

John Eidinow

Called: 1992

"Very highly rated."
Private Client: trusts and probate - Legal 500 2019



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Practice Overview

John Eidinow has a wealth of experience in litigation and advice relating to probate, the administration of estates, including claims under the Inheritance (Provision for Family and Dependents) Act 1975, and trusts, including charities. He has been instructed in connection with litigation in The Bahamas, the Cayman Islands, Jersey, Sark, the Isle of Man, and the Republic of Ireland. He is a contributor to the current edition of the leading professional textbook, *Williams and Mortimer on Estates, Administration and Probate* (Sweet and Maxwell) and wrote the chapter on enforcers of purpose trusts for Hubbard, *Protectors of Trusts* (OUP). He also has considerable experience in drafting constitutional documents, regulations and bylaws for large charities, especially educational charities. Valued for being "*clear, concise and constructive*", he has been described as "*a junior of choice for many instructing solicitors*" and "*particularly astute on matters of will interpretation and trust management*" (Legal 500).

Trusts and Estates

John has been instructed in cases across the full range of trusts and estates work, from litigation over wills (including capacity, ademption, and will construction) to disputes over commercial trusts. Important reported cases have included *Brakespear and others v Ackland and Dunning* [2009] Ch.32, the leading English authority on the disclosure of settlors' letters of wishes, which has been widely commented on. John's recent cases include:

- A claim against his client that a donor's life-time gift into a discretionary trust of which she was a potential beneficiary had satisfied the legacy given to her under the donor's will.
- Advising on the administration of a very complex and very valuable estate left by a highly successful entrepreneur combining cross-border probate issues in an emerging Eastern European jurisdiction involving lawyers in three countries, English Inheritance Act claims, and difficult issues of domestic estate administration.
- A high-value claim involving 10 parties alleging misadministration of an estate, with claims and cross-claims against and between executors, and a series of additional and third-party claims.
- An 11-party arbitration over the correct administration of trusts affecting the oil passing through a transcontinental oil pipeline and the monies in a related trust account operated by John's client.

Cases

Name: **Brakespear and Others v Ackland and Dunning**

Reference: [2008] EWHC 220 (Ch): Briggs J.; Times, March 10, 2008

Date: 19th February 2008

Court: Court of Appeal

Comment:

This is the first English authority on disclosure of a settlor's letter of wishes.

Practice Area: Trusts and Estates

Name: In re Zielinski deceased, Korab-Karpinski v Lucas-Gardiner

Reference: [2007] WTLR 1655

Date: 12th May 2006

Court: High Court

Practice Area: Trusts and Estates

Name: Weissfisch Litigation

Reference: [2006] 1 Lloyd's Rep 716, LTL 8/3/2006, [2006] 1 CLC 424

Date: 8th March 2006

Court: Court of Appeal

Practice Area: Commercial Litigation

Articles

Date	Title	Contributors
15th January 2011	Wills and the Mental Capacity Act 2005 Published In <i>New Square Chambers</i>	John Eidinow

Date	Title	Contributors
31st January 2009	Trustees spilling the beans Published In <i>New Square Chambers</i>	John Eidinow

Publications

Date	Title	Contributors
28th August 2013	Protectors of Trusts 2013 Oxford University Press	Mark Hubbard John Eidinow
31st January 2013	Williams Mortimer & Sunnucks on 'Executors, Administrators & Probate' 2013 Sweet and Maxwell	Leigh Sagar John Eidinow Alexander Learmonth Charlotte Ford
