

Lynne Counsell

General Information

Lynne was called to the Bar in 1986 and has since practised in Lincoln's Inn chancery chambers. Her two areas of expertise are private client (traditional Chancery work such as probate procedure, accounts, Inheritance Act claims, Court of Protection matters, cases under the Variation of Trusts Act 1958, mutual wills, construction of wills and trusts) and financial services (interpretation of the FSMA 2000, collective investment schemes, regulatory issues and the marketing of investments).

This is with a particular emphasis on drafting but also includes advisory and litigation work. Drafting comprises the drafting and interpretation of wills and trusts as well as commercial documents.

Lynne is the author of numerous books, including various volumes of Atkin's Court Forms. This gives a unique insight into drafting, procedural and legal issues and means, for example, she has won cases on more obscure causes of action such as account stated.

She is also on the expert panel for LexisNexis Q&A – Private Client and LexisNexis Q&A – Commercial.

Areas of law

- Chancery
- Financial Services

Chancery

- Drafting and conducting proceedings for interim and final accounts in both Chancery and commercial matters
- Applications involving the appointment and removal of executors
- Advising on probate procedure
- Litigation in respect of mutual wills, including the case of *Charles v Fraser* [2010] EWHC 2154 (Ch)
- Applications under the Variation of Trusts Act 1958
- Trust and will disputes, including the interpretation of instruments and the duties of trustees/personal representatives
- Litigation of Inheritance Act claims
- Advising on the procedure and duties in respect of lasting powers of attorney
- Advising and applications in respect of the Mental Capacity Act 2005
- Drafting wills, trusts and related documents
- Drafting Partnership deeds

Financial Services

- Advising on the construction of the FSMA 2000 and whether it applies to commercial arrangements or activities
- Advising on whether film investment schemes, property developments and various other arrangements are collective investment schemes within the meaning of the FSMA 2000
- Disciplinary proceedings as to whether traders or other financial services authorised persons have breached relevant rules
- Litigation as to whether clients are in breach of the FSMA 2000
- Advising on the marketing and advertising of investments
- Advising on the requirement for and content of prospectuses and also the listing rules
- Drafting unit trusts, including for a foreign government
- Drafting shareholder and takeover agreements
- Drafting the rules and regulations for a UK building society
- Drafting all mortgage documentation for one of the main UK banks
- Drafting loan agreements for UK companies, including those linked to Swiss financial services law

Memberships

- Chancery Bar Association

Education

- History BA (Hons) – Bedford College, London University

- Diploma in Law – City University, London

Awards

- 2017 Corporate International Global “Investment Contracts Barrister of the Year in England”

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