

## David Isbister **TEP, CILEX Lawyer, SFE Member and CMC Fellow** IS A QUALIFIED MEDIATOR (**Elite Mediator**)

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### General Information

### Remote Mediations

- David has mediated **over 100 remote mediations using Zoom** since lockdown started and the feedback has been very good throughout. The consensus is that mediating remotely has distinct advantages over in person mediations. In addition remote mediations can save travel time and costs and the cost of venue hire.

### Profile:

David Isbister is a **Partner, TEP and Elite Mediator**. He has been appointed as Mediator in **over 300 Mediations** and is ranked 3rd in Clerksroom's panel of over 500 mediators.

He is head of Wills and Inheritance (WIQS) in a City of London firm of Solicitors, and is appointed as Professional Executor and Trustee by his clients, and the Court.

David has been appointed as Mediator in a large number of Contentious Probate and Trust, Claims against Estates and TOLATA disputes, and his knowledge and expertise in these areas helps to put the clients at ease and assist them to understand the more technical aspects that can arise. He receives excellent praise and feedback following his mediations.

David has also been appointed by the Chartered Institute of Legal Executives as its Legal Adviser on Wills. He was invited to attend the Ministry of Justice, and join the Law Commissions' Advisory Group in relation to the Law Commission's proposed reforms on the Law of Wills.

He also represents CILEx on the CJC Judicial Committee on ADR.

Outside of work, David enjoys spending time with his family and pet dogs, and when he can find the time, clay pigeon shooting. More recently David was honoured to judge the dog agility over three days in the main ring at crufts 2020, and at the Excel Arena, London Interhantional Horse Show Event in 2022.

David is happy to mediate anywhere in England and Wales and remotely, simply ask the mediation team for David's availability and fees.

### Areas of Expertise:

- Probate/Inheritance/Trust Disputes
- TOLATA
- Proprietary estoppel
- Cohabitation
- Capacity
- Undue Influence
- S.9 Validity (Will)
- Knowledge and Approval
- Resulting & Constructive Trusts
- Contract
- Commercial
- Property
- Sale of Goods
- Shareholder Disputes
- Debt Collection
- Professional Negligence
- Building Disputes
- Construction
- Costs
- Landlord & Tenant (Private & Commercial)
- Workplace and Employment
- Court of Protection

### Mediation and Professional Feedback:

### **1975 Act Claim by Adult Child**

David was brilliant and we would not have achieved the settlement that we did without his assistance.

### **Financial remedy and 1975 Act Claim**

It was a really tricky matter with complex facts and a lot of different sets of lawyers and expectations to manage (let alone clients!). David kept everything moving forward positively and although it didn't settle, I don't think any of the parties particularly expected it to. I would definitely have David as a mediator again.

### **Possession of Estate property and an account to be taken**

David was excellent in every way. Robust but genuinely sensitive and caring. Although I had already fully prepared my client for the unpredictable and often challenging experience of mediation, David's approach and very clear presentation of the process and his role underlined this exactly. As we had a difficult unrepresented litigation in person in this case, the outcome, which was satisfactory, was a particular relief to myself and my client and avoided further steps in what has already been an expensive and frustrating litigation journey. Many thanks.

### **Undue influence (presumed)**

Excellent mediation. David Isbister encouraged the parties to focus on the main issues and to come to a workable solution, leaving their dignity in tact. Good use of time for all concerned.

### **1975 Act Claim with challenges to the validity of the Will**

I thought that the mediator was excellent as did my client. This was particularly so in terms of communication skills as English is not the client's first language.

### **Challenge to the validity of a Will - Capacity, Undue Influence and Knowledge and Approval**

David did an excellent job, I would book him again and recommend to others.

### **Challenge to the validity of a Will**

Top class mediator. This was a very challenging mediation and certainly untypical. David's style fitted the occasion and the parties perfectly.

### **1975 Act Claim by Adult Child**

My favourite mediator. David experience is very apparent. He is gentle and supportive and can also help identify issues or solutions that the parties may not necessarily considered.

### **1975 Act Claim by Spouse**

David was excellent. I would have no hesitation in using him again and recommending him to my peers. Please convey my thanks to him and that of my client too - who was most appreciative of his efforts in what was a difficult day for him.

### **Propounding missing Will and Proprietary Estoppel**

"David was fantastic from start to finish. Brilliant communications with the client and explained the process with ease. A very reasonable approach to resolving the issues between the parties. If you are looking for a mediator, I could not recommend David enough!"

### **Challenge to the validity of a Will - Capacity & Fraudulent Calumny**

;From my initial contact with the clerks and throughout the process, my queries via email were always responded to promptly and helpfully. Having a conversation with Mr Isbister about the process, together with the guidance documents provided, reduced the stress in approaching the mediation. Mr Isbister carried out his role in a personal and professional manner. This mediation enabled the threat to be removed with honour and integrity and I would highly recommend this mediator and the process.' LiP

### **1975 Act Claim - Spouse**

'I cannot speak highly enough on how David made me feel comfortable in what was a very upsetting and stressful situation. He gave me many opportunities to discuss my concerns / queries and I never felt that I was being rushed. His explanation on terms that covered areas such as tax were put forward with clarity and in a language that I would understand! Would not hesitate to recommend or use him again.' LiP

### **Probate Dispute (Capacity & Undue Influence)**

'He is just one of the most experienced and naturally able mediators and it helps that he is particularly knowledgeable in the area of contentious probate disputes.' Claimant's Solicitor

### **Probate Dispute (Capacity) & 1975 Act Claim**

'David was very good, particularly when some new information appeared at the mediation. This was a complicated case that was too small to justify the costs that should have been spent to get a result at trial. Between us (mediator and both sets of lawyers), we saved the parties from themselves. My impression is that each side was equally disappointed, which is almost the definition of a good settlement.' Claimant's Solicitor

### **Trust Dispute**

'I have never been in a situation such as this before but I found David to be very professional and knowledgeable and he put me at ease in what could have been a very stressful experience. I would highly recommend him. Thank you David.' Defendant

### **TOLATA/Constructive trust**

'extremely impressed with David. Very helpful, understanding and very suited to be a mediator'. Defendant's Solicitor

### **TOLATA/Breach of Trust - Virtual mediation using Zoom**

'I was impressed with David. He has a way of making people feel at ease which goes a long way in a mediation and he grasped the issues quickly.' Claimant's Solicitor

### **TOLATA - Online mediation using Zoom**

'David was well-prepared, focused & efficient and made a significant contribution to resolving a dispute which had seemed intractable for over 11 years.' Defendant

## **TOLATA (Claim for declaration of beneficial interests jointly owned property/occupational rent/equitable accounting & order for sale)**

"David is a skilled and well accomplished mediator. Cannot recommend enough" Claimant's Solicitor

### **1975 Act Claim - Cohabitee**

"Excellent Mediator who clearly explained the mediation process to my client and made her feel more at ease. This was a very difficult mediation and David had to discuss some very emotional issues with my client but he did so in a sensitive way whilst also emphasizing the other side's point of view. David clearly explained the risks of taking the matter to court and encouraged the parties to settle on the day which they did. I would highly recommend David as a mediator and even my client commented on what a good job he did!" Claimant's solicitor

### **1975 Act Claim - Claim by Adult child**

"Very well prepared, great grasp of the issues, personalities and dynamics and a settlement achieved." Partner, Defendant's Solicitors

### **1975 Act Claim - person being maintained by the deceased**

'I was very impressed with David Isbister's service - he came across as well informed, efficient and had a calm manner which was reassuring for my client, who was particularly anxious.' Partner Claimant's Solicitors

## **TOLATA (Claim for an enhanced beneficial interest by beneficiary of one joint owners of a property)**

'Both the mediator and the observer were very professional. David's calm and friendly approach made my client feel more at ease when mediation can be a very stressful experience for clients. David took time to clearly explain the mediation process and to stress the negative consequence of litigation proceedings if the matter did not settle at mediation. Most importantly the parties reached an agreement and my client was very pleased with the result.'

### **Dispute between siblings following parent's death**

'Very efficient and personable and professional, kept us informed throughout the mediation went very smoothly'

## **TOLATA & Sch 1 Childrens Act 1989**

'The mediation was unsuccessful however David Isbister worked tirelessly to try and find common ground.' Partner Claimants Solicitors

### **Probate (Contested and claims against an Estate)**

'I have instructed David Isbister as a Mediator for a number of Contentious Probate cases over the last few months and have been extremely impressed on each occasion. His style and approach with the Clients, as well as his communication with the respective legal teams, has certainly assisted with successful resolution of the majority of the disputes.' Solicitor

### **Probate (Brothers in dispute over the past 22 years - numerous issues)**

'My client and I cannot thank David enough for his assistance throughout the mediation. Achieving any sort of settlement in this dispute, which has been ongoing for 20+ years, seemed like the impossible dream. However, David worked his magic and an agreement was reached which will allow my client to move on from this and, hopefully, the administration of his father's estate to be finalised some 22 years on. David was well prepared on the day and had clearly read the bundle and taken time to understand the issues at hand. I would not hesitate to use him again, and very much hope to do so in the not too distant future.' Defendant's Solicitor

## **TOLATA (Claim for an enhanced beneficial interest and occupational rent)**

'He achieved what I thought would be impossible and got an agreement' Litigant in Person

### **Probate (1975 Act Claim by Adult Child)**

"David was well organised, had a good understanding of the issues, was approachable and dealt with lay clients well and achieved a satisfactory result. We would like to thank him for his efforts." Defendant's Solicitor

### **Challenge to the validity of a Will**

"excellent communication skills and kept a good momentum during the mediation. Partner.

### **Probate (1975 Act Claim by adult child)**

"David was well prepared and helpful, he gained the confidence of my client and certainly contributed to a successful outcome". Partner acting for the Defendant.

### **Claims against the Estate and challenges to the validity of a Transfer and Will**

"David was very 'user friendly' and encouraged the parties to put aside personal differences to the extent possible and focus on 'the long game' and the costs which would ultimately be incurred if the dispute went to litigation. David was extremely easy to work with and I would have no hesitation in using his services again". Partner acting for the Defendant.

### **Probate (1975 Act claim on behalf of two minor children)**

"Having worked with David once before, I was optimistic that he would be the person to resolve this matter to my clients' satisfaction - I was not disappointed! Both my clients and myself were really impressed with David's mediation style - my clients particularly were grateful for the assistance he gave and for the way he explained the process to them initially. Thank you David!" Defendants' Solicitors

### **Removal of Executor**

"David was exemplary. His approach was absolutely objective, rigorous and adroit. His style was engaging, very attentive and human.

David enabled both parties to find a resolution that worked for both of them without any loss of dignity or respect. He made the difference in an intractable situation that would otherwise have gone back to Court and to trial. I would highly recommend him." Defendant

### **Challenge to the validity of a Will**

"I found David very approachable, and easy to talk to, this put me at ease from the outset, and I felt that I could discuss the dispute with him'. Participant in person.

### **Probate (1975 Act Claim by Adult Child)**

"A very assured mediator. A very good grip of the issues was shown. I will definitely use him again." Claimant's Solicitor

### **Probate (1975 Act Claim by Spouse)**

"David was brilliant. This was my first mediation since qualifying and he put both me and my client at ease while ensuring that the reality of the situation was at the forefront of the client's mind." Defendant's Solicitor

### **Breach of Trust**

"I would not hesitate to book this Mediator again" Defendants Solicitor

### **Probate (1975 Act Claim by Minor Children/Adult children and Cohabitee)**

"David was extremely focused on getting this matter resolved. He was impartial and independent of all parties and was great at moving the matter forward. We were all greatly impressed by his professionalism and ability to focus on the objectives of all parties." Solicitor for the Main Beneficiary under the Will

### **Probate (1975 Act Claim by Adult Children)**

"I was really impressed with David's demeanour and mediation style. He made my clients feel more relaxed during what was a very stressful time and as a result they were able to focus on what they wanted to achieve rather than dwell on the emotive issues. I was delighted that the dispute was settled on the day so my clients can now begin the grieving process for their late father" - Claimants' Solicitor

### **Probate/Breach of Trust Claims - (1975 Act Claim by adult children and alleged Secret Trust)**

"David was patient and made the client feel that he understood what he [the client] was trying to achieve. A good outcome was secured." - Defendant's Solicitor.

### **Probate/1975 Act Dispute (Long term cohabitee)**

"David was sensitive to the client's needs, had a good grasp of the law and the legal issues and was ultimately able to achieve a suitable settlement for all parties in good time" Claimant's Solicitor

### **Validity of a Will – Capacity**

"David controlled the mediation very well. He managed the expectations of the parties which greatly assisted in guiding them towards a resolution. Thank you" - Claimant's Solicitor

### **Proprietary Estoppel**

"Mr Isbister was instrumental in achieving a settlement in a case that opponents were inadvertently turning into an unnecessarily long and drawn out process." - Claimant's legal representative

### **TOLATA**

"David did a great job of Mediation. I will be recommending him to colleagues." - Defendant's Solicitor

"We were extremely pleased with David Isbister's work" Litigants in person

### **Probate/Validity of a Will (S.9 Wills Act 1837)**

"David Isbister achieved an excellent result in bringing the parties together to achieve an unexpected settlement of a painful and drawn out family dispute. My client is very happy and relieved with the result. In addition to his tremendous efforts during a long day, David made himself available to communicate helpfully with the parties' representatives before the mediation and afterwards." - Partner Defendant's Solicitors

### **Probate/1975 Act Dispute**

"David was excellent. He treated both participants and their representatives with utmost courtesy and respect. He was not afraid to ask hard questions, but did so in a sensitive manner and was intuitive to the strong emotions felt by all involved. An excellent mediator whom I would have no hesitation recommending to others." - Defendant's Solicitor

### **Claim against an Executor**

"My clients were really happy with the outcome of the Mediation" - Claimant's Solicitor

### **Dispute with Trustee**

"David was very effective" - Defendants Barrister

### **Probate/1975 Act Dispute**

"I got a huge amount from this observation and David is truly impressive as a mediator." - Observer.

"David was very impressive" - Senior Partner, Claimant's Solicitor

### **Breach of Contract**

"I would not hesitate to use David again" Partner, Defendant's Solicitor

### **Negligence/Malfeasance**

"Very difficult to improve the service you provided." - Litigant in person

### **Accreditations and Memberships:**

- Fellow of the Institute of Legal Executives

- CILEX Lawyer (Probate)
- CILEX Lawyer (Conveyancing)
- CMC Fellow
- Full Member of STEP (Society of Trust and Estate Practitioners)
- Full Member of the SFE (Solicitors for the Elderly)
- Qualified to conduct Mediations Online
- STEP Advanced Certificate in Will Preparation
- STEP Advanced Certificate in Administration of Estates
- STEP Advanced Certificate in Administration of Trusts
- STEP Advanced Certificate in the Taxation of Trusts and Estates
- STEP Advanced Certificate in Trust and Estate Accounting
- STEP Diploma in Will Preparation
- STEP Diploma in Trusts and Estates

#### Recent Mediations

Inheritance Claim under the 1975 Act against an estate by adult children - Settled.

- Claim Involving 17 beneficiaries. Proceedings had been issued some time before the mediation and claim settled at Mediation in one day

Professional Negligence/Malfeasance – Settled

- Dispute had been running for many years and proceedings had been issued. Participants were entrenched with no end in sight. Costs estimated to trial to run into 6 figures on both sides. Claim settled at Mediation in one day

Breach of Contract - Settled

- Dispute settled in one day with promise of continued business between the participants.

Commercial Dispute - Settled

- Protracted litigation involving International supply of goods. Proceedings issued two years earlier. Dispute settled in one day.

Employment Dispute - Settled

- Potentially sensitive situation, settled in half a day.

Inheritance Claim under the 1975 Act by long term Unmarried Partner of the Deceased - Settled

- Resolution reached that meant all involved walked away achieving their objectives and limiting on going litigation costs to the Estate.

Inheritance Act Claim under the 1975 Act by Unmarried Partner of the Deceased - Settled

- A relatively modest estate with costs to trial estimated to take a large portion of the Estate Dispute settled in half a day.

Breach of Trust between family members (Probate)

- Mediation day used to reduce issues between the participants. Settlement not reached on the day, although a better understanding all round was achieved and the hope to continue communication between the participants and their legal representatives to reach a resolution based on what was discussed and explored during the mediation .

Claim against Executor - Settled

- Long running dispute between family members, one of whom acting as Executor, proceedings had been issued, mediation at an early stage in the action; claim settled in less than a day.

Trust Dispute (Probate) - Settled

- 4 Year dispute between siblings - proceedings had been issued and directions pending. Claim settled in one day.

Challenge to the Validity of a Will - Settled

- Dispute between siblings meant their mother's estate had not been administered for 6 years. Dispute together with other matters personal to the participants settled in one day,

Inheritance Act Claim under the 1975 Act by Adult Child - Settled

- Claim by Adult child for reasonable financial provision. Proceedings issued and still at an early stage. Dispute settled in less than a day.

Inheritance Act Claim by long term Unmarried Partner of the Deceased - Settled

- Proceedings issued, modest estate with no clear way of resolving the matter. Dispute settled to include matters to assist with the Administration.

Inheritance Act Claim/Estoppel Claim by long term Unmarried Partner of the Deceased - pre-action Mediation - Settled

- Participants mediated pre-action - claims settled in one day. Administration able to proceed after over 2 years of inaction because of the intimidated claim.

Inheritance Act Claim by long term Unmarried Partner of the Deceased

- Mediation day resulted in a better understanding of the claim and defence to the claim. Additional information and documentation exchanged during the day and the participants got the opportunity to explore through a neutral third party how their position is seen by the other participants.

Breach of Trust - Settled

- Dispute between adult siblings following the death of a parent many years ago. Dispute had been running for over 10 years. Settled in one day at mediation.

Challenge to the Validity of a Will / Estoppel - Settled

- Long running dispute by two brothers over their Mother's Will, Proceedings issued with a two day trial listed in a week's time. Dispute settled at mediation.

Contentious Probate / Intestacy/ Claim for Constructive Trust and also Breach of Trust -Adjourned

- Matter adjourned after a day's mediation for the participants to consider their positions in light of information discussed during the day. Participants to consider continuing mediation by telephone/email with a view to reducing issues and to reach a settlement if possible.

Breach of Trust - Settled

- Long running dispute (over 6 years) between family members concerning a Will Trust - matter settled in one day at mediation.

Court of Protection - Settled

- Dispute between family members over appointment of Deputy. Issues resolved in a half day mediation

Contentious Probate/Promissory Estoppel

- Dispute between numerous beneficiaries/family members involving a modest estate. Mediation day used to discuss matters in dispute and general agreement to consider information exchanged and matters discussed during the mediation day and continue discussions with an agreed way forward on the on going litigation to run in the background and to give time for the family members to consider their positions.

Contentious Probate (1975 Act Claim) - Settled

- Claim by Spouse under the 1975 Act. Proceedings issued. Dispute settled at Mediation in 5 hours.

Contentious Probate (1975 Act Claim) - Settled

- Claim by Adult child. Proceedings issued. Dispute settled at mediation in 4 hours.

Contentious Probate (1975 Act Claim) - Agreement reached on one point

- Claim by spouse for reasonable provision. Agreement reached on one issue. Participants to take time to consider everything discussed during the mediation day and to keep an open line of communication with the view to keep negotiations going while proceedings continue.

TOLATA - Settled

- Dispute which had been on going for over 2 years, in which proceedings had been issued by the estates of Husband deceased and Wife deceased, over shares of the a house. Dispute resolved in the Mediation day.

Contentious Probate/TOLATA

- Long running dispute between family members following the death of a parent/wife, proceedings had been issued. Dispute resolved in one day and family members agreed to start the process to build bridges and re-open communication.

TOLATA - Settled

- Dispute between former partners about the division of jointly held properties that had remained unresolved for many years. Proceedings issued with a trial looming. All matters resolved by settlement agreement in one day.

Contentious Probate/Breach of Contract/TOLATA - Settled

- A dispute that had been running on for years, proceedings issued recently and anticipated costs on both sides likely to exceed the value of the Claim. Dispute settled in under a day's mediation

Contentious Probate/Conflict between Partnership Assets and Survivorship - Adjourned

- Pre-issue mediation of a long running dispute. Understanding of each party's positions enhanced during the mediation day with the mediation being adjourned for the parties to make additional enquiries and disclosure and agreement to keep lines of communication open with the view to resolving the dispute after responses top enquires and disclosure given so that a realistic assessment on risk can be made.

Proprietary Estoppel - Settled

- Proceedings issued and stayed to give the parties an opportunity to resolve at mediation. Matter settled in one day.

Proprietary Estoppel - Settled

- Dispute between family member and close friends of the deceased. Proceedings issued. Dispute settled in one day at Mediation.

Undue Influence and Capacity - Settled

- Dispute over a lifetime gift and validity of a Will. Dispute at the point where proceedings were about to be issued. Estimated costs to trial circa £250,000.00. All issues and matters resolved in one day at Mediation.

Disputed Will - Settled

- Dispute arising from the interpretation of a Will involving S.35 presumption and rebuttal of the presumption from prior conduct. Proceedings not yet issued. Dispute settled in half a day.

Will Validity - Capacity - Settled

- Dispute between siblings over the validity of a Will and use of an LPA. Matter at pre-action. All matters resolved during the mediation with a comprehensive settlement agreement agreed and signed at the end of the day.

Contentious Probate (1975 Act Claim) - Settled

- Claim by Adult Child of the deceased . Proceedings issued and at pre-disclosure stage. Dispute resolved in one day at Mediation.

TOLATA - Lifetime Gift - Settled

- Dispute mediated pre-issue of proceedings after breakdown of parent - adult child relationship. Dispute settled at mediation.

TOLATA - Adjourned - Settled shortly after.

- Disputes between spouse and beneficiaries (children from previous relationships) comprising four heads of claim and involving the joint ownership of the marital home. Terms of settlement reached on all heads of claim and Mediation adjourned for the terms to be approved by all beneficiaries. Dispute settled a few days after the Mediation.

Contentious Probate/TOLATA - Settled

- Claim by cohabitee following the death of long term partner who died intestate. Dispute had been running for almost 2 years. Mediation agreed pre-issue. All disputes settled at Mediation

Contentious Probate (1975 Act Claim) - Settled

- Claim by long-term cohabitee. Proceedings issued for protective purposes. Mediation held pre-service of proceedings. Claim settled at Mediation.

Contentious Probate (1975 Act Claim)/Proprietary Estoppel - Settled

- Proceedings issued by Adult Child. Mediation arranged at an early stage in the litigation. All claims settled at Mediation.

Contentious Probate & Trust (1975 Act Claim & alleged Secret Trust) - Settled

- Proceedings issued on a 1975 Act Claim by Adult Children of the deceased together with an alleged secret trust claim. All issues in the litigation and additional ancillary issues resolved at the Mediation.

Contentious Probate (1975 Act Claim)

- Proceedings issued with a trial window coming up. Claim by Adult child against parent's estate. Four other adult children beneficiaries defending and attended without representation.

TOLATA - Settled

- Dispute over the beneficial ownership of a property between Mother, daughter and daughter's ex husband.- all issues resolved in a comprehensive settlement agreement at the Mediation.

Contentious Probate (1975 Act Claim) - Settled

- Claim by two adult children against parent's estate. Mediated pre-issue of proceedings. Both claims settled at the Mediation.

Contentious Probate (1975 Act Claim - minor children; adult children and cohabitee) - Settled

- 5 Parties claiming provision from a deceased's estate. (i) On behalf of two minor children; (ii) competing claims made by two adult children from a previous relationship and an (iii) unmarried cohabiting partner, beneficiary under the will also party to the proceedings. Additional claims against Estate and Executor intimated. All claims resolved in one day at Mediation.

Breach of Trust - Settled

- Long running dispute between family members following creation of statutory trust under the intestacy rules. All matters resolved in a comprehensive settlement agreement at the Mediation.

TOLATA - Constructive/Resulting Trust / 1975 Act Claim by Cohabitee - Settled

- Dispute that had been running for over 2 years, proceedings issued. Declaration as to value of beneficial share in the deceased's property agreed at Mediation with all issues resolved on the day.

TOLATA - Mutual Wills/ Proprietary Estoppel/Constructive Trust/1975 Act Claim (Adult child) - settled

- Long running dispute in which proceedings claiming the above heads of claim had been issued over a beneficial interest in the deceased's property. Trial window in one month. Claims settled at the Mediation.

TOLATA/Constructive Trust - Settled

- Very long running dispute (7 years) involving two properties. Mediated pre-issue. Dispute resolved and a comprehensive settlement agreement concluded at the Mediation.

TOLATA/Equitable Claim

- Dispute between adult child and parent on the ownership of a Property. Proceedings issued, and mediating at an early stage. Progress made during the day, and Mediation adjourned by agreement from all to allow the participants additional time to consider points raised and final offers made.

Will Validity - Capacity - Settled

- Claim by four claimants as to the validity of a Will on the grounds of Capacity and Knowledge and Approval. Mediation agreed pre-issue of proceedings. Dispute resolved in one day at mediation.

Claims against an Estate by multiple creditors - Settled

- 3 Party dispute in an intestate estate. Disputes running for almost 6 years. All issues resolved at Mediation on the day.

Contentious Probate (1975 Act Claim by Spouse) - Settled

- Mediation arranged pre-issue for a claim against late Spouse's estate. Claim settled at Mediation on the day

Contentious Probate (1975 Act Claim by Adult Child) - Settled



- Mediation arranged at an early stage after issue of proceedings. Claim by adult child. Mediation ended with a comprehensive settlement agreement.

Breach of Trust/Construction of Will/ Probate Dispute - Settled

- Claim by son against parent for Breach of Trust. Arguments involving Construction of the Will, Resulting Trust & Declarations of Trust. Dispute settled in one day at Mediation.

Contentious Probate - (1975 Act Claim by Adult Child) - Settled

- Claim by daughter against parent's modest estate which passed to surviving spouse. Proceedings issued. Claim settled in one day at mediation.

Claims against an Estate by Family creditors - Settled

- Claim by family members against an estate. Pleadings drafted and exchanged but not issued. All claims settled one day at Mediation.

Challenge to the validity of a Will on the grounds of Capacity/Undue Influence and Fraudulent Calumny - Settled

- Claim by adult child against parent's Will in which he was excluded and claims against sibling as Attorney during parent's lifetime. All claims settled in one day at Mediation.

Claim against deceased's estate by long-term cohabitee - Adjourned

- Claim by cohabitee. Proceedings issued. Deceased had 7 adult children. Agreement reached between the claimant and 6 of the children at the mediation. Mediation adjourned for the 7th adult child to consider his position with a view to finalising the settlement shortly after the Mediation.

Commercial Landlord & Tenant - Settled

- Claim by Tenant against former Landlord for removing and selling goods and Counterclaim by Landlord against Tenant for unpaid rent and dilapidations. All claims and issues settled in one day at Mediation.

Claim against an Estate (1975 Act) by Adult Child - Settled

- Claim by adult child against Parent's Estate in which out of three siblings he was the only one excluded. Proceedings issued and Claim fiercely contested, even at Mediation. Claim settled at Mediation.

Claim against the validity of a Will and to set aside Lifetime gifts (K&A and Undue influence)

- Claim against the validity of a Will and to set aside lifetime gifts on the grounds of Knowledge and Approval and Undue Influence. Progress made and points conceded for the purposes of the litigation. Mediation did not end in a settlement but parties agreed to continue negotiations.

Claim against the validity of a Will (K&A and Fraudulent Calumny) - Settled

- Claim against the validity of a Will. Parties agreed to Mediate at an early stage. Caveat entered but contentious probate proceedings not yet issued. Mediation ended in a comprehensive settlement and variation to the Will with agreement to remove the caveat.

Claim to remove Executor - Settled

- Proceedings issued to remove co-Executor and intimation of claim to challenge the validity of the Will on the grounds of Undue Influence. Caveat entered preventing extraction of the Grant. Mediation ended in a settlement in respect of all issues, including terms to advance extraction of the Grant.

Proprietary Estoppel/Mutual Wills Claim - Settled

- Claim against the validity of a gift by reference to a farm in a Last Will by parent on the grounds that the gift was not the deceased's to make as a result of alleged previous Mutual Wills and/or promises made during the lifetime in respect of the purported testamentary gift. All claims settled at the Mediation.

Claim against an Estate (1975 Act) by Adult Child - settled

- Claim by one child for provision under the 1975 Act. Proceedings issued for protective purposes. Claim settled at mediation.

Claim against an Estate (1975 Act) by two minor children - settled

- Claim on behalf of two infants against deceased's parent's estate. Proceedings issued, mediating at a very early stage. Claims settled by agreement, subject to the Court's approval.

Challenge to the validity of a Will on the grounds of K&A, S9 (execution) & Capacity and a Constructive Trust claim. - Settled

- Proceedings issued by Cohabitee challenging the validity of long term partner's Will. Numerous issues raised. All matters resolved in one day at Mediation.

Proprietary Estoppel/1975 Act Claim/Constructive Trust - Settled

- Claim by spouse against deceased's estate on the grounds of Proprietary Estoppel/1975 Act Claim and Constructive Trust. Numerous issued raised and settled in a comprehensive settlement agreement drafted at the Mediation.

Breach of Trust

- S.50 Application to remove co-executor. Numerous issues to be resolved. Agreement at the mediation reached on all matters bar one. Formal resolution not concluded at the end of the day, negotiations to continue after mediation with a view to resolving the final issue.

Claim against Estate (1975 Act) by Adult Child - Settled

- Proceedings issued and Mediating at an early stage in the litigation. Claim settled at Mediation.

Claim against Estate (1975 Act) by Spouse - Settled

- Claim by spouse. Mediating pre-issue. Issues of Deceased's Domicile raised. Estate including foreign property and assets. A number of other issues raised during the day. All issues resolved by settlement agreement at Mediation.

Challenge to the validity of a Will on the grounds of Capacity, K&A and Fraudulent Calumny

- Claim against the validity of a Will on the grounds of testamentary capacity and fraudulent calumny. All matters settled at the mediation and recorded in Tomlin Order.

Multiple Claims against an Estate following possession proceedings commenced against family occupiers - settled

- Possession proceedings issued against occupier following death of parent, one adult child to receive the whole estate. Proceedings intimated to challenge the validity of an earlier inter-vivos transfer of the property on the grounds of undue influence, and later Will on the grounds of undue influence and capacity, in the alternative claims for proprietary estoppel and constructive trust and in the alternative a claim against the estate under the 1975 Act. All issues resolved in a comprehensive settlement agreement attached to a tomlin order.

Claim against Estate (1975 Act) by Adult Child - Settled

- Claim by adult child for financial provision. Claim made as adult child excluded as a result of the intestacy rules and as a person being maintained by the deceased. Proceedings issued. Claim against adult child by the Estate. All claims settled at mediation.

Contested Probate (Challenge to the validity of a parent's Will) - Settled

- Claim by children against the validity of a Will, challenging it due to a specific legacy of a property to one child of the deceased. Dispute had been running for over two years. Claim settled at mediation in one day.

Claim against Estate (1975 Act) by Partner being maintained by deceased - Settled

- Claim by partner who was being maintained by the Deceased for financial provision as person being maintained by the deceased prior to death. Claim settled at mediation.

Challenge to the validity of a Will (Capacity and K&A)

- Long running dispute (4 years). Proceedings not yet issued. Parties represented by Solicitors and very senior Counsel on one side and a QC on the other. All matters resolved in a settlement at the mediation.

Challenge to the validity of a Will

- Claim by adult child against the validity of parent's will. Mediation pre-issue, advantage re: costs savings and progress made during the Mediation however more time needed to consider positions in light of proffers made during the day. Alternatively more evidence required to shift positions and close the gap to achieve settlement .

Claim against Estate (Adult Child) - Settled

- 1975 Act claim by Adult child. Long running dispute including history of previous litigation. All issues settled at Mediation

Claim against Estate (Adult Child) - Settled

- 1975 Act claim by Adult child. Very emotional history. Participants encouraged to focus on putting past issues for one day and focus on achieving resolution. Settlement achieved at the mediation.

Multiple claims against the validity of a will and Estate

- Challenge by one adult child against the validity of parent's will on the grounds of Undue Influence, Testamentary Capacity and knowledge and approval. Additional challenge on the construction of the Will. Claims by long term partner and co-habitee under the 1975 Act for maintenance, and claim by a different Adult Child for maintenance under the 1975 Act. Day spent focusing on the various claims and claimants' positions and expectations. Offers made and mediation ended with the Defendant to respond after considering matters and issues discussed during the day.

Challenge to the validity of a Will - undue influence/testamentary capacity and K&A - settled

- Challenges by 3 children of deceased parent on the validity of her will on the above 3 grounds. Terms of agreement reached after with relations on the way to be mended - additional goodwill exchanged during the day.

Claim against parent's estate by adult child - settled

- Claim by adult child for provision from parent's estate. Claim resolved in a comprehensive settlement agreement on the day.

Breach of Trust - Settled

- Claim intimated against Trustees of a discretionary trust for replacement by professional trustee for failing to comply with trustee obligations in running the trust. Mediation ended in an agreed way forward.

TOLATA - Settled

- Claim by former cohabitee for a share in the property as a result of payments made towards the purchase and works to the property. All claims resolved by comprehensive settlement reached on the day at Mediation.

Application to Remove Executor - Settled

- Claim by Brother of Executrix against the Executrix for failing to properly account for the Estate, application to remove Executrix and to take and account. Numerous issues including management of funds during deceased's lifetime. All issues resolved at Mediation in a comprehensive settlement agreement

TOLATA - Settled

- Claim to enhance beneficial interest in a property held as Tenants in Common and for occupational rent. Participants attended unrepresented. Settlement reached on the claims and on way forward regarding the mechanics of the sale of the property.

1975 Act by Adult step-child

- Claim by step child treated as child of the family - proceedings issued with intimated additional probate action challenging the validity of the Will on the grounds of K&A. All issues resolved at one day at mediation.

TOLATA - Settled

- Claim for a declaration as to beneficial interests following a long term absence from the property. Mediating pre-issue. All issues resolved at mediation in a comprehensive agreement.

Claim against Estate (Spouse) - Settled

- Claim by Spouse against deceased's estate. Final Will prepared 2 days before the deceased passed away. Long involved history with all beneficiaries and the deceased. All issues resolved at mediation.

Claim against Estate (Divorcee) - Settled

- Claim against Estate by divorcee. Decree absolute granted just before spouse's death and before conclusion of financial awards. Deceased left children. Issues resolved at mediation, pre-issue.

Long running (22 years) dispute between adult children of late Parents estates - Settled

- Siblings in dispute for 22 years in respect of late parents estates. Issues included historic settlement, interests in a property, claims for proprietary estoppel, funds owed by one party to the estate and owed by the estate to another and for occupational rent. Historic attempts to settle resulted in agreements reached but not concluded. All issues resolved

between the brothers in one day at Mediation.

Challenge to the validity of a Will - Settled

- Grandchild challenging validity of grandparent's will on a number of grounds - mediation focusing on capacity - pre-issue. All issues resolved at Mediation.

Breach of Trust - Settled

- Claims by Executors against each other for alleged breaches of Trust. Disputes running for years. Mediation arranged pre-issue - settled at mediation

Challenge to the validity of a Will

- Claim by step-child against validity of step-father's will. Additional and new information disclosed at Mediation and mediation resulted in financial parameters established for that day. Participants will use the mediation day as a foundation to continue negotiations, while litigation proceeds.

S46 Administration issue - Settled

- Deceased dies intestate, children extracted the Grant with the view to distributing between themselves under S46 AEA, Claim by spouse that she was the right person to benefit from the estate. Challenge raised by children as to whether deceased and spouse/partner were actually married. All issues resolved in a comprehensive settlement agreement at Mediation.

Claim by Spouse and minor child against. Estate - Settled

- Claims by spouse and deceased's minor child against his estate. Intimated claims by other family members against aggravated estates. Issue regarding a declaration of trust. Mediation ended in a comprehensive settlement to be approved by the Court.

Challenge to the validity of a Will / 1975 Act Claim - Settled

- Claim by natural child of deceased that her parent's will had been revoked and the estate should pass to her entirely under the intestacy provisions. In the alternative claim against parent's estate for financial provision under the 1975 Act. All claims settled in one day at mediation

TOLATA & Sch.1 Children's Act Claims

- Claim for a declaration as to beneficial interests in respect of a jointly owned property, proceedings issued. Defence introduced Sch1 CA issues, and at mediation additional child arrangement issues raised. Day used to explore existing and intimated issues with possible routes to settlement put forward. Understanding that additional claims to be issued. Participants to continue negotiations as proceedings (existing and new) are progressed.

1975 Act Claim by Spouse, S 20 Application for Rectification and Claim against Solicitors that prepared the Will and a claim in relation to a SIPP - Settled

- Claims intimates by surviving spouse for rectification, 1975 Act claim against the Estate for financial provision and potential claim against the Solicitor that prepared the Will. All issues resolved at mediation with a comprehensive settlement agreement and Deed of Variation.

Claims raised by sisters/executors against each other - settled

- Numerous claims by sisters against each other including movement of money during Mother's lifetime and following her death, boundary issues and estate administration matters. All issues resolved at mediation with comprehensive tomlin order and schedule.

TOLATA Dispute - Settled

- Dispute between joint beneficial owner and beneficiary of other joint owner of a property. Issues raised including estoppel, constructive and resulting trust and occupation issues. Dispute resolved at mediation.

Multi-party proprietary estoppel and financial remedy in divorce - settled

- Intimated claim by child against parents for anticipatory breach of a an alleged proprietary estoppel of a £1.5M farm. Parents currently divorcing. All issues in dispute resolved between all participants in a comprehensive settlement agreement.

Proprietary Estoppel by Son of the Deceased - Settled

- Surviving parent died intestate automatically leaving estate to two adult sons equally. Main estate asset the family home in which one adult son lived in all of his life. Proceedings issued claiming absolute beneficial interest in the property on the grounds of proprietary estoppel. Trial date set down for 4-5 days to start the following week. All issues resolved between the brothers in a comprehensive settlement agreement annexed to a Tomlin Order.

1975 Act Claim by person being maintained by the Deceased - Settled

- Claim by in-law for maintenance a - Settled against an estate on the grounds that before the dead the claimant was being maintained. Settlement reached on the day at mediation.

Claim by former spouse - Settled

- Claim by former spouse against late ex-wife's estate in relation to the terms and construction of ancillary relief order in relation to a charge placed over the matrimonial and subsequent properties. Issues resolved at mediation and recorded in a comprehensive settlement deed.

Claim as to validity of Will and lifetime gifts - Capacity, K&A and Undue Influence - Settled

- Daughter's claim against parent's last will on grounds of capacity, Undue Influence and K&A - all issues resolved at mediation in a comprehensive settlement agreement.

Registered charge on deceased's estate - challenge to validity - settled

- Challenge by executor's of deceased's estate as to the validity of a legal charge placed on the deceased's property less than two weeks before her death. Charge challenged on the grounds of undue influence, deceased's capacity and whether charge legally enforceable. All issues settled at mediation.

Administration of Estate - Settled

- Dispute between sibling executors on a number of issues. All issues resolved and settlement reached on the day with a comprehensive settlement agreement and agreed letter of instruction to independent professional to conclude the administration

1975 Act claim by person claiming to be treated as a child of the deceased - settled

- Claim issued against estate of an individual who claimed to be treated as a child of the deceased. Issued raised about eligibility and other matters. Issued resolved at mediation with Tomlinson order and schedule

1975 Act Claim by Adult child - Settled

- Proceedings issued challenging the validity of the will admitted to probate and a number of historic wills together with a lifetime gift of the deceased's main asset and a claim under the 1975 Act by adult child. Focus on settling all claims achieved at mediation.

1975 Act Claim by Adult child - Settled

- Proceedings issued by adult child against parent's estate. Mediated at an early stage (pre CCMC) - settlement reached at the mediation.

TOLATA dispute

- Dispute over beneficial interest in £1.75M Farm. Mediating pr-issue - full disclosure not too hand. Mediation resulted in a focus on outstanding issues and to continue negotiations with a view to reaching settlement when supporting documentation in view,

1975 Act / Proprietary Estoppel Dispute

- Dispute involving claim by adult child against parent about ownership of part of a farm. Numerous issues raised. Mediation resulted in agreeing terms in part and to continue to negotiate in respect of the balance.

TOLATA/Beneficial interests in a property - Settled

- Dispute between parent and child over beneficial interests in a property purchased pooling resources following a falling out between the parties. Mediation ended in a comprehensive settlement which included detailed way forward factoring in contingencies.

TOLATA / Beneficial interest in a property/unlawful eviction - Settled

- Claim by cohabitee against a deceased's estate to an interest in the property in which they lived, and a claim for unlawful eviction. All issues resolved at mediation and incorporated in a Tomlin Order.

1975 Act Claim by cohabitee - settled

- Claim by cohabitee to reasonable financial provision after deceased dies intestate. Dispute as to eligibility and quantum. Issues resolved in a settlement agreement at the mediation

TOLATA Dispute (Family members) - Settled

- Claim by family members as to beneficial shares in a property together with additional claims for occupational rent and equitable accounting. All issues settled at mediation in a Tomlin Order with settlement agreement annexed.

Challenge to the validity of last will & 1975 Act Claim by Adult Child - Settled

- Claim by adult child for financial provision under the 1975 Act and also to set aside the last will on the grounds of capacity and/or fraudulent calumny. All issues resolved in a settlement agreement at the mediation.

Mutual Wills/Proprietary Estoppel - settled

- Claim for declaration of beneficial interest in property. All issues resolved in a comprehensive settlement at mediation.

1975 Act claim by cohabitee - settled

- Claim by cohabitee against deceased's estate which passed to wife under the intestacy provisions - mediating pre-issue. Claim settled at mediation.

Proprietary Estoppel - Farming dispute - settled, subject to contract

- Claim against father's estate for specific parcels of farmland, woodland and buildings. Mediation day 1 adjourned with some progress made and agreement to re-fix for a second day. All issues resolved, subject to contract, in an outline agreement with reference to a plan, and subject to a number of conditions.

1975 Act claim by adult child - settled

- Claim by adult child for provision for maintenance from late parent's estate . Proceedings issued, claim settled at mediation.

Claim for beneficial interest in a property - family dispute - settled

- Claim by sibling for a beneficial interest in a property alleged to have been purchased with his financial assistance. Complicated history involving alleged pooling of family resources. Claim settled at mediation.

Proprietary Estoppel - parents still alive - settled

- Claim by son against parents for farm and buildings based on promises made in return for work done during his lifetime. All issues settled at mediation in a comprehensive settlement agreement.

TOLATA - claim for declaration as to beneficial interests - settled

- Claim by former partner for a declaration of beneficial interest in jointly held property and order for sale. Mediation ended in a comprehensive settlement giving both participants certainty going forward and allowing both to move on with their respective lives.

TOLATA dispute - (Zoom mediation) - settled

- Claim for enhanced payment following sale of property held jointly and for increased beneficial interest in land jointly owned. Proceedings issued. Mediation conducted using video conferencing with participants and lawyers in different location. Settlement reached on the day and agreement approved and signed by parties to the claim using eIDAS approved esignature facility.

1975 Act Claim by Cohabitee/dependant - (Zoom mediation) - Settled

- Claim by person claiming to be cohabitee and dependant against estate. Dispute had been running for sometime with a standstill in place which was due to expire. Majority of fact in dispute however allowances given for the purposes of mediation. Issues resolved at mediation with a comprehensive mediation signed by the parties, one using the document e-signature technology.

Claim to propound will by oral evidence - (Zoom mediation) - Settled

- Claim by 12 beneficiaries to admit to Probate a reconstructed Will from oral evidence. Proceedings issued, CCMC held, directions in play with a trial window in 12 months. Mediation conducted using zoom, and all parties attending remotely with legal representation. All issues settled at mediation, with comprehensive settlement agreement signed by the majority

using e-signature technology.

1975 Act Claim (Spouse) - (Zoom mediation) - Settled

- Claim by recently married widow of deceased husband's estate. Proceedings issued. Mediation conducted remotely using the zoom platform, all parties and lawyers attended from different locations, including overseas. Mediation ended with a settlement compromising all claims and the action.

1975 Act claim by Spouse (Zoom mediation) - Settled

- Claim by long term spouse against deceased's estate in which lifetime provision had been made and limited provision in the deceased's estate. Proceedings issued and mediated post CCMC. Deceased's property the main asset. Dispute resolved at mediation with comprehensive settlement agreement annexed to Tomlin Order agreed and signed electronically by all parties to the action.

Proprietary Estoppel (Zoom mediation) - Settled

- Claim by adult child who issued proceedings after caring for a parent who subsequently leaving her estate to her grandchildren. Issues discussed at mediation, participants engaged throughout and the mediation ended in a settlement. Tomlin Order drafted and signed by all.

TOLATA - (Zoom mediation) - Settled

- Claim by Executor on behalf of deceased's estate for enhanced beneficial interest in jointly owned property. Claim settled and consent order prepared and electronically signed to conclude.

Trust dispute - (Zoom mediation) - Settled

- Dispute between Trustees about sale of trust property and purchase of replacement property. Trustees are life tenant and remainderman. Mediation included looking at a number of options, and tax consequences. Mediation ended in a comprehensive settlement agreement addressing all issues in dispute between the Trustees.

1975 Act Claim by Cohabitee and person being maintained by the Deceased - Zoom mediation) - settled

- 1975 Act claim as described above, eligibility in dispute, as degree and need for maintenance. All issues resolved at mediation. Agreement produced and electronically signed to conclude.

Two 1975 Act Claims, one by Spouse and the other by a vulnerable adult child - (Zoom mediation) - Settled

- In addition to the above claim under S9 of the Act to bring back into the estate assets that passed by survivorship. Dispute had been running for four years and included an aborted trial. All claims issued settled at mediation, Tomlin Order completed and electronically signed,

1975 Act Claim by Adult child - (Zoom mediation) - settled

- Claim by adult child for provision out of deceased's parent's estate. All issues settled at mediation and settlement agreement electronically signed.

Proprietary Estoppel & 1975 Act Claim (Dependency) - (Zoom mediation) - Settled

- Claim by family member against b

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