



## Kathryn Purkis

Year of Call: 1991

*“Her knowledge of Jersey law and practice is particularly helpful.”*

The Legal 500

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## Practice Overview

Kathryn Purkis has extensive experience of a wide range of Chancery/commercial dispute and advisory work at all levels of the court system. Her practice focusses on domestic and contentious trusts and probate matters, civil fraud and asset-tracing, and the recovery of assets from offshore structures and as such often has a multijurisdictional dimension. She has special expertise in dealing with cases involving the Channel Islands, or Jersey or Guernsey law, and is an Advocate of the Royal Court of Jersey (having been a partner in a law firm in Jersey from 2007 to 2014). She is recommended in tier 1 of the Legal 500 2020 and tier 3 of the Chambers and Partners 2020 Offshore rankings.

Perhaps as a result of her time in partnership, Kathryn very much enjoys the teamwork required in heavyweight litigation, and in her career has acted in several large, valuable and long-running cases. However, she also takes great satisfaction in assisting individual clients or smaller entities with more discrete issues to attain a good result in a proportionate and practical manner.

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## Areas of Expertise

### International and Offshore

**See under all substantive subject headings, but recently and most notably:**

*Investec Trust (Guernsey) Ltd v Glenalla Properties Ltd* [2018] UKPC 7: instructed by Debevoise & Plimpton LLP

for the new trustee in these complex, long-running conjoined appeals to the Privy Council from the Guernsey Court of Appeal on issues involving Guernsey private international law, the scope and application of Articles 26 and 32 of the Trusts (Jersey) Law 1984 (the indemnification and third party liability provisions), and the Guernsey law of restitution. Senior junior in the counsel team led by Lord Goldsmith QC.

*O'Keefe and others v Caner and others* (2016-2017): instructed by Debevoise & Plimpton LLP for a defendant in High Court proceedings under section 212 of the Insolvency Act 1986. Issues arose as to Jersey company law, and there was a trial of a preliminary issue as to the Jersey law of prescription applicable to claims against directors for breach of duty, reported at [2017] EWHC 1105 (led by Lord Goldsmith QC).?

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## Private Client Trusts and Probate

### Trusts

*Re the A Trust* (2018): acting for a beneficiary in relation to claims brought by others to unwind very valuable share transfers of BVI Companies holding Ugandan real estate, and involving formalities issues in relation to trusts in Seychelles and Jersey.

*Re the OMM Will Trust* (2018): instructed by Charles Russell Speechlys to advise on the lawfulness of proposed retentions by the Jersey trustee of a will trust relating to alleged contingent foreign tax liabilities.

*Re T Family Trusts* (2018): advising law firms instructed in London, Jersey and BVI in relation to multiple matters relating to these valuable family trusts, specifically in relation to issues arising on transfer of trusteeship.

*Re S and certain trusts* (2018): Instructed by Farrer & Co in relation to a potential offshore trustee removal, beneficiary entitlement claims, and the restructuring of very valuable dynastic trusts.

*Re Channing* (2018): Instructed by Oben Law in relation to a large Jersey trust dispute involving allegations of want of capacity and undue influence.

*Re Application of H* (2013-4): Instructed by Fladgate LLP on an application to set aside the creation of two EBTs, and dispositions into them, on the grounds of mistake pursuant to Arts 16 and 47E of the Trusts (Jersey) Law 1984. Legal and tax advice had been given on the issue of structuring to avoid CGT on succession. The advice was negligent in terms of the tax consequences of the settlements and because the terms of the EBTs themselves operated to benefit people the settlor had no intention of benefitting and excluded those she intended to benefit.

*Re Application of S* (2013-14): Instructed by Taylor Wessing LLP on behalf of the sole beneficiary of a trust to obtain injunctive relief and disclosure against incumbent and former trustees and a protector, and then trust administration directions. There had been a fraud on a power in appointing the new trustees and potential breaches of trust by them.

*Dalemont v Senatorov* (2012-3): Instructed by a Moscow firm to assert the lack of the defendant's interest in a Jersey foundation, to defend it from the enforcement by the Plaintiff (a bank subsidiary) of certain Russian judgment debts obtained against him. The foundation's assets were ultimately Russian real estate, though held in Cypriot companies owned by BVI companies. This was the first case under the Foundations (Jersey) Law 2009 and would, but for settling at trial, have involved an argument about piercing the veil of a foundation in light of *Petrodel v Prest*. With Barbara Dohmann QC.

*Alhamrani v Alhamrani* (2006-2009): One of two trial advocates acting for Sheikh Abdullah Alhamrani in the Jersey limb of this very long-running family trust and fraud dispute, defending him from claims of breach of fiduciary duty as protector of two large Jersey trusts. The trial settled after 8 months. With Elizabeth Jones QC.

*Re Estate Shah* (2017-2018): Instructed by Payne Hicks Beach in respect of a valuable multijurisdictional deceased estate on an application to remove and replace executors to enable the true extent of the estate to be investigated.

## Probate

*Re Dutton* (2017): acted for defendant in a claim for restitution of an overpaid benefit under a will, successfully arguing that the claim was time-barred.

*Re Estates B and M* (2016-2017): instructed in relation to passing over a prospective administratrix on hostile grounds, and similarly, obtaining an appointment of a grant of letters de bonis non in favour of a PR in preference to a living person entitled, also on hostile grounds.

*Re Estate T* (2016-2017): instructed by a beneficiary in relation to a challenge to lifetime transfers and will dispositions on grounds of want of capacity and undue influence.

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## Civil Fraud

*DHL v ADL* (2017): instructed by Collas Crill and Morgan Bruce in relation to an alleged land registration fraud in respect of very valuable development property at Wembley, arising in complex circumstances involving alleged unauthorised alteration of the Guernsey companies register by third party investors.

*CMC v Forster* (2016-2017): Instructed by Baker & Partners, Jersey in relation to a sizeable claim against fiduciaries for dishonest assistance in breaches of duty relating to the obtaining and retention of kickbacks for large-scale vehicle contracts in Kenya. Issues have included the true legal basis of the Jersey law of contribution.

*Dalemont v Senatorov* (2012-3): Instructed by a Moscow firm to assert the lack of Mr Senatorov's interest in a Jersey foundation, to defend it from the enforcement by the Plaintiff (a bank subsidiary) of certain Russian judgment debts obtained against Mr Senatorov. The foundation's assets were ultimately Russian real estate, though held in Cypriot companies owned by BVI companies. This was the first case under the Foundations (Jersey) Law 2009 and would, but for settling at trial, have involved an argument about piercing the veil of a foundation in light of *Petrodel v Prest*. Interesting interlocutory matters included getting an adjournment of the trial on the grounds that the Bank had obtained, and asserted it could not lift, a travel ban on Mr Senatorov, meaning he had to give video evidence when his probity was in issue, and defending an application for indemnity costs of the trial. With Barbara Dohmann QC.

*Alhamrani v Alhamrani* (2006-2009): One of two trial advocates acting for Sheikh Abdullah Alhamrani in the Jersey limb of this long-running family trust and fraud dispute. The fraud aspects included conspiracy to pervert the course of justice, forgery, perjury, suborning of witnesses and the doctoring of computers to thwart disclosure. With Elizabeth Jones QC.

*Federal Republic of Brazil v Maluf* (2006-7): One of the team acting for Brazil to obtain judicial assistance from Jersey in respect of information relating to local bank accounts suspected to be the repository of bribes paid to a former mayor of Sao Paulo in relation to public works contracts. Norwich Pharmacal orders were also obtained against certain Jersey banks, which were appealed on a point of law by Maluf to the Jersey Court of Appeal and to the Privy Council. Appeared as junior to Richard Lissack QC to defend the Defendant's application for special leave, which was refused.

*UCC v Bender* (2005-7): One of the team acting for the receiver of certain assets in which the defendants had interests, which had been frozen in the context of a \$100m claim. There were contested issues of service and a forum conveniens application.

*Barros Mattos v McDaniels* (2004): Instructed by Peters and Peters for the Plaintiffs in this multijurisdictional, \$242m Nigerian fraud claim. The case encompassed the usual raft of pre-emptive orders, defending a jurisdiction challenge by one of the defendants in favour of Nigeria, and after succeeding in that, an application for summary judgment which established *inter alia* that the change of position defence is not open to those who have acted illegally. With Michael Briggs QC.

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## Chancery

All Kathryn's work falls under this description, so please see the cases listed by specific subject-matter.

*Re Law Firm H* (2017-2018): acting for the name partner of a law firm in a claim against a barrister for negligent advice relating to exit payments made to another partner retiring from the partnership.

*Re Law firm B* (2017): advising the principal of an offshore law firm on the implications of the applicable code of conduct for specific aspects of its business model.

*Re Law Firm C* (2016): acting for the partners of a Bahamaian law firm against an estate for recovery of multi-million dollar retainer fees incurred by or on behalf of the deceased.

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## Property

*Mackie v Scott* (2016-2018): instructed by Bedell Cristin, Jersey to assist on a large-scale claim for breach of pre-contractual warranties prior to the conveyance of a very valuable residential property in Jersey. Extensive remedial works by experts have been required to the fabric of the building. In addition to the complex facts, very specific issues relating to the Jersey law of conveyancing were determined on the trial of a preliminary issue reported at [2018] JRC 102A.

*DHL v ADL* (2017): instructed by Collas Crill and Morgan Bruce in relation to an alleged land registration fraud in respect of very valuable development property at Wembley, arising in complex circumstances involving alleged unauthorised alteration of the Guernsey companies register by third party investors.

*Re Flint* (2017): acting on behalf of F, a paper title holder to recover English registered land claimed to be adversely possessed by the purchaser of adjacent land formerly jointly owned by F.

*Harcourt Developments Ltd v Jersey Development Company and Minister for Treasury and Resources* (2012-4): Acting for the Plaintiff, a major Irish construction company, which had heads of agreement to redevelop the Jersey waterfront. They believed that the States of Jersey deliberately interposed some impossible obstacles on the way towards a formal agreement, in order to extricate themselves from the deal so that development could then be taken over by States-owned JDC. Initially this involved resisting the striking out of the Plaintiff's original claims and then re-pleading the claim, to include a claim against the Minister for the tort of procuring breach of contract.

*Re a planning application* (2013): Advising on a third party planning appeal against the grant of permission for development in the Jersey green belt.

*Re a planning application* (2012): appearing for local developers at public planning committee to advocate against the grant of permissions that would compete with grants to them.

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## Commercial Litigation

*Re Grangeholt Developments* (2017): acting for the Defendants in responding to a 7-figure alleged profit claim under a JVA relating to a mixed use property development.

*Re R* (2017): advising on the applicability of D&O cover to a claim for extensive legal fees incurred by a director of a Bahamaian Condo development in defending himself from multiple legal proceedings brought by the Bahamian state in consequence of work undertaken by him for the condo Board in alleged breach of immigration and labour law.

*Harcourt Developments Ltd v Jersey Development Company and Minister for Treasury and Resources* (2012-4): Acting for the Plaintiff, a major Irish construction company, which had heads of agreement to redevelop the Jersey waterfront. They believed that the States of Jersey deliberately interposed some impossible obstacles on the way towards a formal agreement, in order to extricate themselves from the deal so that development could then be

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*EVIC v Greater Europe DV Fund & Green Shoots Ltd* (2012-13): Acting for a minority shareholder who was also the investment manager of a closed-ended investment fund, to defend the application of another shareholder for liquidation of the fund inter alia on the just and equitable ground, on the basis of a loss of substratum, alternatively as a remedy for unfair prejudice. The issues concerned the construction of the articles, and whether it had been possible thereunder for the directors to offer redemption in specie of certain devalued real estate assets. The concern was that a liquidator would perform a fire sale, which would in the circumstances have crystallized significant losses for the shareholders.

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## Recommendations

Offshore - Chambers & Partners (2021)

Tier 1 Offshore - The Legal 500 (2019 - 2021)

Offshore (Jersey) - The Legal 500 (2010-2014)

Offshore (Jersey) - Chambers & Partners (2011-2014)

Offshore (Jersey) - Chambers Global (2012-2014)

Citywealth Leaders List (2013-2018)

Citywealth Power Women List (2013-2017)

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## Quotes

*"A fantastic asset on matters with Jersey and English law aspects." "She is very approachable and hands-on." "Efficient, precise and extremely courteous." (Chambers & Partners, 2021)*

*"She strikes the necessary balance to keep both the tribunal and the client happy." (The Legal 500, 2021)*

*"She is really sensible, a pleasure to work with and has a lovely way of defusing unnecessary tension with the other side." (Chambers & Partners, 2020)*

*"Her ability to find solutions to problems is second-to-none." (The Legal 500, 2020)*

*"Her knowledge of Jersey law and practice is particularly helpful." (The Legal 500, 2019)*

*"Kathryn is a top-notch advocate to have on your side in complex trust and commercial disputes. She is level-headed and calm but knows when to fight on certain points and never loses focus on the overall strategy and what the client wants to achieve." (Citywealth Leaders List, 2018)*

*"She played a tricky hand with calm intelligence and attractive, authoritative submissions. The court always listens when Kathryn speaks, and often it learns too. She does not make bad points, and she does not fail to destroy bad points when made against her. Her advocacy is all the deadlier for being delivered with such courtesy." (Citywealth Leaders List, 2016)*

*"Fearless advocate" and "outstanding lawyer" (The Legal 500, 2014)*

*"An excellent lawyer who never drops the ball" (Chambers & Partners, 2014)*

*"Diligent, conscientious and knowledgeable"*

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" (The Legal 500, 2013)

"One of Jersey's young stars" (The Legal 500, 2011)

"Highly regarded" with "sharp intellect and excellent organisational skills" (Chambers & Partners, 2011)

"Combines the intellectual capacity of a specialist Chancery counsel with tremendous commercial nous" (The Legal 500, 2010)

## Publications

### Articles

"[Seeing non-contentious probate fee reforms in context](#)", *Solicitors Journal* (10 May, 2019)

with Professor Duncan Fairgrieve (Université Paris Dauphine PSL) "The Law of Unjust Enrichment in the Channel Islands: Recognising the Civil Law Strand", in *The Jersey and Guernsey Law Review*, February 2019, pp 7-34.

with Dr Sinead Agnew (UCL), "Trustees' Indemnities – is timing everything?", in *Trusts and Trustees*, vol 24(10), pp 989-1007.

"Investec Trust (Guernsey) Limited v Glenalla Properties Limited", *Trusts & Trustees*, (2018) vol 24(8), p826-829.

"[Rights of Retention](#)", *New Law Journal*, 27 April 2018

"Court asserts how Jersey Law applies in trust case", *Wealth Briefing*, May 2018. Versions of the same article also appeared in *STEP Journal* and *The Barrister* on 23 April 2018.

"Rights of Retention", *New Law Journal*, vol 168 (27 April 2018), p13

"Section 22 and recovery proceedings", *New Law Journal*, Issue 7755 (21 July 2017), p.15-16

"Fighting in the family: who's the tax haven round here anyway?", *Bloomberg BNA*, February Edition 2017

The meaning of 'United Kingdom' in Wills and Trusts documents", *Trusts and Estates Law and Tax Journal*, Vol 184 (March, 2017), p. 20-23

Practice Note: Flee Clauses, *Practical Law* 2016

"Forced heirship in the British Isles", *New Law Journal*, Issue 7716 (30 September 2016), p.19-20

"Beneficial ownership registers: home and away", *Serlespeak*, Vol 17 (June 2016) if you would like to view the article please click [here](#).

"Reports of the Death of the Rule in *Hastings-Bass* are Exaggerated", (2013) *JGL Rev* 17(3) pp 345-362

"Jersey", *Litigation and Dispute Resolution*, London: Global Legal Insights (2013 edition)

### In the Press

"[Seeing non-contentious probate fee reforms in context](#)", *Solicitors Journal* (10 May, 2019)

with Professor Duncan Fairgrieve (Université Paris Dauphine PSL) "The Law of Unjust Enrichment in the Channel Islands: Recognising the Civil Law Strand", in *The Jersey and Guernsey Law Review*, February 2019, pp 7-34.

## **Education & Qualifications**

University of Cape Town - BA (Hons) (First Class) (1987)

Balliol College, Oxford - BA (Hons) (Juris) (1990)

Jersey Law exams (2007)

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