

Overview

Court of Protection
Trusts
Wills and Estates

Mediation and
Arbitration

Profile: Overview

Justin Holmes is recommended as a leading junior for Private Client: Trusts and Probate work by the Legal 500 and for Traditional Chancery and Court of Protection expertise by Chambers UK, which notes that he is “especially good on deputyship applications, statutory wills and the making of gifts”.

Experience and Expertise

Justin advises and represents executors, trustees and beneficiaries in disputes involving wills, estates and trusts, and has particular experience of applications under the Inheritance (Provision for Family and Dependents) Act 1975. He has advised and represented clients in numerous cases involving the selection or replacement of executors, administrators and trustees. His practice includes applications in the Probate Registry of the Family Division as well as in the Chancery Division of the High Court.

A major part of his work is providing sensible, clear and practical advice to executors, trustees and administrators on the construction of wills and trusts, and, if necessary, obtaining the court's determination of questions in dispute.

Justin has particular experience of Court of Protection litigation, including contested deputyships, objections to attorneys under Lasting and Enduring Powers of Attorney, orders for lifetime gifts and statutory wills, applications for declarations of capacity, applications for personal welfare orders (such as a direction as to which residential home is suitable for the incapacitated person, or whether a particular individual should be allowed to visit the incapacitated person), and applications for authority to conduct litigation.

He is also experienced in property matters, having advised and represented clients in cases involving contracts for the sale of land, rights of way and other easements, boundaries and rectification.

He is a regular speaker at conferences on Court of Protection matters and on wills and probate issues.

More specific details of Justin's work are available via the links below:

[Court of Protection](#)
[Trusts](#)
[Wills and Estates](#)

Cases and Work of Note

- *Public Trustee v Butler* [2012] EWHC 858 (Ch) [2012] WTLR 1043 (application by Public Trustee for construction of home-made will);
- *Cripps Trust Corp Ltd v Sands* [2012] EWHC 2229 (Ch) (application by trustees for Beddoe order in respect of construction issue);
- *TWM Solicitors v HM Attorney General* (2010) (construction of testamentary gift to charitable body which appeared to have been dissolved);
- *Martin v Browne* [2008] EWHC Civ 712 (whether will revoked by destruction);
- *Samuelson v Horspool* (2008) (contested probate; testator had suffered head injuries and stroke; whether dislike of sister was the result of mental incapacity).

Recommendations

Justin is recommended for both Traditional Chancery and Court of Protection by Chambers UK and for Private Client: Trusts and Probate by The Legal 500.

Recent editorial has included:

- "He is our preferred counsel for dealing with unusual and difficult cases. He's approachable, pragmatic and very responsive." (Court of Protection (Property and Affairs), Chambers UK, 2017)
- "Clients always warm to Justin as he is very friendly and takes time to get to know them. He explains matters to clients well and is always prepared to listen to their questions. He is a delight to work with." (Traditional: Chancery, Chambers UK, 2017)
- "Always enthusiastic." (Private Client: Trusts and Probate, The Legal 500, 2016)
- "He deals with instructions speedily and efficiently." (Chambers HNW, 2016)
- "Really knows his stuff"
- "His opinions are excellent; he turns them around very quickly, and gets the right balance between understanding the law and giving practical advice."
- "His advocacy is very good. He's charming but firm; he's not aggressive but he gets results."
- "His intellect is combined with a pragmatic approach to problem solving."
- "Enthusiastic, very approachable and well liked by clients."

Publications

Costs in the Court of Protection (Sept. 2009) Elderly Client Advisor.

Digest of recent cases in the Court of Protection (2010) Elderly Client Adviser Probate Guide 2010.

Qualifications

Queens' College, Cambridge

Other Details

VAT Registration Number: 646072832

Bar Membership Number: 31572

Memberships

Member of Association of Contentious Trust and Probate Specialists (ACTAPS); Member of Chancery Bar Association (ChBA).

For More Information

Please click on the links to the left or contact a member of the clerking team