



# Teresa Rosen Peacocke

**Year of Call:** 1982 (England & Wales); 2004 (New York)  
**Direct Access:** Yes

	teresa.rosenpeacocke@outertemple.com
	+44 (0)20 7353 6381



Teresa Peacocke is an American, called to the English Bar in 1982 and admitted as an attorney in New York in 2004. She specializes in **Commercial** and Chancery litigation, **Professional Negligence**, **Anglo-American cross border litigation**, **Private International Law** and Domestic and **International Arbitration** and **Mediation**.

## Areas of Expertise

### Dispute Resolution

Teresa practices in London and from her New York office as an English Barrister and a New York attorney, and appears *pro hac vice* in other courts in the US. She often acts for UK based clients engaged in contentious business in the US.

### Notable cases

**A and B v C, D and E** [2020] EWCA Civ 409: Court of Appeal holds that third parties can be compelled to give evidence in support of foreign seated arbitration under s.44(2)(a) of the Arbitration Act 1996

**llegan, Inc. v Amazon Medica** [2018] EWHC 307 (QB): setting aside order for discovery and oral evidence pursuant to a letter of request issued by a California court

**Abbott Laboratories et al v Adelpia Supply USA et al** 15-CV-5826 (CBA) EDNY: motion to dismiss for lack of jurisdiction

**Walsh v Needleman Treon** [2014] EWHC 2554 (Ch): partnership

**Murphy v Rayner** [2013] EWHC 3878 (Ch): proprietary estoppel, undue influence

**Burgher and Jaffe v Bryant**, 12-CV-04042 SDNY: partnership dispute

**Esso Exploration and Production Chad, Inc. v Taylors International Services Ltd**, No. 06-5673-CV, US Court of

#### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: clarks@outertemple.com  
DX: LDE 351 (Chancery Lane)

#### Abu Dhabi

24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, UAE

T: +971 2694 8596  
E: OTC-UAE@outertemple.com

#### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

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F: +971 4401 9578  
E: OTC-UAE@outertemple.com

Appeals for the Second Circuit, 293 Fed. Appx. 34; 2008 U.S. App. LEXIS 20042, September 17, 2008: manifest disregard of the law in commercial arbitration

## Private Client & Trusts

Teresa regularly advises and acts for private clients on contentious estate planning and will making matters and issues relating to domicile and capital taxation.

## Notable Private Client & Trusts cases

**National Westminster Bank Plc v Lucas et al** [2016] EWHC 1934 (Ch): administration and distribution of the estate of the late Sir James Savile

**Rayner v Lord Chancellor** [2015] EWCA Civ 1124 (Court of Appeal): costs recovery from Legal Aid

**Marley v Rawlings [2014] UKSC 2** – Successful appeal to UK Supreme Court on court’s power to rectify wills

**National Westminster Bank Plc v Gill** (Royal Bank of Scotland plc v Etridge (No 2) [2002] 2 AC 773: bank security documents over real property/ undue influence

**Royal Bank of Scotland plc v Etridge** (No 2) [2002] UKHL 44 – House of Lords decision on undue influence by husband towards wife in lending transactions

## Professional Negligence

Teresa has acted for professionals and claimants in professional liability litigation, arbitrations and mediations.

## Notable Professional Negligence cases

**Gosden and anr v Halliwell Landau and anr** [2021] EWHC 159 (Comm): Solicitors’ negligence case in which Court upholds duty of care owed to beneficiaries of inter vivos estate planning scheme

**Gosden and anr v Halliwell Landau and anr** [2020] EWCA Civ 42

**Gosden and anr v Halliwell Landau and anr** [2019] EWHC 155 (Ch)

**Bacciottini v Gotelee & Goldsmith** [2016] EWCA Civ 170 (Court of Appeal): solicitors’ negligence

**White v Jones** [1995] 2 AC 207 – Solicitors’ negligence

**Walker v Medlicott & Sons** [1999] 1 All ER 685: solicitor’s liability; rectification

**Cancer Research Campaign v Ernest Brown & Co.** [1997] STC 1425: solicitor’s liability to charities for inheritance tax

**White v Jones** [1995] 2 AC 207: solicitors’ negligence

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**Feltham v Freer Bouskell** [2013] EWHC 1952 (Ch): solicitors' negligence

## Memberships

- Fellow of the Royal Institute of Arbitrators
- American Bar Association
- New York State Bar Association (Executive Committee member of the International Section and Chair of the International Restitution Committee)
- Chancery Bar Association
- Professional Negligence Bar Association
- Society of Trusts and Estates Practitioners (STEP)
- Association of Contentious Trust and Probate Specialists (ACTAPS)
- American Counsel Association
- New York City Bar
- New York County Lawyers Association

## Publications

- 'The Relationship Necessary to Raise a Presumption of Undue Influence' (2020) forthcoming in STEP Trusts Quarterly Review
- 'Disclosure against foreign clients and lawyers: lessons for trust lawyers from *Kiobel v Cravath Swaine & Moore*' Trusts & Trustees, Volume 25, Issue 8, Oct 2019, Pages 818-823 <https://doi.org/10.1093/tandt/ttz068>
- 'White v Jones Revisited: The Current Scope of White v Jones and Walker v Geo. H. Medicott & Son After Pitt v Holt and Marley v Rawlings' Trust Quarterly Review (STEP) December 2018
- 'Advising Clients in US Disputes (Changes in the Law of Personal Jurisdiction and NY Temporary Practice Rules' Law Society Gazette (2018), 115(2), 22
- 'Differential Discovery' Commercial Litigation Journal (2015), 64 (Nov/Dec), 10-11
- 'Personal Jurisdiction of US Courts over UK Individuals and Companies' Corporate Briefing (2015) Oct, 6-8
- 'Liability of Professionals Retained by Settlers and Trustees Following Pitt v Holt; Futter v Futter Professional Negligence P.N. (2011) Vol.27 No.4 Pages 200-220, and Trust Law International (2011) 25(3), 125-144
- 'The Remedy in White v Jones cases: Smoothing the Analytical Wrinkles' Professional Negligence P.N. (2008) Vol.24 No.3 Pages 138-153

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