

Inheritance disputes: A high bar for adult children



In *Miles and another v Shearer (2021) EWHC 1000 (Ch)* we represented the Defendant, Mrs Shearer, in a high value claim brought by the adult children from her late husband's first marriage for money from his estate. The claim was widely reported in the press, it was heard by the Chancellor of the High Court (and then the Court of Appeal) and raised key issues concerning how to approach cases involving adult children.

The challenge: ensuring a satisfactory outcome in the face of hostile litigation

We were asked to assist our client in defending a claim against her late husband's estate that she considered to be without merit. She felt it imperative to act in a way consistent with his own wishes expressed during his life and in his Will. This was in the face of highly personal comments criticising her conduct throughout the time she was married to Mr Shearer. The parties took wildly different views as to the strength of the claim. Had it been successful then it would have potentially opened the flood gates for any child to successfully challenge a parent's Will if nothing had been left for them.

Our approach: partnership in action

Working very closely with our client we carefully analysed the factual and legal issues raised by the children. Considerable evidence was gathered and a detailed Defence was submitted, highlighting the numerous deficiencies of the claim. Her position was robustly defended throughout the entirety of the case. The parties did undertake to attempt to resolve their differences by alternative means but those came ultimately to nothing.



The outcome: a vindication

The case went to trial towards the end of 2021. Following a trial the court found entirely in favour of Mrs Shearer. The claim was dismissed with numerous comments made by the trial judge which help lawyers in approaching cases like this in the future. The decision was appealed but the Court of Appeal refused permission to hear the case finding the judge's reasoning sound and refusing to interfere with it. The Claimants were ordered to pay her costs.

How we made a difference

The team has significant expertise in this area which made a real difference to the outcome. Being well versed in a specialist area of law matters. Coordinating the case whilst Mrs Shearer lived abroad throughout Covid lockdown presented some unique challenges. A collaborative approach was required with permission from the court for Mrs Shearer to give evidence via video-link. Throughout it was essential that her objectives were clearly understood and followed. This required strong and regular communication at all times.