

Profile: Court of Protection

Experience and Expertise

Katherine has represented and advised numerous clients, including the Official Solicitor, in connection with Court of Protection Property and Affairs matters.

Chambers UK recommends Katherine as a leading junior for Court of Protection work and notes that she is “a no-nonsense, sharp-witted, easy-to-deal-with junior who is a good first port of call. She has a first-class mind.”

Cases and Work of Note

Katherine McQuail was recently instructed in an application for a statutory will in the Court of Protection: *NT v FS* (by his litigation friend, the Official Solicitor) and others [2013] EWHC 684 (COP).

The application was brought by NT, FS’s deputy. FS had been a professional rugby league player and, now in his 70s, has a property portfolio worth more than £3m. FS never made a valid will. FS lacks capacity to manage his property and affairs due to Alzheimer’s Disease and dementia. The Court was asked to determine the appropriate division of FS’s estate on his death between his son, who would be the sole beneficiary on an intestacy, his long-term partner, who would have a good Inheritance Act claim, his mother, his siblings and an uncle. After a two-day hearing HHJ Behrens decided upon the terms of the will.

In the case of *D v JC (2012) MHLO 35 (COP)*, Katherine was instructed by an adult child, who had been adopted as a baby, who sought to be included as a beneficiary of her biological father’s statutory will on an equal footing with his other biological children with none of whom he had had a good relationship. The application was refused. Senior Judge Lush concluded that the father would probably relish being remembered for having done the wrong thing in respect of his children; his own views, as far as they could be interpreted, were that no one should have his money.