business, Elaine is uniquely well placed to handle the complex commercial and financial issues that arise in all of her practice areas.

Elaine is also a former lecturer in Trusts, Land and Tort at Oxford University, and a CEDR-accredited **mediator**.

Areas of Expertise

Private Client & Trusts

Elaine Palser has a strong contentious probate and trusts practice, with a focus on Inheritance Act claims, challenges to the validity of wills, proprietary estoppel and constructive trusts, removal of personal representatives, trusts disputes, TOLATA claims, the administration of estates, and related professional negligence. She is also frequently instructed on insolvency claims containing a trusts dimension.

Described as "technically superb" and "an excellent advocate", Elaine is recommended as a Leading Junior for Private Client: Trusts and Probate in the Legal 500, and was named Contentious Trusts and Probate Lawyer of the Year for both 2016 and 2017 in the Women in Law Awards.

Elaine is a full member of **STEP**, **ACTAPS** and **ConTrA**, and is a former lecturer in Trusts at Oxford University.

Elaine is also well placed successfully to resolve probate and trusts disputes given her additional skills as a **CEDR**-accredited

London (Main Office)

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mediator.

Notable Private Client & Trusts cases

Acting (with Jonathan Crow QC and Isaac Jacob) for a Russian businessman in a US\$2 billion claim concerning breach of trust and dishonest assistance.

Acting for the deceased's daughter in a multi-million pound Inheritance Act claim by the deceased's widow against his children.

Acting for the deceased's brother in a challenge to the validity of the deceased's will on grounds of lack of capacity, want of knowledge and approval, and undue influence.

Acting for the recipient of estate monies in a claim for an account and unjust enrichment, and in related freezing injunction applications.

Acting for a beneficiary in a dispute concerning the interpretation and rectification of a trust contained in a life insurance policy.

Acting for a beneficiary in a claim to remove the executors of his mother's estate on grounds of impropriety and delay.

Acting for the beneficiaries in a constructive trust and proprietary estoppel claim for a beneficial interest in the deceased's former home.

Acting for the trustee in a multi-million pound claim by his father for an account in light of breaches of trust spanning several decades.

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Acting for a high-profile businessman in a Quistclose trust dispute.

Acting for the trustee in bankruptcy in applications for possession and injunctive relief in respect of English and French properties purportedly held on trusts containing a power of revocation.

Insolvency & Restructuring

Elaine Palser's insolvency practice covers:

- corporate and personal insolvency;
- related professional negligence;
- insolvency claims containing a trusts dimension; and
- commercial and contractual disputes arising within the insolvency context.

Described as “technically excellent” and “a tenacious advocate” (Legal 500), Elaine is recommended as a Leading Junior for Insolvency, as well as for her crossover specialisms of Trusts and Professional Negligence.

Elaine is a full member of [ILA](#), [COMBAR](#), [ChBA](#) and [ConTrA](#).

With degrees in both law and business, Elaine understands businesses and is well placed to deal successfully with the complex commercial and financial issues that arise in insolvency cases.

Notable Insolvency & Restructuring cases

Acting for a publicly-listed company in an urgent application for an injunction to restrain advertisement of a winding up petition and to strike it out as an abuse of process.

Acting for an international fashion stylist in a claim by the liquidator of one of her former companies, alleging misfeasance and breach of fiduciary duties as a director.

Acting for the trustee in bankruptcy in a multi-million pound appeal against the admission of a proof of debt, involving the construction and interpretation of several agreements.

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Acting for a trustee in a claim involving the exercise of a trust power of revocation so as to reclaim properties in several jurisdictions for the bankrupt estate, and related freezing injunction applications.

Acting for an Italian judgment creditor in a multi-million pound appeal against the registration of an Italian judgment in England, forming the basis of a subsequent bankruptcy petition.

Acting for the former administrators in a substantial misfeasance claim by the liquidator, involving allegations of disposal of numerous assets at an undervalue.

Acting for a trustee in bankruptcy in a claim involving sham trusts, transactions at an undervalue, and transactions defrauding creditors.

Acting for a company and its liquidator in a claim by a former tax advisor for alleged conspiracy, abuse of process, and malicious prosecution of civil proceedings.

Acting for a creditor in a Quistclose trust claim arising out of the liquidation of an international retail company.

Acting for several sports clubs in insolvency matters, including Cardiff City Football Club.

Commercial and Chancery

Elaine Palser has a broad commercial practice, including claims involving contentious trusts and those arising in the insolvency context.

Elaine is recommended as a Leading Junior for Insolvency and Private Client in the Legal 500. She received a **Women in Law Award 2020** for outstanding expertise in Commercial and Chancery Law, and was named Commercial Disputes Barrister of 2015 in the Lawyer Monthly awards.

Having degrees in both law and business, Elaine understands businesses and is uniquely placed to deal successfully with

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complex commercial and financial issues.

Notable Commercial and Chancery cases

Acting for Connoisseur Developments Ltd and its directors in a complex and high value High Court claim concerning alleged breaches of a joint venture agreement, including alleged breaches of fiduciary duties and the duty of good faith, and the proper interpretation and application of various provisions in the joint venture agreement.

Acting for the trustee in bankruptcy in an appeal in the High Court against the admission of a proof of debt for £21 million.

Acting for Caroline Stanbury in a very substantial, complex and long running High Court claim by the liquidator of one of Ms Stanbury's former companies, alleging misfeasance and various breaches of fiduciary duty.

Acting (with Jonathan Crow QC and Isaac Jacob) for a Russian businessman in a US\$2 billion claim concerning Angolan diamonds, breach of trust, dishonest assistance, and conspiracy.

Acting for a commercial agent in a multi-million pound damages claim concerning risk-analysis software.

Acting for a major investment company in a claim by a Texan company for breach of an oil and gas exploration contract.

Acting for an Italian company in an appeal against registration of a foreign judgment, involving questions of Massachusetts and Italian law and assignment issues.

Acting for a company and its liquidator in a claim by a former tax advisor for alleged conspiracy, abuse of process, and malicious prosecution of civil proceedings.

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Acting for a high profile businessman in a Quistclose trust dispute.

Acting for the creditor company in a statutory demand set aside application concerning multiple transfers of alleged trust monies in England and Italy.

Acting (with Isaac Jacob) for an Israeli businessman in a multi-jurisdictional contractual dispute worth over US\$100 million concerning mining ventures in the DRC and the enforcement of securities in the BVI and Gibraltar.

Professional Negligence

Elaine Palser's professional negligence practice focuses principally on claims arising out of her main practice areas, namely insolvency, probate, and trusts. She has recently acted in several insolvency-related negligence claims, defending insolvency practitioners, as well as trusts-based negligence claims. She is recommended as a Leading Junior for Professional Negligence, Insolvency and Private Client: Trusts and Probate in the Legal 500. As a former lecturer in both Tort and Trusts at Oxford University, Elaine has considerable academic strength in this area.

Notable Professional Negligence cases

Acting for the former administrators in a paragraph 75 misfeasance claim by the liquidator of a company claiming disposal of assets at an undervalue.

Acting for LPA receivers against a mortgagor alleging a sale at an undervalue of commercial and residential premises.

Acting for a large professional body in a negligence dispute involving insolvency bonds.

Acting for the former trustee in bankruptcy in a section 304 claim concerning alleged negligence in the disposal of an asset held on trust.

Acting for the trustee in a multi-million pound claim by his father for an account in light of breaches of trust spanning

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several decades.

Acting for a beneficiary in a claim that a deed of variation was negligently drawn up, necessitating rectification.

Acting for a beneficiary in a dispute over whether payments of capital ought to have been made out of a settlement.

Advising professional indemnity insurers on a potential multi-million pound claim arising from hundreds of defective appointments of LPA receivers.

Mediation

Elaine Palser is a CEDR-accredited mediator and accepts instructions to act as a mediator in her practice areas. She also has considerable experience of acting as an advocate in mediations and draws on her mediator training skills to facilitate the successful resolution of claims in all of her practice areas.

Memberships

- **STEP** (Society of Trust and Estate Practitioners)
- **ACTAPS** (Association of Contentious Trust and Probate Specialists)
- **ConTrA** (Contentious Trusts Association)
- **ILA** (Insolvency Lawyers' Association)
- **ChBA** (Chancery Bar Association)
- **COMBAR** (Commercial Bar Association)
- **CEDR** Exchange

Awards

- Outstanding Expertise in Commercial and Chancery Law 2020, Women in Law Awards
- Contentious Trusts and Probate Lawyer of the Year 2017, Women in Law Awards
- Contentious Trusts and Probate Lawyer of the Year 2016, Women in Law Awards
- Commercial Disputes Barrister of the Year 2015, the Lawyer Monthly Awards
- Highly Regarded in Insolvency Law – UK 2015, Corporate LiveWire Awards
- Outstanding Expertise in Contentious Trusts and Probate 2015, Women in Law Awards

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- MA (Oxford)
- MA (Cambridge)
- BBusSc (Cape Town)

Recommendations



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