Radcliffe Chambers



Justin Holmes

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Barrister

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Justin Holmes 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 Dependants) Act 1975. He has advised and represented clients in numerous cases involving the selection or replacement of executors, administrators and trustees.

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, and applications for authority to conduct litigation.

COURT OF PROTECTION

Justin is recommended by *Chambers UK Bar* as *"well known on the property and affairs side of the Court of Protection"* and has extensive 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 and applications for authority to conduct litigation. He has experience both in raising objections to attorneys and deputies and in rebutting them.

He is also able to advise in respect of overlapping or related personal welfare matters, such as capacity to marry, 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.

Some of his recent cases include:

- *LCN v KF* [2019] EWCOP 1 – Appearing in an urgent application for a statutory settlement for a young man whose estate would otherwise have passed to his natural mother and father, when he would have wanted to benefit the special guardians who had cared for him for most of his life and when he would not have wanted to benefit his natural father, who had denied paternity and played no part in his life at all.
- *Re HG* (unreported) – Representing one of HG's sons who owned and farmed land with his mother and HG. HG had sought advice on structuring the land ownership and the farming business to minimize inheritance tax. HG lost capacity and his deputies applied for a statutory will implementing

a tax-saving strategy which involved the creation of a discretionary trust. Another son resisted the terms of the proposed will, arguing that they were prejudicial to him and that his father would not have wanted him to be prejudiced in that way, and the OS resisted the creation of a discretionary trust.

- *Re LS* (unreported) – Acting for the attorney: LS's niece applied for interim relief and for the removal of LS's attorney, her daughter. The niece alleged that LS did in fact have capacity to make financial and welfare decisions, that LS had been tricked into agreeing to go into a care home, and that she had not agreed to the sale of her house by the attorney. LS herself appeared at the hearing.
- *Re KL* (unreported) – Advising the Official Solicitor in an application by KL's attorneys for retrospective and prospective authority to make regular gifts out of her estate to her nephew and great-nephew, and for authority to pay remuneration for care and for her services as attorney to one of the attorneys.
- *Re KR* (unreported) – Acting for KR by her interim deputy and litigation friend in proceedings which concerned both her physical safety and her financial wellbeing, both of which were threatened by the actions of the respondent. The Court made orders in respect of residence, contact, the removal of KR's property and affairs deputy and consequential matters.

TRUSTS

Justin is recommended as a leading junior for Private Client: Trusts and Probate work by The Legal 500 UK Bar. He advises and represents trustees and beneficiaries in disputes involving all kinds of trusts, and in the related field of proprietary estoppel.

He has advised and represented clients in cases involving the selection or replacement of trustees, including cases where allegations of misconduct and bad faith have been made, and on cases involving questions which have arisen in the management and administration of trusts.

He has also been involved in various cases relating to the construction and rectification of trusts established under wills and lifetime settlements, and aims to provide clear and reasoned advice to trustees and beneficiaries and to assist them, where necessary, to obtain the decision of the Court.

Recent cases include:

- *MacIntyre v Oliver* [2018] EWHC 3094 – Appearing in an application by trustees for directions and for declaration of the true construction of two will trusts; consideration of applicability of rule in Jones v Westcomb as to when a conditional gift can be saved even if the specific wording of the condition has not been satisfied; consideration of apparent condition attached to charitable gift now incapable of fulfilment.
- *English v Keats* [2018] EWHC 673 – Acting in a case concerning trustees of two trusts who had intended to exercise powers of appointment in favour of their children, but inadvertently only two of the three trustees executed the deeds; consideration of whether the trustees and other beneficiaries might be estopped from denying the validity of the deeds; application of doctrine in *Tollet v Tollet* (1728) that equity may in limited circumstances perfect the exercise of a power.
- *Re P* (unreported) – Acting in a claim against two former attorneys of P that they had unduly influenced P into transferring a large sum of money to them; relevance of advice received by P, and whether such advice was in fact independent; consideration of circumstances giving rise to presumption of undue influence.
- *Re A Chapel* (unreported) – Advising two of the three trustees of a non-conformist chapel as to whether and if so how the chapel could be sold against the opposition of the third trustee and in accordance with the terms of the 19th-century trusts upon which the chapel was held.

WILLS AND ESTATES

Justin advises and represents executors, trustees and beneficiaries in disputes involving wills and estates, and has particular experience of applications under the Inheritance (Provision for Family and Dependants) Act 1975. His practice covers both probate claims in the Chancery Division, where the validity of a will is in question, and disputes arising under the Non-Contentious Probate Rules in the Probate Registry relating to the appointment of administrators, caveats, and other matters.

He frequently advises both executors and beneficiaries on will construction and rectification questions, and aims to give practical and realistic advice to enable the administration of the estate to proceed with the minimum possible delay and expense.

He has advised and represented clients in numerous cases involving the selection or replacement of executors, administrators and trustees, and in respect of claims by beneficiaries against personal representatives for accounts and for compensation for breach of duty.

Many such claims are mediated, and he has frequently represented and advised clients at mediations.

Recent illustrative examples include:

- *Wellesley v Wellesley* [2019] EWHC 11 (Ch); [2019] 1 WLUK 413 – Acting for the executors of the estate, who merely sought to remain neutral in the Claimant's Inheritance Act claim, but were accused by the Claimant of misrepresenting the value of the estate and of making unlawful interim distributions.
- *Re KJ* (unreported) – Acting for the professional executors of an estate against whom probate proceedings had been threatened but not pursued. Obtained direction of the Court permitting the executors to distribute the estate.
- *Re RA* (unreported) – Advising executor and residuary beneficiary of estate in respect of claim made by deceased's son to interest in estate by way of proprietary estoppel; C claimed that he had been promised the family business, and that that phrase extended beyond the (now worthless) shares in RA's building company to his other assets.
- *B v S* (unreported) – Appearing in an application to remove personal representatives in circumstances where the administration had been continuing for many years, the personal representatives had delayed in producing accounts, and one of them had been living rent-free in a property belonging to the estate (and not left to him under the will).

MEDIATION AND ARBITRATION

The mediation of disputes is particularly common in the fields in which Justin Holmes practices, and he is able to advise on the advantages, disadvantages and timing of mediation, on the choice of mediator, and on preparation for the mediation, and has frequently been instructed to advise and represent clients at the mediation itself.

RECOGNITION

Justin is recommended as a leading junior for Private Client: Trusts and Probate work by *The Legal 500 UK Bar* and for Traditional Chancery and Court of Protection expertise by *Chambers UK Bar*.

Recent editorial has included:

- "*Justin is reliable, experienced and very knowledgeable.*" (Chancery: Traditional, *Chambers UK Bar 2026*)

- *"Justin Holmes is great with clients and always has a reasoned and measured approach."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"He is calm and reassuring, exceedingly knowledgeable and very prompt in advising"* (Private Wealth and Probate, *Legal 500 UK Bar 2026*)
- *"Justin Holmes' quality of work is outstanding." (Court of Protection: Property & Affairs, Chambers UK Bar 2026)*
- *"Justin's knowledge, in particular of Court of Protection work, is second to none. He is always easy to work with, great with clients and has exceptional response times."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"Justin Holmes is experienced and knowledgeable. He is an excellent advocate."* (Chancery: Traditional, *Chambers UK Bar 2026*)
- *"Justin's depth of legal knowledge and pragmatic approach to advocacy makes him a go-to counsel."* (Court of Protection: Property & Affairs, *Chambers UK Bar 2025*)
- *"Very calm and to the point, he has a good way of managing clients and their expectations."* (Chancery: Traditional, *Chambers UK Bar 2025*)
- *"A go-to barrister for this sort of work, who is responsive and approachable."* (Chancery: Traditional, *Chambers UK Bar 2025*)
- *"Justin has exceptional advocacy skills and is quick-witted, knowledgeable, personable and practical."* (Chancery: Traditional, *Chambers UK Bar 2025*)
- *"Justin is extremely knowledgeable and patient."* (Court of Protection: Property & Affairs, *Chambers UK Bar 2024*)
- *"He turns around his work promptly and his drafting is excellent."* (Court of Protection: Property & Affairs, *Chambers UK Bar 2024*)
- *"He is clear, pragmatic and available."* (Court of Protection: Property & Affairs, *Chambers UK Bar 2024*)
- *"An experienced and personable barrister who grasps the issues quickly and provides strong representation in court and in mediation."* (Chancery: Traditional, *Chambers UK Bar 2024*)
- *"Justin gives pragmatic advice and does not sit on the fence. His turnaround times are also great – a couple of days max – which is a dream."* (Chancery: Traditional, *Chambers UK Bar 2024*)
- *"An experienced and personable barrister who grasps the issues quickly and provides strong representation in court and in mediation."* (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- *"Justin gives pretty pragmatic advice and does not sit on the fence. The turnaround times are also great, a couple of days max, which is a dream. He is awesome and regularly recommended."* (Chancery: Traditional, *Chambers HNW London Bar 2023*)
- *"Justin is brilliant with clients. He is very calm and has a good way of explaining things."* (Court of Protection: Property & Affairs, *Chambers UK Bar 2023*)
- *"Justin is very experienced and always provides sound and clear advice to the clients. He is excellent in his written advice and at conferences or mediations. He is extremely eloquent and well presented at hearings."* (Court of Protection and Community Care, *Legal 500 UK Bar 2023*)
- *"Justin is very experienced in the area and always provides sound and clear advice to the clients. He is excellent in his written advice and also at conferences or mediations. He ensures that all bases are covered and remains balanced and calm at all times."* (Private Client: Trusts and Probate, *Legal 500 UK Bar 2023*)
- *"Very capable on his feet and provides excellent advice." "Justin is very quick, thorough and approachable."* (Court of Protection: Property & Affairs, *Chambers UK Bar 2022*)
- "*Justin is always prompt and efficient, with excellent knowledge of Court of Protection matters. He also has the ability to put anxious clients at ease.*" (Court of Protection and Community Care, *Legal 500 UK Bar 2022*)
- "*Justin presents well to clients in conference, has complete mastery of the jurisdiction and understanding of the issues that need to be brought to bear in order to win a case and is good in front of both masters and High Court judges.*" (Private Client: Trusts and Probate, *Legal 500 UK Bar 2022*)

- *"His response times are incredible and his manner with clients is excellent. The quality of written advice is also excellent."* (Chancery: Traditional, *Chambers HNW London Bar 2021*)
- *"Down to earth, pragmatic and always calm under fire." "He's extremely personable and efficient. He gets his head into very complicated matters and is good at managing tricky dynamics."* (Court of Protection: Property & Affairs – All Circuits, *Chambers UK Bar 2021*)
- *"Bright, good with clients, reasonable and collaborative," "he's very good in conference and very hard-working." "He's so good on Court of Protection crossover work." "His knowledge is second to none."* (Chancery: Traditional, *Chambers UK Bar 202*1)
- "*Encyclopaedic knowledge of trusts and probate; good paper turn around time; good with clients in con; a tough negotiator in mediations*." (Private Client: Trusts and Probate, *Legal 500 UK Bar 2021*)
- *"Bright, tough in court, very good papers turnaround and good with clients and not too expensive."* (Court of Protection and Community Care, *Legal 500 UK Bar 2021*)
- *"Bright and good with clients, reasonable and collaborative,"* (Chancery: Traditional*, Chambers HNW London Bar 2020*)
- "*He's very good in conference with the client, and very hard-working and diligent."* (Chancery: Traditional*, Chambers HNW London Bar 2020*)
- "*He's so good on Court of Protection crossover work."* (Chancery: Traditional*, Chambers HNW London Bar 2020*)
- *"His knowledge is second to none."* (Chancery: Traditional*, Chambers HNW London Bar 2020*)
- *"Very understated but extremely knowledgeable. He is calm in his way of approaching matters and is able to make complex matters seem simple."* (Court of Protection: Property and Affairs, *Chambers UK Bar 2020*)
- *"He provides clear and practical advice and has a very good manner with clients." "Pragmatic and thorough."* (Chancery: Traditional, *Chambers UK Bar 2020*)
- *"Remains pragmatic throughout to find a solution all of the parties are able to agree to."* (Court of Protection and Community Care, *The Legal 500 UK Bar 2020*)
- *"Strong powers of analysis, very good with clients in conference, assertive and able in court."* (Private Client: Trusts and Probate, *The Legal 500 UK Bar 2020*)
- *"Justin is very sharp, very calm and just an overall great barrister to deal with. He can get straight to the nub of issues and understands the commercial realities of cases." "He has a real depth of understanding of how the Mental Capacity Act works and he's good at finding sensible outcomes."* (Court of Protection: Property and Affairs, *Chambers UK Bar 2019*)
- *"Very confident on his feet and very good with clients, especially when there might be sensitive issues in play."* (Chancery: Traditional*, Chambers UK Bar 2019*)
- *"He processes the key issues quickly."* (Private Client: Trusts, *The Legal 500 UK Bar 2019*)
- *"A very experienced and wise CoP practitioner."* (Court of Protection, *The Legal 500 UK Bar 2019*)
- *"He is a go-to person for work in this area. He has an encyclopaedic knowledge, significant experience and a pragmatic approach." "He is helpful and supportive of clients, his advice is top quality and he is quick thinking in court."* (Court of Protection: Property and Affairs,*Chambers UK Bar 2018*)
- *"A persuasive, down-to-earth barrister with a very practical mind. He is a sensible and trusted advocate who is used widely by the official solicitors and other lawyers."* (Chancery: Traditional, *Chambers UK Bar 2018*)
- *"Sharp, knowledgeable and very approachable."* (Private Client, *The Legal 500 UK Bar 2017)*
- *"An expert and a real safe pair of hands; you can trust him with any matter."* (Court of Protection, *The Legal 500 UK Bar 2017*)
- *"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 Bar 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."* (Chancery: Traditional, *Chambers UK Bar 2017*)
- *"Always enthusiastic."* (Private Client: Trusts and Probate, *The Legal 500 UK Bar 2016*)
- *"He deals with instructions speedily and efficiently."* (Chancery: Traditional, *Chambers HNW 2016*)

PUBLICATIONS AND SPEAKING

Justin is a contributing author of "A Practitioner's Guide to the Court of Protection", 4th ed., published by Bloomsbury Professional in May 2018.

Justin is a regular speaker at conferences on Court of Protection matters and on wills and probate issues. He is also very happy to speak and provide training on topics relating to his practice areas.

QUALIFICATIONS

MA (Cantab), Queens' College, Cambridge

MEMBERSHIPS

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

POLICIES AND OTHER DETAILS

- Read Justin's Privacy Notice, Data Protection Policy and Disposal Policy
- VAT Registration Number: 646072832
- Bar Membership Number: 31572