serle court

# Constance McDonnell KC

Call: 2000 | Silk: 2019

> *Constance is a fabulous silk and is a particularly good trial barrister.*
>
> CHAMBERS HIGH NET WORTH 2026

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Constance McDonnell KC specialises in trusts and probate disputes.

She has appeared in a number of highly publicised cases, including *Reeves v Drew* (a probate dispute about the £100m estate of an illiterate testator). She has appeared twice in the UK Supreme Court: as Junior Counsel in the landmark case of *Ilott v The Blue Cross* and recently in *Hirachand v Hirachand*, concerning whether a CFA success fee can be recoverable as part of an award under the 1975 Act. Constance also has an international practice.

Prior to taking Silk in 2019, Constance won the 'Chancery Junior of the Year' award at the 2018 Chambers Bar Awards, and was recommended as a 'Star Individual' in Chambers UK Bar Guide 2019 and High Net Worth Guide 2018. Constance won the 'Barrister of the Year' Gold Award at the 2023 Citywealth Magic Circle Awards.

# Expertise

## Trusts & Probate

### Recent Cases

- *Leonard v Leonard* [2024] EWHC 321 (Ch), & (re costs) [2024] EWHC 979 (Ch) – Constance acted for the successful claimants in a claim to set aside their father's purported last will on the grounds of capacity and want of knowledge and approval
- *Reeves v Drew* [2022] EWHC 159 (Ch) – Constance acted for the successful defendant in a claim by a wealthy illiterate testator's daughter to propound a will she knew to be false as a result of his want of knowledge and approval.
- *Hirachand v Hirachand* [2022] 1 WLR 1162 – The Court of Appeal determined in October 2021 that a CFA success fee can



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be recoverable as part of an award under the 1975 Act.

- *Glover v Barker* [2021] 1 WLR 231 – In which the Court of Appeal considered for the first time the extent of the liability of a litigation friend for legal costs.
- *Re K (Inherent Jurisdiction* – Costs) [2021] EWHC 2147 (Fam) – Constance acted for relatives of a vulnerable individual in an application under the Inherent Jurisdiction
- *Lucas v Gatward* [2020] EWHC 3040 (Ch) – Constance successfully resisted the adjournment of a trial sought for Covid-related reasons. The widely-reported case about ownership of a family home then settled shortly before the trial due to commence in November 2020.
- *Barker v Confiance* [2019] 1 WLR 5737 – Constance acted in a trust dispute involving opposing minor litigants, in which Morgan J gave guidance as to the liability of a minor and of a litigation friend for costs.
- *Wellesley v Earl Cowley* [2019] EWHC 11 (Ch) – Constance acted for the successful defendants in a claim by an estranged adult child against her father's estate under the Inheritance (Provision for Family and Dependants) Act 1975.
- *Gupta v Gupta* [2018] EWHC 1353 (Ch) – Constance acted for the successful party in proceedings concerning knowledge and approval of a will made by an Indian testatrix.
- *Patel v Patel* [2017] EWHC 3229 (Ch) – Constance acted for three defendants in an application for committal for contempt of court arising out of the fact they had given false sworn evidence as witnesses in a probate dispute.
- *Ilott v The Blue Cross and others* [2017] UKSC 17 [previously *Ilott v Mitson]* – Constance was Junior Counsel for the Respondent in this landmark case, which is the first appeal ever to be heard in the Supreme Court in a 1975 Act claim.
- *RBC Trustees (CI) Limited v Stubbs* [2017] EWHC 180 (Ch) – Constance acted for the Settlor in an application by trustees for rectification or rescission of a deed of revocation and new appointment.
- *Gestrust SA v Sixteen Defendants* [2016] EWHC 3067 (Ch) – Constance acted for the Trustee in an application for directions as to how to direct companies which were ultimately wholly owned by the trust in relation to proceedings brought against those companies by a third party associated with several of the beneficiaries. The Court considered whether the companies should be treated as trust assets, and the extent of the Trustee's Bartlett duties.
- *Re Smith, Kicks v Leigh* [2015] 4 All ER 329 – Constance acted for the successful claimants in proceedings to set aside a lifetime gift which had been procured by the donor's daughter's presumed undue influence. The case was reported because of the deputy Judge's decision as to the applicable test for mental capacity to make the gift.
- *Bray v Pearce,* 6 March 2014 – Constance acted for the successful Claimant in proceedings to set aside the last three wills made by an elderly testatrix who lacked testamentary capacity due to paranoid delusions.
- *VIVA! Campaigns Ltd & The Vegetarian Society v Scott* [2014] WTLR 525 & [2014] WTLR 461 [costs] – Constance acted for the successful charitable Claimants in proceedings to prove a will made by a schizophrenic testator.
- *Sheffield v Sheffield* [2014] WTLR 1039 – Constance defended a professional trustee against allegations of breach of trust.
- *Schrader v Schrader* [2013] WTLR 701 – Constance acted for the successful Part 20 claimant in proceedings to set aside his mother's will on the basis that it had been procured by his brother's undue influence.
- *Tamlin v Edgar, The Times,* 23 February 2012 – Constance acted for minor and unborn beneficiaries of two family trusts in an application for the Court's approval of a decision of the Trustees.
- *Wharton v Bancroft* [2012] WTLR 693 and [2012] WTLR 727 (costs) – Constance acted for the successful claimant in proceedings to prove her husband's 'deathbed' will. The claimant was awarded indemnity costs.
- *Devas v MacKay* [2009] EWHC 1951 (Ch) – Constance acted for the successful claimants in proceedings to set aside a will purportedly made by their mother in favour of her carer's son.



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- *Knight v Edonya* [2009] EWHC 2181 (Ch) – Constance acted for the successful claimant in proceedings to prove her stepfather's will.
- *Sinclair v Sinclair* [2009] EWHC 926 (Ch) – Constance acted for the trustees of a family trust in a claim arising out of various breaches of trust by a constructive trustee, involving issues as to his liability to account and whether he could rely upon proprietary estoppel.
- *Raymond Saul & Co (a firm) v Holden* [2009] Ch 313, [2009] BPIR 50 – Constance acted for a successful trustee in bankruptcy on the issue as to whether the residue of the bankrupt's mother's estate was payable to the trustee in bankruptcy.
- *Caudle v LD Law Ltd* [2008] 1 WLR 1540, (2008) 11 ITELR 882 – Constance acted for the successful Defendant on an appeal as to whether a prospective Administrator of a deceased's estate had locus standi to claim assets of the estate.
- *Heyman v Dobson* [2010] WTLR 1151 – Removal of personal representative and costs.
- *Bonham v Blake Lapthorn Linnell* [2006] All ER (D) 164 (Oct) – Breach of trust and solicitors' negligence
- *Evans v HSBC Trust Company (UK) Ltd* [2005] WTLR 1289 – Constance acted for the successful claimants in a proprietary estoppel claim against the estate of their friend and neighbour.
- *Cox v Jones* [2004] 2 FLR 1010 – Constructive trust claim between cohabitees.
- *Khiaban v Beard* [2003] 1 WLR 1626 – Constance acted for the successful appellant in a 'leapfrog' appeal to the Court of Appeal on the issue as to whether the Court could require a claimant to increase value of his claim.
- *Carapeto v Good* [2002] WTLR 801 – Constance acted (with leading counsel) for the successful claimant in proceedings to propound a will made in her favour.

## Court of Protection

Constance regularly advises on, and appears in Court in, applications in the Court of Protection relating to patients' property and affairs.

## International

Constance accepts instructions in offshore matters and has appeared recently both in the Bermuda Supreme Court and in the Bermuda Court of Appeal. She has also advised in relation to trust disputes proceeding in the Royal Court of Guernsey, as well as in relation to cross-border administration in respect of estates in England and Wales.

### Recent Cases

- *Ingham v Wardman* [2022] CA (Bda) 7 Civ (26 July 2022) – In which Constance successfully argued for an indemnity costs order to be made against Executors with personal liability, and for a Beddoe order to be set aside.
- *Ingham v Wardman* [2022] CA (Bda) 7 Civ (25 March 2022) – In which Constance successfully argued that a privacy order should be restored according to constitutional principles in Bermuda.

## Property

Constance has acted in a number of proprietary estoppel disputes, and has been described as 'one of the most knowledgeable



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barristers for proprietary estoppel' by Chambers & Partners (HNW Guide, 2018).

# Testimonials

*"Constance is a fabulous silk and is a particularly good trial barrister."*

Chambers High Net Worth 2026

*"Constance McDonnell handles clients very well and quickly earns their trust and respect. She's plucky and brave, which is good; some barristers are very cautious. She is very commercial and on top of all of the law."*

Chambers High Net Worth 2026

*"A master of her field."*

Chambers & Partners High Net Worth

*"Constance is extremely impressive, both in her grasp of issues and opportunities, and in her written work and her client manner. She's an invaluable asset in any team. "*

Chambers & Partners 2026

*"Constance McDonnell is the best probate silk. She knows the probate world inside out."*

Chambers & Partners 2026

*"She is extremely impressive in her grasp of issues and opportunities, her written work and her client manner. She's an invaluable asset in any team. "*

Chambers & Partners High Net Worth 2025

*"Constance McDonnell is the best probate silk. She knows the probate world inside-out and can run arguments. "*

Chambers & Partners High Net Worth 2025

*"She is exceptional, absolutely brilliant with clients but also has a brilliant way of winning an argument without the other party even realising they are conceding. She is razor sharp. "*

Chambers & Partners High Net Worth 2025

*"She is not only technically outstanding but also absolutely unflappable. Constance provides robust, well-balanced advice whilst never failing to recognise the human side of the work she does."*



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Chambers & Partners 2025

*“She has the best judgement of any barrister that I have worked with - her assessment of a case is never wrong. She is also brilliant in court, very good to deal with and super-approachable. ”*

Chambers & Partners 2025

*“Constance is a brilliant advocate and is the archetypal 'iron fist in a velvet glove'. ”*

Chambers & Partners 2025

*“Constance combines deep knowledge with an ability to get on with all client types and is a powerfully persuasive advocate. Her attention to detail is second-to-none, fully immerses herself in her cases and gives her all to every brief.”*

Legal 500 2025

*“Constance is a brilliant advocate and is the archetypal iron fist in a velvet glove. She is an absolute star.”*

Chambers & Partners High Net Worth 2024

*“She is not only technically outstanding but she is absolutely unflappable. Constance provides robust, well-balanced advice while never failing to recognise the human side of the work she does.”*

Chambers & Partners High Net Worth 2024

*“She has the best judgement for any barrister that I have worked with. Her assessment of a case is never wrong. She is also brilliant in court, very good to deal with and super approachable. ”*

Chambers & Partners High Net Worth 2024

*“Constance McDonnell KC is highly respected in the traditional chancery market for her handling of the most high-profile matters. She focuses on probate and contentious trusts, and also handles the administration of estates.”*

Chambers & Partners 2024

*“She is a robust negotiator.”*

Chambers & Partners 2024

*“Constance is truly excellent - great technical knowledge and sound judgement, the go-to silk for probate disputes.”*

Chambers & Partners High Net Worth 2023

*“Constance is at the top of her field. Her knowledge, especially around the issue of testamentary capacity, is unparalleled. ”*



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Chambers & Partners High Net Worth 2023

*"My go-to on contentious probate work. Constance is really experienced, really good, really robust and clients love her. Her technical knowledge is the best you can get."*

Chambers & Partners High Net Worth 2023

*"I am not sure if there are enough superlatives for her, she just always gets it right. She just knows the law inside out and is practical in her approach. Her advocacy is spot on. "*

Chambers & Partners 2023

*"Constance is at the top of her game - a leader in this field. She is an incredible advocate, clear and concise in court and fights hard for the client."*

Legal 500 2023

# Recommendations

- Chancery: Traditional (Chambers UK and Chambers HNW)
- Private Client: Trusts & Probate (Legal 500)
- English Bar Offshore: Private Wealth & Trusts

# Publications

- 'MoJ changes to Will executions' BBC Radio London, 21 July 2020
- 'Derivative claims by beneficiaries and the interplay with Beddoe applications by personal representatives', The New Law Journal, 26 June 2020
- 'Wills at a Distance', STEP Journal, 19 June 2020
- 'DIY Danger in COVID's costly battle of wills', Daily Express, 17 June 2020
- 'Remote mediation: Is it the future?' Litigation Futures, 29 April 2020



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## Memberships

- ACTAPS (Committee Member)
- STEP
- Chancery Bar Association

## Education & Qualifications

- MA in Classics, Oriel College, Oxford

## BSB Registration

Constance McDonnell KC

## VAT Number

787919845



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