



serle court

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## Thomas Fletcher

Year of Call: 2009

*"Thomas Fletcher is one of the best trust juniors there is out there ...."*

*"...has to be the strongest chancery junior draughtsman at the bar."*

*"...a walking encyclopedia, but he's also an incredibly normal person, who is easy to deal with. He is incredibly intelligent and great at dealing with knotty trust problems."*

Chambers & Partners, 2026

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## Practice Overview

Thomas is a trusts and estates specialist. He is regularly instructed in complex, high-value claims both in England and international jurisdictions concerning trusts and estates matters. He has appeared as Counsel at every level of the court hierarchy in England and Wales from the High Court to the Supreme Court. He has also appeared three times before the Judicial Committee of the Privy Council.

He is the editor of the leading practitioner textbooks for trusts and estates work, Lewin on Trusts and Theobald on Wills. He is also one of the editors of the leading journal, Trusts & Trustees.

His practice covers the full range of contentious and non-contentious private client work, ranging from (on the trusts side) trust administration applications including *Beddoe and Public Trustee v Cooper* proceedings, breach of trust claims, trustee removal applications, variations of trust and all related trust drafting to (on the estates side) construction and rectification claims, contentious probate, claims under the Inheritance (Provision for Family and Dependents) Act 1975, executor removal claims, and breach of duty claims against personal representatives.

Thomas's practice is based in England, but he has very considerable experience in overseas jurisdictions, including Bermuda, Guernsey, Jersey, Isle of Man, the Bahamas and the BVI. Many of his cases have a cross-border dimension and he is highly experienced in conflicts of laws issues as they affect the administration of trusts and estates.

He has been recommended for many years as a Leading Junior in trusts and estates work by Legal 500 (UK Bar and English Bar Offshore) and Chambers & Partners (UK Bar, Global and High Net Worth).

Related with his trusts and estates work, Thomas's practice extends to commercial disputes which involve issues of trusts and estates law. He also has a growing practice in charities work, particularly related to the administration of charitable trusts and similar structures.

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## Areas of Expertise

### Private Client Trusts and Probate

Thomas's work in this area includes:

*Viegas v Cutrale* [2025] 1 WLR 1467 (2022 to 2025). Instructed by Linklaters. Thomas successfully argued before the Court of Appeal that hundreds of claims for damages arising from an alleged cartel should be struck out for failure to obtain grants of representation in England to act for the relevant estates. The Court of Appeal's judgment has been cited in several subsequent judgments for its important commentary on (i) the distinction between administration and succession under English law, and (ii) the requirement to obtain an English grant in relation to an estate where the deceased died domiciled abroad, even where the saisine principle applies under the law of the domicile.

*Investec Trust (Guernsey) Ltd v Glenalla Properties Ltd* [2019] AC 271. Instructed by Macfarlanes and Mourant. Thomas acted in 10 appeals heard by the Privy Council from Guernsey. The judgment has been one of the most significant decisions in the trusts industry for many years due to the commentary on (i) a new rule of private international law based on the status of a trustee, (ii) the role of causation in breach of trust claims, (iii) the application of the rule in *Henderson v Henderson* in breach of trust claims and (iv) unjust enrichment.

*Equity Trust (Jersey) Ltd v Halabi / ITG Ltd v Fort Trustees Ltd* [2023] AC 877. Instructed by Macfarlanes. Thomas acted in relation to combined appeals from Jersey and Guernsey heard by the Privy Council. These appeals were the first anywhere in the common law world to consider the order of priorities for an "insolvent" trust. The judgment has

been hugely influential for that reason and has been cited in several courts in other jurisdictions, including the High Court of Australia.

*ITG Ltd v Fort Trustees Ltd* (2018 to 2024). Instructed by Macfarlanes. Thomas acted for former trustees in relation to one of the first contested Alhamrani assessments of trustee costs anywhere in the common law. Three judgments were given by the Royal Court of Guernsey ([2020] GRC 020; [2021] GRC 007; [2022] GRC 003) and three judgments by the Court of Appeal of Guernsey ([2023] GCA 004; [2023] GCA 009; [2024] GCA 002).

*In the Matter of the XYZ Trusts* (2017 to 2024). Instructed by Baker McKenzie and Carey Olsen. Thomas acted for trustees in proceedings in Bermuda concerning the restructuring of multiple valuable trusts. Two judgments were given by the Supreme Court of Bermuda in 2017 and 2022 ([2017] SC (Bda) 111 Civ; [2022] SC (Bda) 10 Civ).

*Buchanan v Buchanan* (2025). Instructed by Birketts. Thomas acted for the claimants in proceedings for rectification and construction in relation to a trust deed where the existing drafting produced substantial potential tax liabilities. Thomas successfully argued that the trust deed should be rectified as sought.

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## International and Offshore

Recent work includes:

*In the Matter of the Alpha, Beta and Delta Trusts* (2023 to date). Instructed by Macfarlanes and Ogier. Thomas acts for the trustees in proceedings in Jersey concerning the restructuring of several high-value trusts.

*Investec Trust (Guernsey) Ltd v Glenalla Properties Ltd* [2019] AC 271. Instructed by Macfarlanes and Mourant. Thomas acted in 10 appeals heard by the Privy Council from Guernsey. The judgment has been one of the most significant decisions in the trusts industry for many years due to the commentary on (i) a new rule of private international law based on the status of a trustee, (ii) the role of causation in breach of trust claims, (iii) the application of the rule in *Henderson v Henderson* in breach of trust claims and (iv) unjust enrichment.

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*Campbell v Campbell* [2017] JRC 018. Instructed by Dickinson Gleeson. Proceedings in Jersey in respect of a long-running dispute arising out of a family partnership concerning the beneficial ownership of shares in a Jersey company owned by the partnership. Judgment held for the first time in Jersey that the principles of common intention constructive trusts could apply outside a real property context and also included some of the first discussion of claims in unjust enrichment in Jersey.

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## Charities

Thomas has a strong interest in charities work and his trusts and estates practice regularly involves elements of charities law. His estates work also regularly involves advising on will disputes and administration issues involving gifts to charities. He is also one of the editors of *Theobald on Wills* and has primary responsibility for the chapters on charitable gifts in wills.

His recent work includes (i) advising unincorporated associations (e.g. sports and social clubs) on their trust arrangements and rules of membership and (ii) advising on potential claims against charitable trustees for breach of trust.

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## Commercial Litigation

Thomas has a particular interest in commercial disputes which involve issues of trusts and estates law. He has considerable experience working with legal teams with expertise in several disciplines and enjoys the challenges of synthesising different areas of law.

Recent work in this area includes:

*Viegas v Cutrale* [2025] 1 WLR 1467 (2022 to 2025). Instructed by Linklaters. Thomas successfully argued before the Court of Appeal that hundreds of claims for damages arising from an alleged cartel should be struck out for failure to obtain grants of representation in England to act for the relevant estates. The Court of Appeal's judgment has been cited in several subsequent judgments for its important commentary on (i) the distinction between administration and succession under English law, and (ii) the requirement to obtain an English grant in relation to an estate where the deceased died domiciled abroad, even where the saisine principle applies under the law of the domicile.

*Maroil Trading Inc v Cally Shipholdings Inc* ([2020] EWHC 3062 (Comm)). Applications for security for costs in the context of proceedings in England concerning breach of a settlement agreement and separate breaches of duty of confidence. The applications produced two judgments, including an important judgment on the principles for security for the costs of an additional claim ([2020] Costs LR 1697).

Acting on an LCIA arbitration concerning a contractual interpretation dispute.

Advising trustees and personal representatives in relation to potential and actual claims against financial advisers for breaches of the Financial Services and Markets Act 2000 and the FCA Handbook.

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## Recommendations

Chambers & Partners: UK Bar (Trusts (Band 1); Offshore (Band 2); Chancery: Traditional (Band 2))

Legal 500: English Bar Offshore (Trusts and Private Wealth (Band 1))

Chambers & Partners: Global (Private Wealth: Trusts (Band 1))

Chambers & Partners: High Net Worth (Chancery: Traditional (Band 2))

Legal 500: UK Bar (Private Wealth and Probate (Band 2))

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## Quotes

Thomas has been consistently ranked for many years as a Leading Junior in Chambers & Partners (UK Bar, Global and High Net Worth) and Legal 500 (UK Bar and English Bar Offshore). What follows are some of the most recent testimonials for Thomas.

### Chambers & Partners (2026)

*"Thomas Fletcher is one of the best trust juniors there is out there. He is so versatile, incredibly knowledgeable and emotionally intelligent."*

*"Thomas Fletcher has to be the strongest chancery junior draughtsman at the bar. He writes beautifully and is familiar with trust laws of all offshore jurisdictions."*

*"Thomas is probably the most academically gifted junior I have ever worked with. He is a walking encyclopedia, but also an incredibly normal bloke and easy to deal with."*

*"Thomas Fletcher is very, very good technically. He also has a good manner with clients. He is responsive and he is aware of all the twists and turns in a case."*

*"He definitely knows his way around this area and is great to work with. If I have issues with probate and succession, he is definitely someone I would go to."* **Chambers and Partners High Net Worth: Chancery: Traditional (2025)**

### Legal 500 (2026)

*"Thomas is concise, precise, deliberate, and very analytical. He has a good commercial sense alongside his undoubted legal expertise and experience. He is also easy to work with and responsive. His drafting is clear and focused."*

*"Tom has excellent analytical skills and is very knowledgeable/authoritative on trust and will principles."*

### Chambers & Partners (2025)

*"Thomas is a joy to work with. You can always be confident that no stone is left unturned and that all eventualities, even in the most high pressured and complex of cases, have been considered."*

*"Thomas Fletcher's drafting is reliable and sensible, and everyone is pleased working with him."*

*"Thomas Fletcher is very, very good technically. He also has a good manner with clients, is responsive and aware of all twists and turns in a case."*

*"Thomas is an excellent junior with good insight and commercial acumen. He's also a strong draftsman."*

*"Thomas offers calm, pragmatic advice, even in the midst of extreme pressure. He is incredibly hard-working, and constantly makes our lives easier through his provision of very high-quality advice."*

### Legal 500 (2025)

*"Thomas is incredibly diligent, thorough and a joy to deal with. He is extremely knowledgeable, commercial and*

*pragmatic and can see the wood for the trees."*

## **Publications**

Lewin on Trusts (20th Edition) (plus First Supplement) (2020 and 2023)

Theobald on Wills (20th Edition) (2025)

Williams, Mortimer & Sunnucks (21st Edition) (2018)

Trusts & Trustees

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## **Education & Qualifications**

MA (Cantab) First Class

LLM (Queen Mary, University of London) Distinction

## **Appointments**

Deputy District Judge (Civil), South Eastern Circuit

## **Memberships**

Chancery Bar Association

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