

XXIV

OLD BUILDINGS

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Rachel Carver

Call: 2021



Described as “a star” by a client, Rachel Carver is building a broad commercial chancery practice across the full spectrum of Chambers’ practice areas. Her interests include trusts, probate and estates litigation, company law and commercial dispute resolution.

Clients comment that Rachel is “[s]uch a help and a pleasure to have in the team”. She is also comfortable acting as sole counsel and welcomes instructions in any of her areas of expertise.

Rachel has particular experience in offshore trust matters and has spent five months on secondment in Jersey, during which she worked on several complex, multimillion-pound trust cases.

Rachel graduated with a First-Class degree in History from the University of Oxford and achieved Distinctions in the GDL and BVS. She was awarded scholarships by her Oxford college and Gray’s Inn, as well as winning a number of academic prizes.

Prior to coming to the Bar, Rachel worked as a professional harpist. She has performed at most of the country’s major concert venues, as well as making appearances as a soloist and in orchestras on BBC TV and classical music radio stations.

Expertise

Aviation & Travel

As a pupil, Rachel provided assistance during the two-week trial of *NAS Air Company v Genesis Ireland Aviation Trading 3 Limited* [2022] EWHC 176 (Comm), a case concerning repairing obligations under an aircraft lease.

Banking & Financial Services Disputes

During pupillage, Rachel gained experience of a number of financial services matters including:

- Providing assistance during the trial of *Shop Direct Finance Co Ltd v Official Receiver* [2022] EWHC 1355 (Comm), a case with potentially industry-wide ramifications for the bringing of payment protection insurance claims.

London

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- Advising on limitation periods in relation to potential FCA disciplinary proceedings.

Civil Fraud & Asset Recovery

As a tenant, Rachel was part of the team working on a major bribery and fraud case worth around \$1.5 billion.

As a pupil, Rachel gained experience of claims for breach of fiduciary duties, knowing receipt and conspiracy.

Commercial Litigation

Rachel's recent experience has included a number of cases involving contractual disputes.

During pupillage, Rachel gained a wide experience of commercial litigation, including:

- A summary judgment application in a claim for sums due under a loan facility.
- Proceedings which included claims for the enforcement of guarantees for company debts and the adjustment of transactions under s.423 of the Insolvency Act 1986.
- A claim for breach of contract and of duty as bailee for failing to store goods securely. Breach of contract claims across a range of sectors.

Company

Rachel's experience includes:

- As sole counsel, advising on a dispute about the failure to pay dividends in a complex company structure.
- Acting for the claimants in a claim for breaches of warranties in a share purchase agreement.
- Assisting in advising a former shareholder about the effect of a shareholders' agreement and buyback contract.
- As a pupil, working on several unfair prejudice petitions.

Rachel also won the Sweet & Maxwell Prize for the highest exam mark in the Company Law elective on her Bar course.

Insolvency

During pupillage, Rachel gained insolvency experience through an application for the extension of an administration.

International & Offshore

Rachel spent five months in working in the Insolvency and Dispute Resolution team at Walkers (Jersey). As a tenant, she has also assisted with disputes in jurisdictions such as Guernsey and cases involving international law elements.

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As a pupil, Rachel worked on an unfair prejudice petition in Jersey and helped in a judicial review case in Guernsey.

Acting as Mediator

During pupillage, Rachel gained experience of mediation in the context of a probate dispute and a multi-jurisdictional judgment debt enforcement claim.

Real Estate Litigation

Rachel has gained experience of possession proceedings in the County Court.

Trusts, Probate & Estates

Rachel has a broad experience of trusts, probate and estates litigation, with recent work including:

- Acting for the beneficiaries of a Jersey trust in a claim seeking to set aside various trust documents on the grounds of lack of capacity and undue influence.
- Acting in a dispute about the validity of a will.
- Acting for the defendants in Jersey trust proceedings involving claims for indemnification by the former trustees and crossclaims for breach of trust by the current trustees.
- Acting for the beneficiaries in a claim that property was invalidly settled into a Jersey trust.
- As sole counsel, acting for a widower in an application for Court approval of the compromise of claims under the Inheritance (Provision for Family and Dependants) Act 1975.

During pupillage, Rachel's experience included:

- Claims seeking declarations that property was held on express, resulting or constructive trust. Claims disputing the validity of wills.
- Claims under the Inheritance (Provision for Family and Dependants) Act 1975. Claims seeking to recover losses caused to estates by executors and administrators. An application seeking court approval for the distribution of trust property.
- Advising a charity about its entitlement to a gift made by will.
- Advising the beneficiaries of an intestate's estate about the protection of their interests where the deceased died domiciled abroad.
- A *donatio mortis causa* claim.

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