



THOMAS JAMES

Call: 2018

"THOMAS IS A SUPERB ALL-ROUND BARRISTER. HE IS BRIGHT AND PUNCHING WELL ABOVE HIS CALL."

Legal 500 2025

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Tom has a broad chancery practice with an emphasis on wills, trusts and estate disputes, related non-contentious advisory work (including tax advice), and commercial and property litigation.

He is ranked as a Rising Star for Private Wealth and Probate in the Legal 500 Bar Guide 2025.

Tom is equally happy acting led or unled and is often instructed against counsel considerably senior to him. He appeared as sole counsel in the Court of Appeal in *Gorbachev v Guriev* [2022] EWCA Civ 1270, [2023] KB 1. He also regularly appears in the County Court and High Court, alongside specialist experience in the First-tier Tribunal, Upper Tribunal and Court of Protection.

Before joining Chambers, Tom worked in the Court of Appeal (Civil Division) as the Judicial Assistant to the Rt. Hon. Lord Justice Patten. He has tutored extensively in trusts law and is a joint editor of *Mellows: Taxation for Executors & Trustees*. He also writes for Practical Law on a range of topics, and was seconded to a tier 1 London law firm in 2024.

Tom was appointed to the Attorney General's C Panel in 2024, his first year of eligibility.

Recent reported highlights include:

- **Del Curto v Del Curto** – Cross-border succession; led by Professor Jonathan Harris KC (Hon.) and Richard Dew. See [2023] EWHC 2106 (KB).
- **Executors of the estate of Linington and another v Revenue and Customs Commissioners** [2023] UKFTT 89 (TC), [2023] WTLR 917 – Inheritance tax valuation of interests in settled property (ongoing); led by James Henderson. See also [2024] UKUT 00070 (TCC), [2024] BTC 505 (protective costs orders).
- **Gorbachev v Guriev** [2022] EWCA Civ 1270, [2023] KB 1 – Offshore trustee disclosure. See also [2022] EWHC 1907 (Comm); led by Richard Dew.
- **Paul v Paul** [2022] EWHC 1638 (Fam) – Acting for minor beneficiary in a claim under the Inheritance (Provision for Family and Dependents) Act 1975.

Tom also frequently represents individuals in court pro-bono, receiving both the 'Pro Bono Champion Award' from the Chancery Bar Litigant in Person Support Scheme (CLIPS), and recognition from Advocate for committing over 25 hours to pro-bono work in 2023.



EXPERTISE

CONTENTIOUS TRUSTS & ESTATES

Thomas regularly acts in trusts and estates disputes, including those with an offshore element (with particular experience in Jersey, Guernsey and the Isle of Man). He has tutored extensively in trusts law and before joining the Bar worked in the Court of Appeal (Civil Division) as the Judicial Assistant to the Rt. Hon. Lord Justice Patten. His experience includes:

- Disputes concerning the existence, validity and terms of trusts, including express trusts (and allegations of sham), resulting trusts, constructive trusts and common intention constructive trusts over land.
- Claims against trustees and personal representatives by beneficiaries, including for breach of trust (and associated claims), removal applications, and professional negligence.
- Disputes between trustees/personal representatives and third parties, including claims against trust property, and personal claims for civil wrongs, such as for fraudulent misrepresentation.
- Beddoe applications and costs disputes.
- Disputes concerning trusts of land, including disputes concerning the occupation of property, and claims under the Trusts of Land and Appointment of Trustees Act 1996.
- Probate disputes, including contested applications for probate and claims concerning the validity of wills, rectification claims, secret trusts, and the presumption against double portions.
- Claims under the Inheritance (Provision for Family and Dependents) Act 1975, including claims by adult children and cohabitants. For reported trial experience in the High Court (acting successfully on behalf of a minor), see *Paul v Paul* [2022] EWHC 1638 (Fam).
- International succession disputes, including claims to register foreign succession judgments under the Foreign Judgments Reciprocal Enforcement Act 1933 (see *Del Curto v Del Curto*).
- Claims concerning insolvent trusts and estates.
- Applications for disclosure and associated privilege issues (see *Gorbachev v Guriev* [2022] EWCA Civ 1270, [2023] KB 1, [2023] 2 WLR 1), *Larke v Nugus* requests, and data subject access requests.
- Advising on the forfeiture rule and claims under the Forfeiture Act 1982.

PRIVATE CLIENT (NON-CONTENTIOUS)

Alongside his contentious work, Tom has significant experience advising in non-contentious trusts and estates matters, including those with an offshore element and related taxation issues. He has tutored extensively in trusts law and is a joint editor of *Mellows: Taxation for Executors & Trustees*. His experience includes advising on:

- Post-death variations and applications under the Variations of Trusts Act 1958.
- The interpretation and validity of wills, codicils and trust instruments, including the class-closing rules and applications for rectification / rescission.
- Applications under the Non-Contentious Probate Rules 1987 (SI 1987/2024).
- The administration of trusts / estates, including trustee / personal representative appointment and retirement, investment decisions, the exercise of discretionary powers, and applications under Part 64 CPR (including *Public Trustee v Cooper* applications).
Trusts for minors, accumulation and maintenance trusts, and trusts for disabled beneficiaries (including related applications to the Court of Protection).
- Resettlements, the rule in *Saunders v Vautier*, and the dissolution of trusts.



- Secret trusts, charitable dispositions, and the presumption against double portions.
- Cross-border succession, including questions of domicile, revocation clauses, and conflicting foreign wills.
- Insolvent trusts / estates.

OFFSHORE & INTERNATIONAL

Much of Tom's work involves an offshore element, and he welcomes being instructed as part of a larger cross-border team. His experience includes:

- Disputes concerning offshore trusts, particularly those based in Jersey, Guernsey or the Isle of Man.
- Applications for disclosure from offshore trustees and their legal representatives, including significant involvement in the *Gorbachev v Guriev* litigation and the service out rules.
- Cross-border succession, including questions of domicile, conflicting foreign wills and claims to register foreign succession judgments under the *Foreign Judgments Reciprocal Enforcement Act 1933* (see *Del Curto v Del Curto* litigation).
- Litigation concerning an offshore trust inheritance tax avoidance scheme in the Isle of Man: see *Executors of the estate of Linington and another v Revenue and Customs Commissioners* [2023] UKFTT 89 (TC), [2023] WTLR 917.
- Litigation concerning an offshore trust capital gains tax avoidance scheme in New Zealand and Mauritius.
- A claim for rescission of several offshore trusts on the basis of mistake, with a related professional negligence action.

TAX

Tom is regularly asked to advise on non-contentious taxation issues arising in the administration of trusts and estates. He is a joint editor of *Mellows: Taxation for Executors & Trustees*.

He also acts in tax litigation and has appeared in both the First-tier Tribunal (Tax Chamber) and Upper Tribunal. Tom was appointed to the Attorney General's C Panel in 2024.

His experience includes:

- Advising on interests in possession and the relevant property regime.
- Advising on the tax consequences of testamentary dispositions, including related issues such as nil rate band trusts, the residential nil rate band, and deemed capital gains tax disposals.
- Advising on gifts with reservation of benefit and the pre-owned assets tax.
- Advising on charitable dispositions and the reduced rate of inheritance tax.
- Drafting wills and deeds of variation.
- Litigation concerning the valuation of trust interests for inheritance tax purposes; see *Executors of the estate of Linington and another v Revenue and Customs Commissioners* [2023] UKFTT 89 (TC), [2023] WTLR 917. See also [2024] UKUT 00070 (TCC).
- Litigation concerning an offshore capital gains tax avoidance scheme.
- Related professional negligence claims, including the taxation of offshore trusts and related civil structures such as Foundations.

COURT OF PROTECTION

Tom has a keen interest in Court of Protection work, with particular expertise in property & financial affairs cases. He has appeared on behalf of the Official Solicitor and the Public Guardian. Tom is a Court of Protection Bar Association member and writes for Practical Law on Court of Protection matters. His experience includes:

- Applications concerning deputies, including their appointment / removal and the scope of their powers / applications for specific



authority.

- Applications on behalf of disabled trust beneficiaries.
- Claims concerning costs in the Court of Protection.
- Assisting on a particularly complex and high-value property and financial affairs dispute.
- Health & Welfare matters, such as contact, care and deprivation of liberty issues.

PROPERTY

Tom frequently acts and advises in property disputes, including Landlord & Tenant disputes and claims for the possession of land. His experience includes:

- Proprietary estoppel claims.
- Disputes concerning the occupation and co-ownership of land, including claims concerning trusts of land, powers of sale, resulting trusts, and common intention constructive trusts.
- Mortgages, charges (including charging orders) and obtaining orders for sale, including under the Trusts of Land and Appointment of Trustees Act 1996.
- Claims concerning the existence and extent of easements, including easements acquired by prescription.
- Claims concerning the existence of leases / licenses.
- Landlord & Tenant disputes, concerning disrepair, service charges, claims to recover arrears, claims against guarantors, and claims under the Commercial Rent (Coronavirus) Act 2022.
- Applications for leasehold extensions, enfranchisement, and variation, including appearing before the First-tier Tribunal Property Chamber (Residential Property).
- Possession claims of both residential and commercial premises, including against trespassers.

PARTNERSHIP & LLP

Tom is developing a busy practice in both contentious and non-contentious partnership and LLP matters, and writes for Practical Law on partnership matters. His experience includes:

- Claims concerning the existence of partnerships, the interpretation and enforceability of partnership / LLP agreements (including application of the default provisions), profit distributions and partner duties.
- Partner / member exits, team moves, and retirement, including the enforceability of restrictive covenants.
- Advising on the incorporation of traditional partnerships, limited partnerships, and limited liability partnerships.
- Winding up and restructuring, including acting in a complex multi-billion international restructure.
- Drafting and reviewing partnership and LLP instruments such as members' agreements, deeds and resolutions.

CHARITIES

Tom has a keen interest in Charities work and is regularly asked to advise on Charity law matters. He was appointed to the Attorney General's C Panel in 2024. His experience includes:

- Advising on charitable unincorporated associations, trusts for charitable purposes and charitable incorporated organisations (CIOs).
- Advising on the scope of charitable trustee powers.
- Advising on charitable dispositions in wills and the reduced rate of inheritance tax.



PROFESSIONAL NEGLIGENCE

Tom accepts instructions in professional negligence cases. His experience includes:

- Claims against trustees and executors.
- *White v Jones* claims by disappointed beneficiaries.
- Tax negligence cases.

INSOLVENCY

Tom has experience advising in a range of insolvency matters. He has particular expertise advising on:

- Claims concerning insolvent (or potentially insolvent) trusts and estates.
- Setting aside transactions at an undervalue or transactions to defeat creditors.
- Personal insolvency disputes and the presentation of bankruptcy petitions.

COMMERCIAL & BUSINESS DISPUTES

Tom takes instructions in the full range of commercial and contractual disputes. His experience includes:

- Obtaining freezing and proprietary injunctions in the High Court.
- Worldwide freezing orders.
- Contractual disputes and arbitration proceedings.
- Assisting in High Court trials concerning civil fraud and contempt of court.
- Company disputes, including unfair prejudice petitions.

DIRECTORIES & AWARDS



ASSOCIATIONS & MEMBERSHIPS

- Chancery Bar Association
- Contentious Trusts Association
- Court of Protection Bar Association



EDUCATION & QUALIFICATIONS

- BPP Law School – Excellence Award
- The Honourable Society of the Middle Temple – Diplock Scholarship
- The Honourable Society of the Middle Temple – Certificate of Honour
- BPP Law School, London – Bar Professional Training Course, Outstanding
- BPP Law School, London – Graduate Diploma in Law, Distinction
- University of Exeter – BA (Hons) History with Study Abroad, First Class

PUBLICATIONS

- Joint editor of *Mellows: Taxation for Executors & Trustees*
- Regular contributor to Practical Law

REGULATORY INFORMATION

Thomas James is a self-employed, independent barrister whose practice is regulated by the Bar Standards Board [Bar Council Ref 70491]. He is fully insured with the Bar Mutual Indemnity Fund [BMIF Ref 2360/082] to provide legal services, please refer to the [BMIF website](#) for full details of the world-wide cover provided. He is registered for VAT under the reference 386587924.