



NEW SQUARE

## Nicole Sandells QC

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*Intellectually extremely bright and knowledgeable on the law and procedure.*

- Legal 500

**Nicole Sandells QC joined Chambers in 2002 having developed a successful practice at the Chancery commercial bar.**

The majority of her work falls within the general categories of Chancery, commercial dispute resolution and related professional liability, with a special emphasis on civil fraud and recoveries (both on and offshore), banking, trusts, property, and mortgage litigation.

Described as '*a mega-brain, with encyclopaedic legal knowledge and the ability to cut through complex legal issues with ease*', and '*a master tactician who is exceptionally bright and has a fantastic ability to condense significant evidential information*', Nicole is recognised as a Leading Silk for her Professional Negligence work.

In recent years Nicole has been involved in a number of high profile civil fraud and mortgage fraud related cases, including the *North East Property Buyers* litigation in the Court of Appeal and the Supreme Court (as *Scott v Southern Pacific*), where Nicole represented the successful lenders in a case with significant ramifications for the law of equitable and proprietary interests in land. Nicole's success for the Bank in the Court of Appeal in *Lloyds Bank v Markandan & Uddin* sparked a succession of cases pushing the boundaries of equity and trust law as a means of asserting beneficial ownership and recovering assets, culminating in a successful Supreme Court appearance representing the defendant solicitor in the follow up case *AIB v Redler & Co*. Nicole was also involved in the *Innovator (Brown v InnovatorOne)* and *Gaydamak v Leviev* appeals in the Court of Appeal, having been brought in to both cases for her equity and trusts expertise. Her most recent Supreme Court case, *Swynson v Lowick Rose*, drew on her extensive unjust enrichment and subrogation expertise. Success in that case has helped to define the boundaries of equitable subrogation, restitution and unjust enrichment.

As can be seen from her list of cases, Nicole is never happier than when tackling complex and difficult points of law, and relishes appellate advocacy. She enjoys finding novel ways to trace or defend assets and assert beneficial ownership, adapting traditional trust and equity principles to commercial situations. She has been involved in litigation, in England and internationally, seeking variously to recover and to defend assets for the liquidators of several failed Caribbean institutions, including appearing before the Court of Appeal of the Eastern Caribbean Supreme Court in Antigua. Nicole is currently instructed to appear as lead counsel in asset tracing litigation in several jurisdictions dealing with breach of trust, breach of fiduciary duty, restitution, tracing and the principles of accessory liability. Nicole is admitted to the BVI Bar.

Nicole's innovation, expertise and reputation is such that her cases often settle to her clients' satisfaction, even on complex and novel points of law, long before trial. Notable examples in the recent past include two multi-million pound fraud cases involving allegations of professional involvement by way of breach of fiduciary duty and trust, and professional accessory liability for knowing assistance. In both cases Nicole's clients obtained 6 figure settlements beyond expectations.



## Privacy Policy

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## Areas of Expertise

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### Contentious Trusts & Probate

Nicole's practice is concentrated on private client litigation rather than non-contentious advisory work. She has broad experience in:

- contentious probate.
- the administration of trusts and estates.
- removal or replacement of trustees, executors or administrators.
- the construction and rectification of wills and trust deeds.
- claims under the Inheritance (Provisions for Family and Dependants) Act 1975.
- trust litigation generally, including constructive and resulting trusts and tracing claims.
- lifetime gifts and assignments.
- breach of trust, remedies, and section 61 of the Trustee Act 1925.

Nicole advises and represents both trustees and beneficiaries with regard to breach of trust claims and accounting for trust property. She advises on and litigates Court of Protection matters including statutory wills, receiverships, deputyships and Enduring and Lasting Powers of Attorney. She appeared in *Re Cameron* (ademption; enduring powers of attorney) and acted for the successful applicant in *Re J*, concerning the validity of enduring powers of attorney creating successive attorneyships.

A significant minority of Nicole's practice involves representing trustees or beneficiaries in mediation or other alternative dispute resolution. She has recently been involved in settling two multi-million pound claims under the Inheritance (Provision for Family and Dependants) Act 1975 acting in one for executors and in the other for minor child claimants.

Nicole has recently appeared in both *Lloyds Bank v Markandan & Uddin* and *AIB v Redler*, which dealt with issues of breach of trust, account, remedies for breach of trust, defences under section 61 of the Trustee Act 1925 and contributory negligence and causation in the trust context.

### Cases

- **Re Cameron**  
Ademption; enduring powers of attorney
- **Re J (Enduring Power of Attorney)**  
Concerning the validity of enduring powers of attorney creating successive attorneyships
- **Lloyds TSB v Markandan & Uddin**
  
- **AIB Group (UK) plc v Mark Redler & Co**  
Dealt with issues of breach of trust, account, remedies for breach of trust, defences under section 61 of the Trustee Act 1925 and contributory negligence and causation in the trust context

## Qualifications & Memberships

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Nicole is a member of the Chancery Bar Association, the Professional Negligence Bar Association, COMBAR and the London Common Law & Commercial Bar Association



**Education** – B.A. (Oxon) (First Class)

**Languages** – French and Spanish

## Insights

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### **P&P Property Limited v Owen White & Catlin, LLP Dreamvar (UK) Limited v Mishcon de Reya [2016] EWCA Civ. 1082**

23 May 2018

Dreamvar - revolution or reprise? Has anything really changed? by Nicole Sandells QC and Nick Broomfield of 4 New Square.