

## Rosalind Russell

ASSOCIATE | LONDON

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### Rosalind is an associate in the trust, estate and inheritance disputes team.

She acts for private individuals, charities and trustees, both domestic and international, across a range of inheritance and trust matters, including the validity and construction of wills, contentious estate administration, removal of executors and trustees, and the Inheritance (Provision for Family and Dependants) Act 1975. She is also a member of the Charity Legacy team.

She advises on issues which come before the Court of Protection, such as disputes about Lasting Powers of Attorney and attorney conduct (including the recent case of *Hinduja v Hinduja* [2022] EW COP 36, which went to the Court of Appeal as [2022] EWCA Civ 1492), health and welfare issues, and statutory will applications.

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## Track record

### Defeating attempt to exclude charities by way of rectification

In *Pead v Prostate Cancer UK & Others*, reported at [2023] WTLR 1089, the deceased's stepson tried to exclude three cancer charities from sharing in the residuary estate, arguing that his stepfather had intended the residue to go solely to family members. Rosalind and Paul Hewitt represented the charities in successfully defending their entitlement to residue. (The dispute then mutated into a widely-reported argument over costs, which didn't involve the charities, between the drafting solicitor and the stepson.) [Click here to read the original judgment.](#)

## Proving Will written on Mr Kipling packaging

In *British Diabetic Association v Chenery* [2024], Rosalind and Paul Hewitt acted for the charity Diabetes UK in obtaining an order to prove Mr Chenery's last Will. Mr Chenery had written the Will on two unconnected pieces of cardboard food packaging. The case dealt with the provisions of the Wills Act 1837 and the requirement that disconnected sheets be 'under the testator's control' at the time of execution. [Click here to read our summary](#) and [here to read the judgment](#).

## Obtaining costs against obstructive co-administrator

In *Berger v Schuman* [2024], Rosalind and Paul Hewitt acted for Corinne Berger, one of two sisters appointed co-administrators of their mother's estate. Mrs Berger sought the court's assistance in circumstances where her sister was (amongst other things) refusing to follow professional advice about marketing their mother's flat, which as a result had not sold despite being on the market for over a year. Mrs Berger not only obtained the order she needed, but the Judge held it was 'entirely reasonable' for her to have made her claim and ordered her sister to pay 60% of the costs personally (with the rest coming out of the estate). [Click here to read our summary](#) and [here to read the costs judgment](#).

## UHNW Lasting Power of Attorney and welfare dispute

Withers acted for the well-known businessman Gopichand Parmanand ('GP') Hinduja and his siblings in Court of Protection proceedings concerning the health, welfare, property and affairs of his brother, Srichand Parmanand Hinduja.

It is believed to have been amongst the longest-running and most complex Court of Protection disputes, spanning over twenty hearings on a wide range of issues. In August 2022, Mr Justice Hayden delivered two judgments ([here](#) and [here](#)) lifting all reporting restrictions, but at the Court of Appeal GP argued successfully that some restrictions should remain in place to preserve his brother's privacy. The Withers team was led by Stephen Richards and included Natasha Stourton, Richard Walker, Alexandra Dix and Rosalind Russell. [Read the Court of Appeal's judgment here](#).

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## Admissions

England and Wales, 2020

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## Education

University of Cambridge, B.A. (Hons) History

University of Cambridge, MPhil Medieval History

BPP Law School, GDL

BPP Law School, LPC

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## Languages

English

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## Key dates

Year joined: 2018

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