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3 Pump Court,  
Temple, London, EC4Y 7AJ

T: 020 7353 0711  
F: 0845 259 3241  
DX: 362 London, Chancery Lane

31 Southgate Street,  
Winchester, SO23 9EB

T: 01962 868161  
F: 0845 259 3240  
DX: 2514 Winchester

5 Temple Chambers,  
Temple Street, Swindon, SN1 1SQ

T: 01793 539899  
F: 0845 259 3242  
DX: 38639 Swindon 2

8 Vernon Place,  
Canterbury, Kent, CT1 3HG

T: 01227 764 899  
DX: 35342 Canterbury 1

# Contents

Family Finance .....	1
Selected Cases .....	1
Inheritance, Wills & Probate .....	2
Children Law (Private) .....	2
Selected Cases .....	2
Alternative Dispute Resolution .....	3
Qualifications .....	4
Professional activities .....	4



## ANNIE WARD MCIARB

"Annie is a strong and persuasive advocate. Her client care is excellent and her advice is always detailed, well thought out and of a high level."

Legal 500, 2024

Call: 1997

For enquiries please call +44 (0)20 7353 0711 or email

Annie Ward specialises in cases that involve issues such as financial conduct, overseas and domestic trusts, third party property interests, company shares and share options, family businesses, and inherited wealth.

Annie will get involved in cases at any stage of litigation and also in the context of mediation. She regularly appears in the Family Division on children matters.

## Family Finance

Annie specialises in medium to big money cases that involve issues such as financial conduct, overseas and domestic trusts, third party property interests, company shares and share options, family businesses, and inherited wealth. She regularly acts in related areas such as variation of orders, applications to set orders aside, freezing injunctions (County Court and High Court, UK and worldwide) and enforcement. Annie has also conducted claims in relation to matrimonial finance after the death of a spouse, and has been involved in securing the intervention of the Queen's Proctor to help set aside a consent order.

## Selected Cases

**Vaughan v Vaughan [2007] EWCA Civ 1085/ [2008] 1 FLR 1108**

Financial conduct, inclusion of pension CETVs when assessing percentage split of assets, clean break

**B v B [2008] EWCA Civ 284 / [2008] 1 FLR**

(fast reporting) (contributions, inherited wealth)

Hall v Hall [2008] EWCA Civ 350

setting aside “depth charge” orders in cases where one party is non-compliant

CB v EB [2020] EWFC 72

## Inheritance, Wills & Probate

Annie has a real depth of experience in contentious probate cases, Inheritance (Provision for Family and Dependants) Act 1975 claims and Court of Protection matters (finance only). She has specialised in this area for the last 20 years from initial written advice right through to all forms of ADR (see her separate ADR profile), trials and appeals in both the County Court/Family Court and the Chancery Division. Whether representing claimants or defendants, experienced professional executors or charities, Annie can bring a wealth of knowledge and experience born of her court room and advisory practice. This is principally where she may stand out from chancery counsel, in that her matrimonial practice gives her day in day out court room advocacy experience which many chancery practitioners simply do not have. She is therefore someone who combines an in depth knowledge of this complex area of the law with a pragmatic, more client friendly, style.

Annie Ward has experience in all forms of 1975 Act claims, ToLATA, the removal of executors, will validity claims, Court of Protection claims relating to property and affairs deputies, proprietary estoppel, setting aside transfers/gifts because of undue influence. She accepts instructions where appropriate on a direct access basis.

Annie Ward is one of our regular speakers at events and is ranked in Legal 500 and Chambers & Partners.

## Children Law (Private)

Annie takes on the more complex private law cases, usually involving 9.5 Guardians, a complete breakdown in contact, a hostile parent or parents, or some other unusual feature. These include; applications for permission to remove a child permanently from the jurisdiction, contact orders for grandparents, residence orders for grandparents or other non-parents, specific issue orders in relation to schooling, change of name, faith requirements and holidays, special Guardianship orders, and ‘Fathers for Justice’ style cases both for and against.

## Selected Cases

E v E [2006] EWCA Civ 843 / [2006] 2 FLR 1228

(Shared residence, relocation within the UK)

## Alternative Dispute Resolution

Annie Ward is an ADR accredited mediator and an IFLA qualified Arbitrator, and member of the Chartered Institute of Arbitrators. She also acts as a private FDR/ENE judge. She and Leslie Samuels K.C. are the only members of the inheritance team to have these three ADR functions.

Mediation is a process which is now familiar to most lawyers dealing with inheritance related work. A good mediator can prevent most cases from going to trial, and in her mediation practice Annie aims to focus on what each party wants to achieve, rather than focussing on the evidential or legal problems. Her experience as a divorce lawyer has given her an excellent grounding as a deal maker. She has conducted multi-party mediations, remote mediations, mediations involving interpreters, litigants in person and parties who are represented by litigation friends. She tries to combine common sense with a robust focus on consensus, with the result that she has an impressively high settlement rate.

Arbitration is less familiar to dispute resolution lawyers, but the IFLA (Institute of Family Law Arbitrators) training enables arbitrators to determine claims under the Inheritance (Provision for Families and Dependants) Act 1975 and Trusts of Land and Appointment of Trustees Act 1996. Mediation can sometimes be an ADR hoop that parties jump through with no intention of settling. Arbitration, however, *guarantees* a final and binding determination. This has particular advantages for elderly client work. Parties do not have to wait for a court date, and they do not have to go to a court building. They choose their date, their arbitrator and their location. Annie has done arbitrations in hotels, remotely, solicitors' offices and in chambers. An arbitration could be conducted in a care home or hospital if necessary. Annie is passionate about this process as being better, quicker, and often cheaper than litigation and she has extensive experience in this new area of ADR.

The FDR hearing is now an essential part of matrimonial finance claims, and the hearing at which most claims settle. The ENE hearing (early neutral evaluation) is gaining popularity in inheritance related disputes. A private FDR/ENE allows the parties to choose their judge, expedite the process by not having to wait for a court date, and have a specialist lawyer giving an indication after having carefully read the papers and listed to all the arguments fully (unlike in court where the list is too full to allow that approach). As an FDR/ENE judge, Annie has experience in giving a clear written indication on all issues, with a schedule to support it, and being available for the day to try and assist the parties and their lawyers to come to a settlement.

## Qualifications

- Accredited Mediator
- BVC
- CPE
- MA
- PGCE
- BA (Hons)

## Professional activities

Annie is a regular speaker at seminars on Inheritance Act and related claims.