

**Overview**

Company  
 Commercial Disputes  
 Court of Protection  
 Insolvency  
 Partnership and Joint Ventures  
 Professional Liability  
 Property  
 Trusts  
 Wills and Estates

## Profile: Overview

Ulick is primarily a litigator. He is widely praised for his advocacy and in particular for his cross-examination skills. He has a broad commercial and chancery practice which also encompasses non-contentious matters and overseas work.

## Experience and Expertise

Ulick's practice encompasses contentious and non-contentious work in the following fields: commercial, company, Court of Protection, guarantees, insolvency, partnership, professional negligence, property, trusts and wills, estates and probate.

## Recommendations

Ulick is recommended by the legal directories as leading junior for commercial and traditional chancery work, commercial litigation and Court of Protection matters. Recent directory editorial comment has included the following:

- "He's very quick to respond and most helpful." (Court of Protection (Property and Affairs), Chambers UK, 2017)
- "A doughty fighter and a forceful advocate, he'll push his client's position, but won't take bad points." (Court of Protection (Property and Affairs), Chambers UK, 2017)
- "He is very measured, calm and easy to talk to about strategy." (Commercial Dispute Resolution, Chambers UK, 2017)
- "He's an extremely effective advocate, and he is exceptional at cross-examination, which is a skill that is crucial to a barrister." (Chancery: Traditional, Chambers UK, 2017)
- "Ulick Staunton is particularly good in conference and he provides excellent commercial advice to the clients." (Chancery: Commercial, Chambers UK, 2017)
- "His understanding of the law is complemented by his commercial approach." (Commercial litigation, The Legal 500, 2016)
- he is an unusual creature with empathy and humour. Just brilliant.
- clear, concise and to the point which, from a commercial client's perspective, is exactly what you want
- he takes a very direct approach in both his written and oral advice, which always finds favour with commercial
- clients looking to cut to the chase
- an extremely effective strategist
- a tenacious advocate who is extremely quick on his feet in court
- exceptionally good with the client, and he handles negotiations very well
- a bullish advocate who has an excellent commercial approach that is appreciated by business and corporate clients
- his clarity of thought is second to none
- an ultra-reliable litigator
- gets to grips with the issues at hand with lightening speed
- knows his jurisprudence inside out
- widely praised for his advocacy
- a tough fighter
- a great performer in court
- a strong, aggressive advocate
- highly flexible on his feet.

## Cases and Work of Note

- *Favor Easy Management v Wu [2012] EWCA Civ 1464*, appeal dismissed, the judge in deciding what was the true intention concerning ownership of a bearer share in Seychelles company had correctly decided that the solicitor's files were only snapshots of the instructions received from the Defendant, and the true intentions

of the parties could only be derived from the evidence as a whole. The judge was not bound simply to construe the documents in isolation from the realities of the case.

- *Re Guney deceased [2012] EWCA Civ 1268* the appeal was dismissed and the court held there was no error in principle to award a co-habitee an absolute interest as opposed to a life interest in the quasi-matrimonial home and also award outright the deceased's shares in a private company rather than permit the beneficiaries an opportunity to purchase the same
- *Long v Rodman (2012) EWHC 347 (Ch), (2012) MHLO 12* whether a property and affairs deputy appointed by the Court of Protection should be replaced because of potential conflict of interest.
- *Hackett v HMRC [2011] EWHC 1170 (Admin) and [2011] Lloyd's Rep.* Whether the Claimant could defeat a confiscation order obtained by HMRC/CPS against her son on the grounds that her assets gifted to him should be set aside on the grounds of presumed undue influence or non est factum.
- *Citibid Securities v Maidment Judd appeal reference CH/2001/0496*, judgment awaited. Whether the no reflective loss principle explained in *Johnson v Gore Wood* as extended to creditors by the Court of Appeal in *Gardner v Parker [2004] EWCA Civ 781* applied to claims by secured creditors.
- *Hydropool Hot Tubs v Roberjot [2011] EWHC 121 (Ch)* whether in respect of a mandatory injunction the court could waive the requirement that the order be served with a penal notice endorsed.
- *Singellos v Singellos [2010] EWHC 2353 (Ch)* established that the rule in *Parker v Felgate* applies to lifetime transactions, so a gift is valid if the donor lacked capacity at the time of making the gift, provided the donor had capacity at the time she gave instructions for the gift to be made.
- *Re Guney deceased [2010] WTLR 839*, appeal following trial of preliminary issue about the deceased's domicile. Appeal dismissed and the court decided the trial judge had correctly looked back at the whole of the deceased's life and at what were his inferred intentions in order to decide whether he had acquired a domicile of choice in England by the date of his death, and the Court of Appeal was persuaded on a review of the evidence that, while taking special on the analysis of evidence not to isolate individual factors or treat a particular factor as decisive, see *Cyganik v Agulian [2006] EWCA Civ 129*, the deceased, despite declarations to the Revenue that he was non-dom for tax purposes, he had acquired domicile in England.
- *Re VM Court of Protection no 12094294* proceedings to establish whether VM lacks capacity to manager his affairs and make a decision to marry, with his children seeking orders for access to VM in the absence of his proposed new spouse.
- *Re S: D v R [2010] EWHC 2405 (COP)* whether a patient, who did not have capacity to manage his affairs, had capacity to decide to compromise litigation.
- *Drake v Harvey [2010] EWHC 1664 (Ch)* in calculating the sum payable to a retiring partner for his share, should one use the book values of assets as appear in the accounts or use current market values where the partnership deed was silent on the issue.
- *Favor Easy Management v Wu [2010] EWCA Civ 1630 and [2011] 1 WLR 1803*, Court of Appeal, deciding that *Thorpe v Chief Constable of Greater Manchester [1989] 1 WLR 665* applied also to the CPR and 31.6CPR did not require parties to disclose documents going to credit.
- *Re H [2010]* an appeal from a decision on an application for a statutory will, in deciding what was in the best interests of the patient, the Court of Protection was minded to take into account the residential requirements of the patient which the beneficiary under the statutory will could meet during the remainder of the patient's life.
- *Paxman v Hughes [2006] EWCA Civ 818* - whether a co-director can complain to the court about a breach of fiduciary duty of another director or only the company, and whether the dead-lock of a company released a director from his fiduciary duty owed to the dead-locked company.
- *Stewart v Scottish Widows LTL 29 June 2005 and [2006] EWCA Civ 999*, Court of Appeal - speed humps, whether actionable interference with right of way, and whether the rule in *BTC v Gourley* applied to a claim by a company in liquidation. Assignee of tenant entitled to recover damages - was the C the correct assignee.
- *Witherdale Ltd v Registrar of Companies [2005] EWHC 2964 (Ch) [2006] BCC 412* - application to restore a company, applicant had been a director at the date of dissolution, but subsequently made bankrupt, whether he could apply because he

was a director at the date of the dissolution despite subsequent bankruptcy, see *Re Timbiqui Mines* [1961] Ch 319, or whether the company had provisional existence after dissolution of the company, see *Re H Clarkson* [1987] 3 BCC 606 such that his bankruptcy during that period resulted in him being removed from office.

- *Gardner v Parker* [2004] EWCA Civ 781, Court of Appeal, breach of fiduciary duty and the no-reflective loss principle.
- *Colas Ltd v Binns* (2004), Chancery Division, breach of warranties on share sale agreements.
- *Runcorn Stone Ltd v Aram Resources Ltd* (2004) Chancery Division, substantial transactions with parties connected to directors, s320 of the Companies Act and breach of fiduciary duties.
- *Seeckts v Derwent* [2004] EWCA Civ 393, Court of Appeal (boundary dispute), deciding the relevance of measurements on the plan to a conveyance, whether or not they determined the position of the boundaries.
- *Ling v Barclays Bank Trust Co* [2002] W.T.L.R. 553, a will contained gifts to children, one of whom predeceased leaving issue. The issue was whether upon a true interpretation of a will and s33(2) of the Wills Act 1837, issue of a predeceasing named beneficiary were entitled to that persons beneficial interest under the will, or whether there was any contrary intention in the will.
- *Longstaff v Birtles* [2001] EWCA Civ 1219 – solicitor owed paramount duty to observe fiduciary obligations in his personal dealings with current and former client, including duty to disclose and cause them to take independent advice, no scope for a further tortious duty of care.
- *Darlington Building Society v O'Rourke* [1998] EWCA Civ 1664, Court of Appeal, negligence claim against solicitors remortgaging property and consequential lender's claim, no duty on a solicitor acting for both borrower and lender in separate transactions to disclose confidential information even though that information would have been relevant to the lender's decision, application to amend refused as sought to introduce new cause of action outside the limitation period.
- *Rowan v Dann* [1992] 64 P&CR 202, Court of Appeal, leases granted for improper purposes in connection with a proposed joint business venture between the landlord and the tenant which was never finalised. The landlord was entitled to withdraw when the improper purposes which were known to both parties, were never carried out. *Tinsley v Milligan* [1992] 2 WLR 508 distinguished.

## Memberships

Chancery Bar Association; Professional Negligence Bar Association.

## Other Details

VAT Registration Number: 440519470

Bar Membership Number: 20155

## For More Information

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