



# ADAM STEWART-WALLACE

Call: 2018

✉ [adamstewart-wallace@tenoldsquare.com](mailto:adamstewart-wallace@tenoldsquare.com) ☎ +44 (0)20 7405 0758

Adam Stewart-Wallace's practice spans a number of Chambers' key practice areas. He is experienced in gaining successful outcomes for clients in contentious matters, both in court and by way of settlement. He appears regularly in the high court and county court.

Adam is happy working independently or as a led junior. He regularly guides clients from the first advice to the conclusion of the case and is a reassuring presence throughout.

Before coming to the Bar, Adam lectured for the Philosophy Faculty at the University of Cambridge and Heythrop College, University of London.

For the 2024 / 2025 season, he will also be the manager of the Knights FC under 9s Dragons football team.

## EXPERTISE

---

### PRIVATE CLIENT (NON-CONTENTIOUS)

---

### WILLS & PROBATE

Adam has advised and acted in many cases involving the substantial validity of wills. He has represented clients in numerous disputes regarding allegations of lack of testamentary capacity, want of knowledge and approval, undue influence and fraudulent calumny. He recently successfully represented the Claimant in [Corinne Dunstan v Andrea Ball](#).

He has also advised on formal validity in complex cases involving the determination of whether putatively testamentary documents in fact constitute a will, and whether a will has been revoked by destruction. He also advises on matters of interpretation and claims for rectification.

He is also experienced in advising on and drafting interlocutory claims and applications, including citations and subpoenas.

In addition to the above, Adam regularly advises on claims related to executors and administrators specifically, including actions for



devastavit; claims for account; removal/replacement actions; disclosure obligations; and Cobden-Ramsay orders.

Adam is a contributing member of the Lexis Nexis Private Client Expert Panel and has recently written on [Hudman v Morris \[2021\] EWHC 1400 \(Ch\)](#), recording a short podcast on the same [here](#), as well as [Beasant v Royal Commonwealth Society for the Blind \[2022\] EWHC 1319 \(Ch\)](#), [Barrett v Hammond & Ors \[2020\] EWHC 3585 \(Ch\)](#) and [Goodwin v Avison & Ors \[2021\] EWHC 2356 \(Ch\)](#) and [Morina v Scherbakova \[2023\] EWHC 3253 \(Ch\)](#).

## OTHER CONTENTIOUS PRIVATE CLIENT

Adam has experience advising and acting in 1975 Act claims; determinations of beneficial interests in property under express, resulting and common intention constructive trusts; validity of inter vivos gifts; validity of trust instruments in light of alleged unconscionable bargain; proprietary estoppel; and Donatio Mortis Causa.

## TRUST DISPUTES

Adam has advised and acted in regard to numerous trust disputes. These have included issues of removal/replacement of trustees; breach of trust by way of devastavit; failure to disclose; construction/interpretation of trust deeds; and sham trusts.

Adam has written for Lexis Nexis Private Client Expert panel on the case of [Webb v Webb \[2020\] UKPC 22](#).

## COURT OF PROTECTION

Adam advises and acts on matters in the Court of Protection, primarily on property and affairs, including the removal and appointment of deputies. He also acts in health and welfare cases, including disputes as to contact with protected parties.

He has written for Lexis Nexis Private Client Expert panel on the case of [Wrightington NHS Trust v SM \[2022\] EWCOP 56](#). He also writes for Practical Law's 'ask counsel' feature, and has recently answered questions on what actions can be taken when deputies have misapplied funds; conflicts of interests arising when a local authority is both P's deputy and also responsible for meeting P's care and support needs; and how a deputy can obtain COP authority to act as a PR for P.

## COMMERCIAL & BUSINESS DISPUTES

### CONTRACTUAL DISPUTES

Adam regularly advises and acts in contractual disputes. He advises on complex matters of construction and interpretation, including:

- Exemption, exclusion and waiver clauses.
- Force Majeure clauses and frustration.
- Non-disclosure clauses.
- Guarantee and indemnity clauses.
- Execution including double signatures.
- Construction of settlement agreements ([Brierley v Otuo \[2021\] EWHC 644 \(Ch\)](#)).
- Effect of settlement agreements on prior causes of action.

## COMPANY



Adam has advised and acted on company matters for companies and individual directors and shareholders including:

- Unfair Prejudice
- Breach of Director's duties
- Removal / appointment of directors
- Company insolvency, including injunctive applications to restrain advertisement of winding-up petitions

## INTERIM APPLICATIONS

As part of his commercial practice Adam has experience in interim applications for injunctions (both making and opposing), including an urgent injunction to restore a director's position at Companies House and an injunction to restrain any alteration of the register without permission of the court in a case where a fraudulent party was attempting to gain control of a company;

Adam also has experience acting in regard to abuse of process, cause of action estoppel, totally with merit applications and limited civil restraint orders [Brierley v Otuo & Ors \[2021\] 7 WLUK 307](#), [Brierley v Otuo & Ors \[2022\] EWHC 3254](#); and conventional estoppel [Brierley v Otuo & Ors \[2022\] EWHC 1530 \(Ch\)](#).

## PROPERTY

---

Adam has experience advising and acting with regard to both landlord and tenant and real property.

## LANDLORD & TENANT

Adam has appeared in numerous possession hearings for both landlords and tenants in both residential and commercial cases. He has also sought associated injunctive relief in urgent interim applications.

He has also advised and acted in regard to claims for dilapidations, nuisance and relief from forfeiture.

A common feature of several more complex disputes in which Adam has acted and advised has been the existence (or not) of a tenancy or licence, and the nature and basis of such a right.

He has recently advised on tenancy or licensee claims by beneficiaries against trustees, and the particular problems that can arise in this context.

Adam is also frequently instructed and appears in court and in the First Tier Tribunal regarding boundary disputes and disputes as to easements including rights of way.

He has recorded a short podcast on [Procter v Procter \[2021\] EWCA Civ 167](#).

## REAL PROPERTY

Adam has experience in TOLATA claims regarding determination of beneficial interests under express trusts, resulting trusts, constructive trusts and proprietary estoppel.

He has recently successfully represented the Defendant at trial in a case regarding historical loans between business partners, where the disputed loans were used to purchase property.

He also has experience regarding charging orders, orders for sale and occupation rent, including recoverability of mortgagee costs [Brierley v Otuo & Ors \[2021\] EWHC 644 \(Ch\)](#).



## PARTNERSHIP & LLP

---

Adam has advised and acted in numerous cases where the existence and nature of a general partnership has been in dispute, with the key issue being the identification of the rights and obligations of partners inter se.

He has been led on a document-heavy arbitration that required extensive forensic analysis of documents regarding a complex web of LLPs and partnership relations arising out of dealings between parties that dated back several decades.

In the course of the above, Adam has advised on and acted in regard to partners' obligations of disclosure inter se and the remedies for breach of those obligations; misrepresentation within a partnership context; unilateral mistake within a partnership context.

He has recently successfully represented the claimants in a liability trial regarding the exclusion of a partner from partnership business.

He has also advised and acted in cases dealing with quasi-partnerships and company matters, including claims for breach of director's duties and petitions for unfair prejudice.

He has recorded a short podcast on [Procter v Procter \[2021\] EWCA Civ 167](#).

## ARBITRATION, MEDIATION & ADR

---

Adam regularly advises and represents clients in mediation and ADR. He has often been successful in drafting and advising on Part 36 Offers. He has been led on a substantial LCIA arbitration matter.

## ASSOCIATIONS & MEMBERSHIPS

- Member of the Chancery Bar Association
- Member of Association of Partnership Practitioners
- Member of Court of Protection Bar Association

## EDUCATION & QUALIFICATIONS

- BPTC, City University (2018)
- Exhibition Scholar, Inner Temple (2018)
- GDL, BPP (2016)
- PhD in Philosophy, University of Cambridge (2010)
- AHRC Doctoral Award (2007)
- MPhil in Philosophy, University of Cambridge (2006)
- BA (Hons) in Philosophy, University of Cambridge (2001)
- Churchill Scholar, Churchill College, University of Cambridge (2000-2001)



## PUBLICATIONS

- Inferred intentions and want of knowledge and approval
- LexisNexis Case Analysis Private Client Expert Panel

## REGULATORY INFORMATION

Adam Stewart-Wallace is a self-employed, independent barrister whose practice is regulated by the Bar Standards Board [Bar Council Ref 70689]. He is fully insured with the Bar Mutual Indemnity Fund [BMIF Ref 2360/121] to provide legal services, please refer to the BMIF website for full details of the world-wide cover provided. He is registered for UK VAT under the reference 336466387