

Andrew Charman

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Wills, Trusts & Probate Profile

Andrew acts for and against trustees and executors and has particular experience of claims involving allegations of breach of trust and challenges to trustees' exercise of discretionary powers, approval of trustees' resolutions and the appointment and removal of trustees. Andrew appeared in *Jones v Firkin-Flood*, a leading case on the approval of trustee's resolutions and removal of trustees, trustees' powers, disclosure of information by trustees to beneficiaries, trustees' unauthorised profits and trustees' powers of compromise. He undertakes the full range of contentious probate work and is experienced in claims involving insolvent estates.

Andrew's expertise in company law and financial services regulation assists him in trust claims relating to pension trusts and the use of trusts in commercial transactions. His expertise has been recognised by the main directories for many years, where he is recommended as a leading practitioner in chancery, commercial litigation, company law and professional liability.

Andrew frequently advises on the construction of wills and trust deeds.

Andrew co-authors a leading practitioner book published by Bloomsbury Professional on claims by shareholders covering unfair prejudice, derivative actions, directors' duties and other personal claims which may be brought by shareholders: *Shareholder Actions*. The first edition was published in January 2013 and the second edition was published in December 2017.

Andrew also writes academic and practitioner works for publication in the areas of his practice including for example in the field of financial law, contract and company law: *Misrepresentation and bond issues: liability on the secondary market* in the *Butterworths Journal of International Banking & Financial Law* (2011, 26(1), 17-19); and in the field of trusts and estates *Jones v Firkin-Flood: trustees - how to sell a business and distribute the proceeds* in *Private Client Business* (2010, 3, 181-188).

What-the-Directories-Say

- "His knowledge of company law is exceptional. He is very good in court.", "He is able to cut through all of the noise in order to get down to the key issues in a dispute. He will always provide sensible advice upon which you can rely.", "One of the cleverest men at the Bar, but he is also one of the nicest and most down-to-earth people you'll ever meet. He is dedicated and very consistent.", "He is a very good operator and good on paper. He has a lot of experience and is operating on a high level.", "He's very supportive, turns work around very quickly and shows tremendous commitment. He's always available and provides

very pragmatic advice." and "He's a real team player and is very commercial." - Chambers UK 2019

- "Very bright and comfortable opposite silks." - Legal 500
- "If you involve him in a case, it's like strapping on some battery-charged extra brain. He's very calm, unflappable really, and he's got a vast knowledge of company law." "Formidable knowledge in shareholder matters and company law. He's very diligent and reliable. He works to deadlines and honours them. He's also a realistic and straightforward advocate."
- "A real team player and very commercial." "He is simply superb. He is a very assured advocate, practical, empathetic, great with clients, pragmatic and commercial."
- "He's excellent with clients, friendly, affable and reasonable from the outset." "Extremely authoritative, collaborative and more than capable of taking on and beating silks." - Chambers UK 2018
- "A highly rated commercial chancery specialist who is able to draw upon his previous experience as a corporate solicitor at a magic circle law firm. A noted junior whose instructions cover general commercial disputes as well as professional negligence and company and trusts disputes. He is widely praised for his user-friendly approach, which many sources attribute to his prior career as a solicitor at a magic circle law firm." - Chambers UK 2016
- Expertise: "His advice is very practical and very pragmatic, and he is always accessible, which is essential on fast-moving work." "He is good at working in a team, and is a very astute and knowledgeable counsel." "He really is a heavyweight; he can cut through the murky facts and provide clearly thought-out solutions." - Chambers UK 2015
- Chambers & Partners 2014 states that Andrew, "continues to be noted as a highly experienced senior junior, and often handles cases unled in the chancery division and in the appellate courts."
- Previous editions described Andrew as "very clever" and stated "Market observers rave about Andrew Charman's knack for relating to clients. Formerly a solicitor in the City, Charman's sophisticated grasp of complex corporate issues - in particular, his "superb" handling of cases involving hefty transactional work - wins him a level of praise extending well beyond the Midlands Circuit" and stated: "Andrew Charman, who as a former solicitor is prized for his ability to see matters from different angles. An "approachable and strong advocate," he is something of an all-rounder, although he has a bias towards insolvency, professional negligence and general commercial matters" and "Andrew Charman is applauded as "an authoritative presence in court" who "always inspires confidence." Sources say he combines great client relationships with the valuable insight he gained from being a former transactional solicitor.
- Andrew is also recommended by Legal 500 for Chancery, Commercial, Insolvency and Banking work.

Recent-Experience

- Representing a widow in a claim for revocation of £5 million will trusts and professional negligence against the solicitors who drafted the will (settled at mediation and with successful application to court to revoke trust)
- Representing trustees in a claim to obtain court approval to provisional resolution to distribute trust fund of several million pounds
- Representing trustees of a £15 million trust fund defending applications for their removal.
- Advising and representing trustees who sought approval for a resolution to sell shares constituting a majority interest in private company on terms that involved them giving warranties and indemnities and agreeing not to exercise their dispositive powers for the warranty period
- Advising and representing a party in a claim as to the validity of a will where capacity was disputed
- Advising and representing a party in a claim as to the validity of a will where due execution was in issue
- Advising and representing executors in relation to the continued application of the rule in Parker v Felgate and in the Court of Appeal on the question of whether executors are able to recover their own legal costs where the principal beneficiary is separately represented.
- Advising and representing beneficiaries in obtaining an order for the removal of an executor
- Advising trustees on the proper construction of a trust deed
- Advising trustees on the lawful exercise of their discretionary dispositive powers
- Advising on proper construction of a pension trust deed
- Advising and representing parties to claims under the Inheritance (Provision for Family and Dependents) Act 1975

Reported-Cases

Specialist-Areas

Andrew Charman is a member of the following specialist practice groups where detailed CV's can be viewed by clicking on the links below:

- [General Commercial](#)
- [Banking & Financial](#)
- [Company](#)
- [Insolvency](#)
- [International & Overseas](#)

- Partnership
- Professional Liability
- Property
- Wills, Trusts & Probate

Qualifications-and-Appointments

- M.A. (Cantab)
- Formerly a Solicitor in the Corporate Department at Freshfields in London
- ADR Group Accredited Mediator
- Member of the Chartered Institute of Arbitrators
- Member of the Chancery Bar Association
- Member of the Midlands Chancery & Commercial Bar Association