



Zahler Bryan

Year of Call: 2012

“She is razor smart, displays excellent judgment and legal knowledge in her work”

Client

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Practice Overview

Zahler has a broad commercial chancery practice, with a particular emphasis on contentious trusts, civil fraud and financial disputes. Since returning to Chambers following a year as judicial assistant to Lord Neuberger PSC, Zahler has advised on a wide range of matters and appeared as sole counsel in the High Court as well as the County Courts. She also acts as junior counsel in large-scale international commercial and trust disputes, and has appeared in the Supreme Court and in the Privy Council: most recently for the successful respondents in a Privy Council appeal concerning the vesting of trust assets and challenges to the exercise of trustees' discretion under the rule in *Re Hastings-Bass*, led by [Alan Boyle QC](#) and [Richard Wilson QC](#).

Areas of Expertise

Chancery

Zahler is regularly instructed across a wide range of traditional and commercial chancery matters, with considerable experience in offshore disputes as well as domestic cases. She has particular expertise in high value multi-jurisdictional cases but has worked on a broad variety of offshore matters including judicial review proceedings concerning the pollution of the marine and terrestrial environment in The Bahamas and potential jurisdictional challenges to a winding up petition issued by the English High Court.

Notable cases include:

Glenn v Watson; Novatrust Limited v Kea Investments Ltd: acting for the successful claimants in long-running proceedings brought by New Zealand businessman Sir Owen Glenn against Eric Watson for deceit, bribery and breach of fiduciary duty, led by Elizabeth Jones QC and instructed by Farrer & Co LLP. Following the multi-million damages award achieved by the claimants at trial, the subsequent enforcement action involves multiple dimensions including most recently a 4 week committal application.

PTNZ V AS PT-2019-000273: acting for the trustee in a momentous decision blessing application relating to the restructuring of a substantial group of trusts, led by Richard Wilson QC and instructed by Burges Salmon LLP. This case involves on-going proceedings in multiple jurisdictions.

Crociani v Crociani: acted for the minor beneficiaries in the Privy Council appeal from the Jersey Court of Appeal decision, led by Frank Hinks QC and instructed by Locke Lord LLP. The Jersey Court of Appeal had held that the remedy by which a defaulting trustee is liable to reconstitute the trust fund is entirely discretionary and the Privy Council appeal raised questions about the approach traditionally adopted in trusts law to protect the interests of minor beneficiaries.

Gany Holdings v Khan and others [2018] UKPC 21: acted with Stephenson Harwood LLP, led by Alan Boyle QC and Richard Wilson QC, for the successful respondents in a Privy Council appeal from the BVI concerning the vesting of trust assets and challenges to the exercise of trustees' discretion under the rule in *Re Hastings-Bass*. The Privy Council clarified the correct approach to identifying beneficial interests arising from a gratuitous transfer of property as well as to challenges to the exercise of trustees' discretion under the rule in *Re Hastings-Bass*.

Re A Trust [2018] SC (Bda) 42 Civ: acted for McDermott Will and Emery, led by Frank Hinks QC, in a very high value momentous blessing application. Zahler acted for the settlor and principal beneficiary of a multi-billion dollar group of Bermudian family trusts in this case, in which the trustees sought approval of a substantial investment which was opposed by a number of the beneficiaries.

Davidson v Davidson: acted with Clifford Chance LLP in a high profile family trust dispute over the ownership of more than £17m of jewellery, paintings and objets d'art. Led by Stephen Rubin QC and Justin Higgs, Zahler acted for the parents claiming in conversion and trespass for the return of chattels from their children, who claimed the chattels had been purchased with trust monies.

Re V & W Trust: assisted Frank Hinks QC and Tim Collingwood, instructed by Fieldfisher LLP, in relation to a receiver appointed to protect a trust fund from dissipation where the trust deed had allegedly been fabricated after the death of the settlor.

Loose v Lynn Shellfish [2016] UKSC 14: led by Thomas Braithwaite, Zahler acted with Bond Dickinson LLP for the Crown Estate as intervenors before the Supreme Court, persuading the court to overturn the judgments below with respect to the operation of the doctrine of accretion in tidal waters, the construction of ancient grants and the nature of prescriptive rights

Company

Zahler is regularly instructed on cases involving alleged breaches of directors' duties, minority shareholder remedies and issues of corporate governance.

Notable cases include:

Glenn v Watson; Novatrust Limited v Kea Investments Ltd: acting for the successful claimants in long-running proceedings brought by New Zealand businessman Sir Owen Glenn against Eric Watson for deceit, bribery and breach of fiduciary duty, led by Elizabeth Jones QC and instructed by Farrer & Co LLP. Following the multi-million damages award achieved by the claimants at trial, the subsequent enforcement action involves multiple dimensions including most recently a 4 week committal application.

Med Mining and Minerals Limited v Nusantara: acted with Cheyney Goulding LLP, Geraldine Clark and Michael Todd QC for an Indonesian mining company bringing a multi-million claim against former directors for breach of duty in relation to \$7.5m loan made to acquire mining concessions, in a case which settled at trial.

Petrodel Resources Ltd v Prest [2013] 3 WLR1: assisted Daniel Lightman acting with Farrer & Co LLP in this landmark company law case in which the Supreme Court redefined the circumstances in which the court can pierce the corporate veil.

Apex Global Management Ltd v Fi Call Ltd: assisted Daniel Lightman in this substantial shareholder dispute in which both principal shareholders presented unfair prejudice petitions.

Eckertle v Wickeder Westfalenstahl GmbH [2013] 3 WLR 1316: assisted Daniel Lightman in this case which determined locus standi under section 98 of the Companies Act 2006.

Zahler assisted Matthew Morrison and Philip Marshall QC in defending the Isle of Man directors of Isis Investments Limited, a subsidiary of Kaupthing bank, in relation to claims brought by the liquidators of Isis alleging breaches of their duties of care and skill and fiduciary duties.

Insolvency

Zahler is regularly instructed in cases concerning personal and corporate insolvency. She frequently advises and appears on behalf of trustees in bankruptcy, as well as acting for those seeking to challenge insolvency proceedings. Zahler is also experienced in jurisdictional challenges to the winding up of foreign companies.

Notable cases include:

Glasgow Rangers Football Club plc (in liquidation) v Collyer Bristow & Ors [2015]: assisted Jonathan Adkin QC in the multi-million pound dispute arising from the collapse of Glasgow Rangers football club.

Zahler assisted Matthew Morrison and Philip Marshall QC in defending the Isle of Man directors of Isis Investments Limited, a subsidiary of Kaupthing bank, in relation to claims brought by the liquidators of Isis alleging breaches of their duties of care and skill and fiduciary duties.

Civil Fraud

Zahler has significant experience in high value international and domestic civil fraud matters and regularly acts both led and unled in cases involving the misappropriation of funds.

Notable cases include:

Glenn v Watson; Novatrust Limited v Kea Investments Ltd: acting for the successful claimants in long-running proceedings brought by New Zealand businessman Sir Owen Glenn against Eric Watson for deceit, bribery and breach of fiduciary duty, led by Elizabeth Jones QC and instructed by Farrer & Co LLP. Following the multi-million damages award achieved by the claimants at trial, the subsequent enforcement action involves multiple dimensions including most recently a 4 week committal application.

Ang v Reliantco Investments Ltd [2019] 3 WLR 161: acted for the claimant, who had invested in Bitcoin futures through a cryptocurrency trading platform provided by a Cypriot company, led by Jonathan Harris QC (Hon.) and instructed by SCA ONTIER LLP. The claimant issued proceedings in England after her account was terminated and no monies returned. The claimant defeated the defendant's jurisdiction challenge by successfully arguing that an investor in Bitcoin futures was a consumer for the purposes of the European rules of jurisdiction.

Mahdavi v Sterling Avram: acted for the successful claimants in this dispute arising from a multi-million pound property fraud carried out by a consultant engaged by a solicitors' firm, led by Daniel Lightman QC and instructed

by Shakespeare Martineau LLP. The proceedings raised novel questions about (i) the legal protection available against property fraud where the fraudster operates within a solicitors' firm and (ii) the availability of relief under section 61 of the Trustee Act 1925 to solicitors who have paid away client monies in breach of trust.

Akhmedova v Akhmedov: assisted Dakis Hagen QC, instructed by Payne Hicks Beach, in relation to a substantial asset tracing exercise following one of the highest divorce awards ever made in the English courts.

Business Energy Solutions v Scrivener & Ors: acted for the claimant company, led by Philip Marshall QC, in an unlawful means conspiracy claim against defendants who are alleged to have induced the company's customers to breach their contractual obligations. Zahler also acted in a related breach of confidence claim against one of the company's former employees.

Otkritie v Urumov et al [2014] EWHC 191: assisted Jonathan Adkin QC in a substantial international fraud claim brought by a Russian financial institution against former employees.

Madoff Securities International Ltd v Raven: assisted Jonathan Adkin QC on a multi-million pound fraud claim brought against the former directors of the London branch of the Madoff business.

Private Client Trusts and Probate

Zahler has considerable experience of complex multi-jurisdictional trusts cases, with a particular emphasis on corporate governance within high value trusts. She is also regularly instructed in contentious domestic trust cases and has experience of advising and acting in claims brought under the Inheritance (Provision for Family and Dependents) Act 1975.

Recent cases include:

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Re V & W Trust: assisted Frank Hinks QC and Tim Collingwood, instructed by Fieldfisher LLP, in relation to a receiver appointed to protect a trust fund from dissipation where the trust deed had allegedly been fabricated after the death of the settlor.

Paratian v Sotiri: acted with Kingsley Napley LLP for the defendants to a domestic common intention constructive trust claim involving several London properties.

Commercial Litigation

Zahler has experience in an extensive range of commercial disputes, from claims against company directors for breaches of duty and contractual disputes to proceedings under the Financial Services and Markets Act 2000. She also advises on jurisdictional challenges in international commercial disputes.

Notable cases include:

Glenn v Watson; Novatrust Limited v Kea Investments Ltd: acting for the successful claimants in long-running proceedings brought by New Zealand businessman Sir Owen Glenn against Eric Watson for deceit, bribery and breach of fiduciary duty, led by Elizabeth Jones QC and instructed by Farrer & Co LLP. Following the multi-million damages award achieved by the claimants at trial, the subsequent enforcement action involves multiple dimensions including most recently a 4 week committal application.

Da Silva v Lucas: acting for the claimant seeking specific performance of a call option over a majority shareholding in an Estonian company, which indirectly controls a substantial real estate development in Lisbon, led by Lance Ashworth QC and instructed by Farrer & Co LLP.

Ang v Reliantco Investments Ltd [2019] 3 WLR 161: acted for the claimant, who had invested in Bitcoin futures through a cryptocurrency trading platform provided by a Cypriot company, led by Jonathan Harris QC (Hon.) and instructed by SCA ONTIER LLP. The claimant issued proceedings in England after her account was terminated and no monies returned. The claimant defeated the defendant's jurisdiction challenge by successfully arguing that an investor in Bitcoin futures was a consumer for the purposes of the European rules of jurisdiction.

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RBS litigation: acted with Herbert Smith Freehills for the RBS Group defending actions brought by shareholder and investor groups regarding RBS's £12bn rights issue in 2008. These actions, brought under the Financial Services and Markets Act 2000, challenged the information provided in relation to the RBS rights issue. This high profile case was believed to be the largest claim when it went through the English courts before reaching settlement shortly ahead of trial.

Business Energy Solutions v Scrivener & Ors: acted for the claimant company, led by Philip Marshall QC, in an unlawful means conspiracy claim against defendants who are alleged to have induced the company's customers to breach their contractual obligations. Zahler also acted in a related breach of confidence claim against one of the company's former employees.

Led by Hugh Norbury QC, Zahler acted on behalf of a private equity firm bringing proceedings against a number of companies for the use of confidential information in breach of confidence to acquire strategic infrastructure concession rights.

Zahler assisted Matthew Morrison, led by Philip Marshall QC, in defending the Isle of Man directors of Isis Investments Limited, a subsidiary of Kaupthing bank, in relation to claims brought by the liquidators of Isis alleging breaches of their duties of care and skill and fiduciary duties.

Banking and Financial Services

Zahler has in-depth experience of banking litigation, having acted with Herbert Smith Freehills for the RBS Group defending actions brought by shareholder and investor groups regarding RBS's £12bn rights issue in 2008. These actions, brought under the Financial Services and Markets Act 2000, challenged the information provided in relation to the RBS rights issue. This high profile case was believed to be the largest claim when it went through the English courts before reaching settlement shortly ahead of trial.

Notable Cases

Glenn v Watson; Novatrust Limited v Kea Investments Ltd; Kea Investments Ltd v Ivory Castle Ltd: acting for the successful claimants in long-running proceedings brought by New Zealand businessman Sir Owen Glenn against Eric Watson for deceit, bribery and breach of fiduciary duty, led by Elizabeth Jones QC and instructed by Farrer & Co LLP. Following the multi-million damages award achieved by the claimants at trial, the subsequent enforcement action involves multiple dimensions including most recently a 4 week committal application.

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Publications

Equitable presumptions and inferring intention, *Trusts & Trustees*, December 2018, 24 (10) 946-957, together with [Alan Boyle QC](#) and [Richard Wilson QC](#).

Relief from flawed decisions, *Trusts and Estates Law & Tax Journal*, November 2018, together with [Alan Boyle QC](#) and [Richard Wilson QC](#).

Carillion Liquidation: questions to answer, *Practical Law, PLC Magazine*, January 2018, together with [Lance Ashworth QC](#).

Consider the Impact of Carillion's Decline and Fall, *Law360*, 28 February 2018, together with [Lance Ashworth QC](#).

Limitation and Fraudulent Breaches of Trust, *Trusts & Trustees*, 1 October 2014, 21 (4) 405-414

Prizes

Eastham, Lord Mansfield, Lord Bowen and Hardwicke
Scholarships, Lincoln's Inn Buchanan Prize, Lincoln's Inn
Sweet & Maxwell Company Law Prize, City University
AHRC masters and doctoral research awards

In the Press

'Wife of Bitcoin's 'Founder' Can Sue FX Trader in England' Law360, 15 April 2019

Education & Qualifications

Magdalen College, Oxford: BA PPE (First); MPhil; DPhil in political philosophy City University: GDL (distinction);
BPTC (outstanding)

Memberships

Chancery Bar Association
Commercial Bar Association
