



## Roger Mullis

Call: 1987

### Barrister

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**Roger Mullis** has a traditional and commercial chancery practice with an emphasis on property litigation (including commercial and residential landlord and tenant), contentious probate and administration of estates, family provision, trusts, and professional negligence litigation relating to the above areas of practice.

He appears regularly in the Court of Appeal, the Business and Property Courts of the High Court (before judges and masters), the Family Division (in family provision cases), in county courts and in the Court of Protection, the Upper Tribunal (Lands Chambers) and the Land Registry and Leasehold Property Tribunals.

#### PROPERTY

Roger acts in a very wide range of property matters, litigious and advisory, and commercial and domestic, including beneficial ownership of property (express, implied and resulting trusts), boundaries and easements, adverse possession, covenants, conveyancing, overage agreements, options, rectification of conveyances and of the Register, mortgages and nuisance and trespass claims.

He also acts for both commercial and residential landlords and tenants in a wide variety of cases, including forfeiture for non-payment of rent and breach of covenant, rent review, business tenancy renewals under the Landlord and Tenant Act 1954 and leasehold enfranchisement, relating to both eligibility and valuation. He has had a number of successes in the Leasehold Valuation Tribunal, in which he has been successful at all stages up to and including the Court of Appeal.

He has advised and acted for a number of local authorities in relation to a variety of property issues.

A number of Roger's cases are highly confidential but some of his successes in relation to beneficial ownership claims include *Patel v Patel* [2010] EWCA Civ 1242, in which he succeeded in establishing his clients' beneficial ownership claim to its full extent after a 15-day trial, and *Hurley v Hurley* [1998] 1 FLR 213, [1998] 2 FCR 14, [1998] Fam. Law. 16 (Court of Appeal), where his intervention on behalf of the wife's mother in ancillary relief proceedings, claiming a beneficial interest in a 'granny annexe' arising by estoppel was wholly successful at first instance and led to an ultimately successful appeal process relating to the intervenor's costs.

*Another significant case is Plant v Plant [1998] 1 BCLC 38; [1998] BPIR 243*

(*Chancery Division, Carnwath J*) where Roger successfully resisted an application relating to disclosure of documents and implied undertakings relating to the use of documents in a challenge to an IVA.

## **WILLS AND ESTATES**

Roger's work in this area is very wide-ranging, including contentious probate, administration actions, claims under the Inheritance (Provision for Family and Dependents) Act 1975, will construction and the administration of estates generally.

He has acted in relation to estates of very high value and secured very substantial awards (both at trial and by way of compromise) for applicants in all categories under the 1975 Act. In *Borman v Le* [2002] WTLR 237 (Chancery Division, Nigel Davis KC), he argued successfully for the validity of a will challenged on the grounds of want of due execution or want of capacity, having cross-examined a subscribing witness to the will on her evidence that she had not in fact witnessed the testator signing the will or signed the will in the testator's presence.

He also has considerable expertise in drafting deeds of variation and advising on the Inheritance Tax consequences of wills and deeds of variation.

## **TRUSTS**

Roger is recommended by *The Legal 500 UK Bar* as a leading junior for private client, trusts and probate work. Although much of his work in this area is highly confidential, his practice includes all elements of trust law including the construction and rectification of trust deeds, breach of trustees' duties, accounting, the appointment, retirement and removal of trustees, implied, constructive and resulting trusts, tracing of trust assets and the variation of trusts. He has assisted in the reconstruction of trust accounts in large and complex successive interest trusts.

One of Roger's selected reported cases in which he successfully represented an applicant for joinder in a claim relating to the construction and effect of a compromise relating to funds in a client account is *Ondhia v Ondhia* [2011] EWHC 3040 (Ch) (*Roth J*).

## **COURT OF PROTECTION**

Roger frequently advises and represents clients in court of protection matters including the appointment of deputies, challenges to the registration lasting powers of attorney, and statutory wills.

## **PARTNERSHIP AND JOINT VENTURES**

Roger Mullis has considerable expertise in complex partnership litigation. He most recently achieved a very favourable settlement of a bitterly fought family farming partnership dispute, involving issues relating to unlawful expulsion, the partnership assets, accounting and proprietary estoppel, on day two of a five-day High Court trial. Other notable reported cases include *Patel v Patel* [2010] EWCA Civ 1242 (Court of Appeal), where he acted for the claimants in a 15-day county court trial relating to the existence of a family property investment partnership, the beneficial interests in the partnership property, and minute and complex accounting issues (involving allegations of fraud and forgery). At trial he won on every issue, and he subsequently succeeded in securing the dismissal of an appeal and refusal of permission for further appeal. Ward LJ referred to the 'compelling logic' of Roger's 'full and careful skeleton argument.'

## **PROFESSIONAL LIABILITY**

Roger advises in and litigates a wide variety of professional negligence claims, acting both for claimants and professional indemnity insurers in claims against solicitors, conveyancers, surveyors, valuers and property management

companies.

## TAX

Roger advises in relation to inheritance tax and tax planning in connection with trusts and estates, and in relation to challenges to HMRC determinations as to liability to inheritance tax. He has recently succeeded in persuading HMRC to concede that a gift of a share in a family home was not a gift with reservation of benefit.

## RECOGNITION

- *"Roger is very responsive and able to provide prompt, concise and pragmatic advice by phone and email. He is well-prepared, able to think on his feet and is impressive at presenting his arguments. He has in-depth knowledge of the law in his chosen practice area."* (Private Client: Trusts and Probate, Legal 500 UK Bar 2024)
- *"Highly responsive and able to provide advice at short notice on discrete points. He has an excellent grasp of the issues in a case and provides commercially sensible advice that is sensitive to the lay client's needs and objectives."* (Chancery: Traditional, Chambers UK Bar 2024)
- *"Roger is a master at getting to the heart of the matter and strategically guiding the case to a successful conclusion. His rapports with clients is excellent."* (Chancery: Traditional, Chambers UK Bar 2024)
- *"I am very grateful to Roger for his responsiveness and ability to provide advice at short notice and on discrete points. He has been advising on a case of ours for several years now and continues to demonstrate an excellent grasp of the issues and provide commercially sensible advice that is sensitive to the lay client's needs and objectives."* (Chancery: Traditional, Chambers HNW London Bar 2023)
- *"Roger is a master at getting to the heart of the issues in the case and strategically guiding the case to a successful conclusion. His rapport with clients is excellent. He is my go-to counsel for any civil and chancery work."* (Chancery: Traditional, Chambers HNW London Bar 2023)
- *"Possesses a really excellent level of knowledge and an ability to handle exceedingly complex matters and high-value estates. His advice is extremely clear and clients are always impressed by his approach."* (Chancery: Traditional, Chambers UK Bar 2023)
- *"Roger has huge experience to bring to any dispute, his statesman-like qualities provide reassurance to worried clients and he is able to quickly grasp the main issues of extremely complex matters, even when brought in after several years of litigation."* (Private Client: Trusts and Probate, Legal 500 UK Bar 2023)
- *"An excellent advocate who's insightful and a fantastic tactician."* (Chancery: Traditional, Chambers UK Bar 2022)
- *"Roger has a brilliant mind. Combine this with his experience of trust and tax matters means that he is able to analyse and identify the practical solutions available. Roger can simplify very complicated matters."* (Private Client: Trusts and Probate, Legal 500 UK Bar 2022)
- *"Very personable and very approachable."* (Chancery: Traditional, Chambers UK Bar 2021)
- *"Makes himself readily available and is very user-friendly."* (Private Client: Trusts and Probate, Legal 500 UK Bar 2021)
- *"He is very personable and very approachable."* (Chancery: Traditional, Chambers HNW London Bar 2020)
- *"Makes himself available at short notice and is ready to field tricky/technical questions."* (Private Client: Trusts and Probate, The Legal 500 UK Bar 2020)
- *"He is excellent with clients and at putting them at ease in difficult situations."* (Chancery: Traditional, Chambers UK Bar 2020)
- *"A very avuncular chap who is more than capable of dealing with tricky cases." "A junior who knows the law very well and is quick to grasp the issues."* (Chancery: Traditional, Chambers UK Bar 2019)

- *"He is extremely intelligent."* (Private Client: Trusts and Probate, *The Legal 500 UK Bar* 2019)
- *"He is known for his legal acumen as well as his ability to handle certain types of very complex cases."* (Chancery: Traditional, *Chambers UK Bar* 2018)
- *"Incredibly insightful and clever."* (Private Client, *The Legal 500 UK Bar* 2017)
- *"He's a real detailer, who is very bright and conscientious. His written work is very thorough. There was one case where I thought we were doomed, and he came up with ideas we hadn't thought of. It saved the day."* (Chancery: Traditional, *Chambers UK Bar* 2017)
- *"Efficient and exceptionally knowledgeable."* (Private Client, *The Legal 500 UK Bar* 2016)
- *"He is brilliant with clients. He is very human, and he has a really good manner."* (Chancery: Traditional UK, *Chambers HNW* 2016)
- *"An excellent advocate who marries very significant academic ability with an innate practicality." "Quite understated but strong."* (Traditional Chancery, *Chambers UK Bar* 2015)
- *"Very accessible and a clear, concise thinker."* (Private Client, Trusts and Probate, *The Legal 500 UK Bar* 2014)
- *"Roger Mullis attracts briefs dealing with all manner of problematic probate, will and trust disputes. He is highly rated."* (Traditional Chancery, *Chambers UK Bar* 2011)
- *"Roger Mullis covers a broad range of traditional chancery elements, although sources note that he is particularly good on wills, trusts and property disputes."* (Traditional Chancery, *Chambers UK Bar* 2010)
- *"Wills and trusts, landlord and tenant issues and property disputes are just a few of the elements of Roger Mullis's wide-ranging practice. An advocate in whom one can invest a considerable degree of trust, he recently acted for the landlord in a complex Landlord and Tenant Act 1954 renewal concerning a telecommunications mast; he also handled several complicated contested probate claims."* (Traditional Chancery, *Chambers UK Bar* 2009)

## **MEMBERSHIPS**

Roger is a member of the Chancery Bar Association and the Professional Negligence Bar Association

## **POLICIES AND OTHER DETAILS**

- Read Roger's [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#)
- VAT Registration Number: 524069065
- Bar Membership Number: 23913