

Solicitor

Offices: London

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Email: paola.fudakowska@withersworldwide.com

Education: University of Birmingham, LLB with German Law

Admitted: England and Wales, 2005

Languages spoken: Polish • French • German

Year joined: 2003



Overview

Paola advises trustees, beneficiaries, personal representatives, heirs and charities in relation to domestic and cross border trust and succession matters.

Paola's work ranges from advising on disputes relating to breach of trust claims, trusts which become involved in divorce litigation, professional negligence claims in the context of estate planning, trust and succession issues and setting aside trusts for mistake through to advising on the validity of wills, including fraud, capacity, undue influence, rectification and claims under the Inheritance (Provision for Family and Dependents) Act 1975.

Paola is also a member of the firm's Arts & Cultural Assets Group. She acts for private families in relation to loans of works of art to public institutions.

Paola spent seven months on secondment with Carey Olsen in Jersey, where she worked on contentious trust and commercial litigation matters including advising on Madoff-related claims, breach of trust claims and setting aside trusts for mistake.

Highlights

Paola, with Paul Matthews, advised the Settlor bringing the application in the matter of *the Representation of R* [2011] JRC 117 in which the Royal Court in Jersey has confirmed that the test for mistake is different from that established by the English Court of Appeal in *Pitt v Holt and Futter v Futter* [2011] EWCA Civ 197.

Publications and speaking engagements

- Speaker on *The Offshore Professional Trustee's Perspective on Ancillary Relief Proceedings in England* as part of the Taxing Trusts series, London (Sept/Oct 2011)
- Speaker on cross-jurisdictional succession *Common Law v Civil Law - A world apart?* at the AIJA Conference *International Family Wealth: Preventing erosion and attack* Oxford (April 2011)
- *No Beneficiaries, no Trust?*, Jersey and Guernsey Law Review (October 2010)
- Speaker on trustee disclosure obligations at the AIJA conference *"Trusts under Attack"*, Malta (October 2010)
- Speaker on *Developments in the Channel Islands* as part of the Offshore Trust Review series, Geneva (May 2010)
- Speaker on cross-jurisdictional succession at the AIJA conference *Meeting the needs of the modern international family*, London (May 2009)
- Regular speaker at Legacy Labyrinth conference for charities, London
- Contributor to the Wills and Probate update in the New Law Journal

Memberships

- Paola is the UK National Representative of the Association Internationale des Jeunes Avocats (International Association of Young Lawyers) (AIJA)
- Association of Contentious Trust and Probate Specialists (ACTAPS)
- Litigation and Private Clients Commissions (AIJA).

On a personal note

Paola participated in The Everest Test, a British led expedition to Everest Base Camp which raised £100,000 for The Lord's Taverners and The Himalayan Trust and holds a world record for the highest altitude recorded for an official match of sport (Twenty20 cricket) at 5,165m.



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