

Dawn Goodman

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Dawn is senior counsel in the trust, estate and inheritance disputes team.

Dawn has a wealth of experience litigating and working proactively with wealth-holding structures across the trust world, Europe, South America, Russia & CIS and the Middle East. She is tri-qualified (England & Wales, BVI and Eire) and acts in and advises on litigation spanning the whole range of trust and probate or estate and cross border succession issues. Once a problem has arisen she advises on ways to defuse contention, risk mitigation and alternative dispute resolution as well as on proceedings if necessary, ranging from consensual or prophylactic litigation to the most hostile of cross-border and multi-jurisdiction cases. As a recognised expert in this area, she co-authored *‘Probate Disputes and Remedies’*, 3rd Edition, Jordan Publishing, a clear and practice guide to resolving contentious probate disputes.

Dawn is CEDR (Centre for Effective Dispute Resolution) accredited and is on the ACTAPS (Association of Contentious Trust and Probate Specialists) panel of mediators. She has represented trustees, executors, beneficiaries and heirs in mediations to resolve probate and estate administration disputes, international succession claims and a wide variety of English and international trust disputes; she has also participated as a party to a mediation. Her experience inspired Dawn to become a mediator. She believes passionately in the benefits of mediation not only as a swift and efficient way of resolving a dispute but also because it gives the parties the opportunity to explore a range of options to settle their differences in a way which minimises damage to family and other relationships.

Previously a divorce lawyer, she also advises trustees and beneficiaries caught up in divorce proceedings. She is co-editor with Mark Harper of *International Trust and Divorce Litigation*, 3rd Edition, Jordan Publishing.

Garnering her experience as a litigator and fiduciary, including for a UNHW family, Dawn advises families, family offices and businesses, trustees and other power holders on governance as well as reduction and management of fiduciary risk. She applies her understanding of conflicts of laws, geopolitical risk, family tensions and succession to wealth and businesses to help clients create or restructure robust trust and succession vehicles with sufficient flexibility to continue through to succeeding generations.

Dawn is recognised across legal directories for her expertise, ranked as a star individual for private wealth disputes in Chambers HNW and listed in the Hall of Fame for contentious trust and successions disputes in Legal 500.

Track record

Beneficiaries advice

Dawn acted with Sarah Aughwane in the trustee accounting case of *Henchley v Thompson* [2017] EWHC 225 (Ch), advising successful beneficiaries in their claim against the trustee of a family trust for an account dating back over 40 years.

Recovery of misappropriated art

In the New York case of *Naxos Art Inc v Zoullas* No 16 Civ 7269 (JFK) (S.D.N.Y. Jul 7, 2017), Dawn advised a trust company while Dean Nicyper and Peter Wood acted in the recovery of misappropriated art worth millions of dollars from a custodian.

Removal of protector

In the matter of the *K Trust*, *Guernsey Judgment 31/2015*, Dawn worked alongside Guernsey advocates and Counsel to advise 11 of 14 adult beneficiaries on an application - the first in Guernsey - seeking removal of a protector whose approach was no longer considered to be in the best interests of the beneficiaries. The Royal Court established the test in Guernsey for removal of protectors and dealt with incidental issues, such as specific indemnities, to which it considered the protector was not entitled in the absence of indemnity provisions in the trust deed.

Disclosure of information against beneficiaries

In the matter of the R and RA Trusts (Guernsey C.A.) [470/2014] Dawn and Sarah Aughwane worked alongside Guernsey advocates advising beneficiaries who were the subject of an innovative application by trustees for disclosure of information against the beneficiaries in the context of an application to the Court by the trustees for the blessing of a trustee decision.

Forced heirship

In *Durham v Lambton & Others* [2013] EWHC 3566 (Ch), Dawn acted for the Earl in proceedings before the English courts in which those claiming pursuant to Italian forced heirship rules fought to stay the proceedings on the basis of forum non conveniens in favour of the Italian Courts.

Trust protectors' duties

Dawn and Sarah Aughwane worked alongside Jersey advocates for the successful beneficiaries in *The Matter of the A and B Trusts* [2012] JRC 169A, where the Royal Court of Jersey made new law on the scope of the duties of trust protectors and the grounds on which they may be removed from office. The Royal Court proceeded to suspend the protector's powers and removed him from office due to not only him having misunderstood his duties to the beneficiaries but also as a result of his failure to keep a watchful eye on the trustee's management of the trusts.

Protecting beneficiaries' interests

Re C Trust Company Limited [2009] JRC 048 was a Jersey case on ring-fencing trust assets from the impact of divorce, in which the Court adopted a novel approach to protecting beneficiaries' interests from relief proceedings in the family courts.

Beneficiaries conflicts of interest

A Trustees Limited v W,X,Y and Z [2008] JRC 097 was a Jersey case on conflicts of interest and the approval of a distribution to beneficiaries, in which the Royal Court of Jersey confirmed the basis on which it will give or withhold such approval.

Divorce trusts

Charman v Charman (no 4) [2007] EWCA Civ 503 is an important England & Wales (and to some extent Bermuda) case on trusts as a resource in divorce, where the Court of Appeal found that awarding the former wife £48 million on divorce (36.5%) was not wrong in principle as a result of the special contribution doctrine.

Residence of company for tax purposes

Wood v Holden [2006] EWCA Civ 26, a case regarding the residence of a company for tax purposes.

Probate dispute

In *Sherrington v Sherrington* [2005] EWCA Civ 326, Dawn acted for the deceased's first family at first instance and on appeal in this English probate dispute case.

Heirship rights

Lemos v Coutts (Cayman) Ltd [2003] CILR 381, a Cayman Islands case dealing with no contest clauses and entrenched heirship rights under Greek law coming into conflict with a Cayman island discretionary trust.

Settled Land Act powers

Hambro v Duke of Marlborough [1994] 3 WLR 341, a case on Settled Land Act powers.

Charity law

Wahr-Hansen v Bridge Trust Company Ltd [1994-95] CILR 435; [1997] CILR 527 in the Cayman Islands, which brought together a jurisdiction challenge, charity law and questions on the validity of trusts.

Trust structuring

Dawn's non-litigation track record includes numerous situations where settlors from the Gulf, South Africa, Central and Latin America, Russia, CIS and Ukraine or their trustees have sought advice on structuring or restructuring trusts to endeavour to make them more robust in the face of geopolitical risk.

Wealth structuring

She also combines her experience as a former divorce lawyer as well as a trust and succession litigator to advise families and trustees on structuring wealth to mitigate the risk of damage through divorce, family breakdown or where a clawback claim might arise under entrenched inheritance rules pursuant to Civil or Quranic law.

Fiduciary risk

Dawn advises trustees and other fiduciaries on reducing fiduciary risk and dealing with the consequences should an error occur in such a way as to minimise damage to all concerned. Being a member of a trustee body for an international UHNW family trust since 2014 has given her first-hand experience of the pressures, responsibilities, range and complexity of decisions which trustees need to make. This invaluable insight enables her better to advise on enhancing decision-making and processes to preserve the family's aspirations, the integrity of the trustees' decision-making and the protection of the structure.





Talks

- 'The impact of divorce on trustees and beneficiaries', ThoughtLeaders4 Virtual conference - July 2020
- 'Troubleshooting in the Trust World' - Church House Investment Management - November 2019
- 'Trustees and the Family Business', STEP Essex - October 2019
- 'Private Client case update', International Trusts & Private Client Forums: Jersey & Guernsey - March 2019
- 'Whither privilege - attorney client confidentiality in the Cayman Islands, the USA and the UK', STEP Cayman International Wealth Structuring Forum - 31 January - 1 February 2019
- 'Trusts & Divorce - an overview for trustees and practical tips', Butterfield Trust (Bahamas) Ltd - Bermuda
- 'Trusts of the Future', Private Investor: Middle East - September 2018
- 'Trusts & Companies caught in the cross-fire of Divorce?' Transcontinental Trust Conference Bermuda - June 2018

External publications

- 'To reserve or not to reserve? What can possibly go wrong - Part II' in *Trusts & Trustees*, Vol 26, issue 6 - July 2020
- 'International Trust and Divorce Litigation' (3rd Edition) (Co-author and co-editor), Jordans - 2019
- 'To reserve or not to reserve? That is the question - Part I' in *Trusts & Trustees*, Vol 25, No 10 - December 2019
- 'If Boris were a trustee, would the public trust him?' in *E-PrivateClient* - 5 December 2019
- 'What if Boris were a trustee?' in *Financial Times Adviser* - 22 October 2019
- 'Trusts and settlors - can a settlor have too much power?' in *International Family Offices Journal*, September - 2018
- 'Chapter D5 Disclosure of Information' in *'Planning and Administration of Onshore and Offshore Trusts'*, Bloomsbury Professional - 2017
- 'Chapter G1- Authority to Trustees to Incur Costs of Litigation' in *'Administration of Trusts'*, LexisNexis - 2016
- 'Chapter H1 - Action by Disgruntled Beneficiaries' in *'Administration of Trusts'*, LexisNexis - 2016
- 'Protection from protectors' in *STEP Journal* - November 2015
- 'Trustees and the Family Business' in *STEP Journal* - January 2015
- 'Probate Disputes and Remedies' (3rd Edition) (Co-author), Jordans - 2014

Admissions

- England and Wales, 1980
 - British Virgin Islands, 2008
 - Irish Practicing Certificate, 2019
 - CEDR accredited mediator, 2020
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Education

The Green School for Girls, Isleworth
Chester and Guildford Colleges of Law

Languages

English

Memberships

Society of Trust and Estate Practitioners (STEP)
Association of Contentious Trust and Probate Specialists (ACTAPS)

Key dates

Year joined: 1987
Year became partner: 1989

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