



PUMP COURT

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HELEN BRANDER TEP, MCIARB

"Helen is extremely bright and a very robust advocate. One particular strength of hers is her understanding of the figures and structure of complex financial settlements. She is also lovely to work with and very helpful."

Legal 500, 2024 - Divorce and Financial Remedy

Call: 2002

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

Helen Brander is a matrimonial finance, trusts and estates practitioner. She advises and represents individuals and their associated entities (companies, trustee bodies, unincorporated associations) in matters concerning family finance, financial provision for children, the financial aspects of cohabitation, trusts of land, trustee disputes, inheritance and probate disputes. Her work includes:

- consideration of company structures and valuations,
- trusts of land as between cohabitantes, within extended family structures, and as between individuals and companies,
- trusts and family settlements,
- tax implications of particular transactions,
- the effect of insolvency on potential transactions, and
- pursuing and securing property and assets.

Helen advises, assists and provides representation at any stage of proceedings and welcomes requests for initial advice. She is a firm believer in the benefits of alternative and out-of-court dispute resolution, including mediation and early neutral evaluations / private financial dispute resolution. She conducts private FDRs, ENEs in civil disputes, and arbitrates Children Act 1989 disputes under the IFLA (Children) arbitration scheme.

Helen has a professional interest and experience in:

- the application of family and succession law in Italy and Germany, the experience of expatriate Britons in those countries, and their nationals living in England and Wales.
- cryptoassets, including cryptocurrency, email accounts, social media accounts, and their relevance, protection and tracing in matrimonial finance and estates.
- manipulated digital documents and evidence, and their impact in legal disputes.

As a result of her historic extensive experience in representing parents and children in both public and private Children Act 1989 proceedings, Helen understands and is able to advise how a particular financial structure or arrangement might impact on other family issues upon which the parties might otherwise litigate. She advises clients sensitively and carefully, remembering always that they are at an extremely vulnerable moment in their lives.

Testimonials:

Legal 500:

“Helen is extremely bright and a very robust advocate. One particular strength of hers is her understanding of the figures and structure of complex financial settlements. She is also lovely to work with and very helpful.”

“Helen is very well-prepared and very knowledgeable. Her position statements are always clear and detailed, and she gives clear and honest advice in conference.”

“Helen is always impeccably prepared. Her documents are robust, clear and always focused on the crucial aspects of the case. She is reliable and consistently excellent in preparation in advocacy and when dealing with clients. Her advocacy is precise, robust and tenacious where necessary.”

Direct to Chambers:

Helen Brander is an amazing barrister. I can't begin to tell you how invaluable the advice I received from your barrister Helen Brander was for my case. In her words to be forewarned is to be forearmed. I would have looked a fool if not for her, and my case would have been struck off. I can't thank her enough. (client assisted through Advocate, formerly the Bar Pro Bono Unit)

“[The client] was really boosted by the fact that she felt listened to and taken seriously, she was really very grateful to you for your excellent preparation and robust representation. It was a real pleasure to work with you, I look forward to the next time.” (Solicitor)

“I forgot how good you are until I saw you in action today!

I will be calling your clerk when I have a good case for you to help with!” (Opponent's solicitor)

“Simply absolutely fantastic!” (Solicitor)

Family Finance

Helen provides advice and representation in all aspects of matrimonial and family finance disputes. She often deals

with matters involving complex company structures, non-matrimonial property, pre- and post-nuptial agreements (including extra-jurisdictional arrangements), on- and off-shore trusts and complex pension arrangements. She has significant experience in applications for a financial remedy following a foreign divorce.

Helen is able to assist in cases involving cohabitation, relationship breakdown, and financial claims for provision for children under Schedule 1 of the Children Act 1989.

Helen has a particular interest in family work with a chancery slant and acts in matters involving implied and express trusts under the Trusts of Land and Appointment of Trustees Act 1996 and disputes concerning issues of proprietary estoppel.

Selected Cases

M v M

Acting for the carer of the parties' child in their application for a financial remedy where there were limited assets, third party interests in those assets, and the other party had suffered a significant brain injury which exacerbated their personality disorder and affected their ability to care for themselves and their child, but where they were contesting their inability to provide that care as the outcome of the proceedings turned on with whom and where the child would live.

A v T

Acting for a client with a personality disorder where they were unable to care for their child and financial provision needed to be made for that child and the parent with care, but where all the assets in the marriage derived from Helen's client's parents. Issues concerned what was actually available for division and what could be made available, and competing needs.

R v R

Advising and representing a client who where all the matrimonial assets were held in various trust structures with other members of the opposing party's family. Issues concerned competing interests in property, trusts and matrimonial law.

M v M

Advising and representing a party where the other party was believed to be hiding assets abroad and was denying their interest in other assets held subject to usufruct. Helen successfully defended an application for interim maintenance, showing that it was highly likely that those assets that belonged to the opposing party had been diverted away, and applied for a third party disclosure order against that party's father, resulting in disclosure being

provided of significant investments held by the opposing party, and which led swiftly to a settlement of the case in Helen's client's favour.

K v G

Advising and representing a client where, following separation, the family home had been let by the other party and the rental proceeds diverted abroad. The case included issues of illegality in obtaining the family home in the first place. Helen successfully showed at trial that the rental proceeds had been diverted into businesses and property owned by the other party or otherwise in which he had an interest (which the other party denied) and achieved a favourable outcome for her client.

K v K

Helen acted for the applicant in her application for a financial remedy following long-running and distressing Children Act proceedings in which orders were ultimately made restricting the relationship between the respondent and the children following an extremely abusive relationship. Helen advised on and acted in the application to prevent the respondent from entering the family home after a non-molestation injunction and ineffective occupation order had been made against the respondent, then acted in the Children Act proceedings, involving a 7 day fact-finding hearing in which serious findings of physical, emotional and psychological abuse and coercive and controlling behaviour were made, and finally supported her client through the financial remedy proceedings in which further findings of control, harassment and litigation misconduct were made against the respondent, resulting in a costs order being made in Helen's client's favour.

P v P

Acting for the applicant in a complex financial remedy case involving the diversion of over £1m of matrimonial assets into cryptocurrency and where the "holder" claimed to have lost them all trading in futures. Issues concerned tracing the assets and attempting to seize control, or otherwise set off against other assets.

X v X

Advising how to obtain disclosure from crypto-platforms in the background of a financial remedy case in which an initial coin offering of an apparently worthless e-coin had become the focus, but where, in fact, some major assets had been liquidated and turned into crypto-currency which had been "lost".

S v S

Advising and acting for the respondent in proceedings for financial provision. The respondent following an abusive marriage had been stranded in a foreign country in which the legal responsibility for debts incurred by each party was borne joint and severally by the other, so that the applicant, having left the jurisdiction and then issuing financial remedy proceedings, left the respondent and their child with no income, no pension provision and responsibility for

their significant debts. Helen obtained for her client ongoing maintenance for joint lives, lump sums from future bonuses, 100% of the equity in the former matrimonial home, and a pension sharing order.

A v M

Advised and acted for a party who wished to pursue the financial consequences of their English divorce in Italy and vice versa.

C v C

Acting for the applicant in a complex financial remedy “big money” application in which the matrimonial “seed monies” derive from a third party and in which there are disputes concerning interests in complex company structures, the extent of the financial resources available to the couple, and the existence or otherwise and intended use of financial instruments.

S v S

Acted for the respondent in a financial remedy application where the applicant’s capacity to litigate fluctuates and where there were allegations of fraudulent behaviour regarding pension assets by that applicant.

H v M

Acting for the applicant in a “big money” case involving off-shore family trusts where the value of the assets available to the parties was in dispute. The matter settled before a High Court Judge after the respondent accepted the applicant should have sufficient funds to be able to purchase a reasonable home and retain a number of the parties’ investment properties.

A v W

Acting for the applicant in a Schedule 1 Children Act application where the respondent dispensed with the services of his legal representative following the making of a legal services provision order. The respondent owned numerous properties, both in his sole name and through two company vehicles. The matter settled at a financial dispute resolution appointment after the respondent agreed to sell all his solely-owned properties (including his home) in order to provide funds for the applicant to purchase a home for the parties’ children in which home she would retain an interest.

E v E

Acting for the respondent in the Family Division of the High Court in an application for financial provision after foreign divorce. The application was found by the High Court Judge to have been utterly without merit and a costs order was made against the applicant in favour of Helen’s client.

D v L

Acting for the respondent in a contested divorce and financial remedy application in which the issue initially concerned the date of separation of the parties (the relevance being whether the assets available for division were matrimonial or non-matrimonial in nature) but later became an application for a decree of nullity arising from the respondent's (contested) bigamy discovered during the course of proceedings. Helen obtained a decree of nullity in her client's favour and a much-reduced sum was granted to the respondent as a result of his behaviour.

S v H

Acting for the respondent in a Schedule 1 Children Act application wherein the applicant sought to displace the respondent from his home. Helen negotiated a settlement permitting the applicant to borrow monies from the respondent to purchase a share of a property suitable for herself and the children, which monies were protected by a trust structure.

M v M

Acting for the respondent in a "medium-money" case in which the dispute concerned whether the family's assets had been significantly depleted as a result of the financial crash on a foreign-monies mortgage, and whether the respondent had interests in a number of sports cars. Helen successfully obtained findings in her client's favour at trial.

Re K

Acting for the applicant in a financial remedy case involving property held overseas and issues involving ownership / control of embryos conceived through IVF.

Inheritance, Wills & Probate

Helen advises, assists and represents parties in non-contentious and contentious probate disputes, and in applications for provision under the Inheritance (Provision for Family and Dependents) Act 1975. She has also advised charities, settlors and beneficiaries regarding charitable gifts made in life and in death.

Selected Cases

Advising a charity on taking control of a legacy to which they are entitled.

Advising and representing her client in an application for an anti-suit injunction and the main proceedings in an Anglo-Italian case involving jurisdiction disputes, issues of domicile, and a clash of private international law regarding succession entitlements.

T v C

Helen advises a vulnerable adult male with a learning disability who had spent decades in an abusive relationship in defending his former partner's claim for an interest in the property owned by him, but in which they had lived for some 20 years and in which she asserted an interest, following his former partner's unsuccessful and abusive application for an occupation order seeking that he leave his home. Helen drafted the application and witness statement for her client's application for an occupation order against the former partner, successfully obtaining it, and drafted her client's lengthy and detailed part 7 defence to the partner's TLATA claim.

Advising beneficiaries and trustees in bankruptcy as to the merits of a claim to be brought against a trustee of a trust of land where there are issues of unlawful self-dealing, breach of fiduciary duty, and competing interest by that trustee both in the land and in associated corporate structures.

Advising and representing parties in multiple cases concerning the effects of usufruct arrangements in France, Italy and Germany.

Advising a client on the merits of a claim for an interest under a trust of land or alternatively in proprietary estoppel in relation to her family home of some 15 years and in which she lives with the children, but where the property is owned by a third party outside of the relationship.

B v F and others

Acting for the remainderman where there was evidence that the claimant cohabitee for financial provision from the estate had been a perpetrator of domestic abuse towards the deceased, who had deliberately excluded the cohabitee under the Will. The case involved issues of the impact of domestic abuse in estate distribution, and whether a cohabitee who made no financial contribution whatsoever to the deceased's home could be taken to have obtained a proprietary interest in the deceased's property when it was bought and maintained solely by the deceased – a "sole name" Trusts of Land dispute.

W v G

Acting for the claimant in a Trusts of Land matter in which the argument concerned whether a declaration of trust of cohabitee interests in land was executed pursuant to a unilateral mistake as to what trust the declaration provided for, how financial contributions were protected, and the impact of severance on the legal and beneficial interests.

Helen secured a very satisfactory settlement for the claimant.

Re R

Acting for named beneficiaries in a claim by an estranged sibling against the estate of the deceased parent. Achieved a settlement of proceedings which permitted the clients to retain their family home (part of which also formed part of the estate).

Re X

Advising an executor and beneficiary regarding the impact of charitable gifts provided for in the deceased's will and the effect thereof on any expectations the client would have under the will in circumstances where the charity acted aggressively in pursuing its gift.

Re J

Acting for the applicant in a claim under TLATA 1996 and proprietary estoppel regarding an interest in a property purchased by her former partner of 30 years. Successfully obtained a settlement which satisfied both parties.

B v C

Acting for the applicant in a TLATA / proprietary estoppel claim regarding a property in which the client lived in the respondent's home with the parties' children, all of whom refused to engage with the respondent (there were connected Children Act 1989 proceedings in which Helen also acted and where there were allegations of parental alienation). Helen obtained a settlement by which the client remained in the family home with the children, with the home being placed into trust for the children's benefit and passing to them on the respondent's death.

Contested Divorce and Nullity

Helen has extensive experience of acting for parties in contested divorce applications and applications for decrees of nullity on the basis of a void or voidable marriage.

Court of Protection

Helen can advise and represent parties in the Court of Protection and has extensive experience of acting for and in cases concerning vulnerable parties and those who lack capacity in the family and county court, and particularly where the Official Solicitor or a Deputy is involved.

Selected Cases

Re P

Acting for the vulnerable adult son of a protected party in proceedings in the Court of Protection concerning the application of the Deprivation of Liberty Safeguards and the actions, inaction and obligations of the local and housing authorities to both the client and the protected party. Helen achieved an arrangement whereby the client was able to remain in his home, together with the protected party, with an appropriate package of support put in.

Re A

Acting for a learning-disabled parent in care proceedings concerning likely risk of future harm in circumstances where the question concerned whether it was likely that significant harm would be caused in the future were the child to remain in Helen's client's care, which harm would arise solely as a result of the impact of the client's disability. The experts and professionals were in dispute as to whether the child would be harmed. Although the first instance judge found in favour of the Local Authority, Helen's arguments succeeded in the Court of Appeal and the child remains (as she did throughout the proceedings) in Helen's client's care with a package of support being provided to the family.

X v Y & Z

Acting for the first respondent, a protected party, in a proprietary estoppel claim made by a person alleged to be a confidence trickster regarding a property now owned by the protected party's child.

Children Law (Private)

Helen acts in children disputes (private law) for all parties, including the children themselves, and in cases with complex factors, such as those concerning international families, vulnerable parties, allegations of domestic abuse and exploitation, parental alienation, child witnesses, and special guardianship.

Helen advises and represents parties in applications concerning exercise of parental responsibility, including internal and external relocation and change of name disputes, and adoption.

Selected Cases

K v K

Helen acts for the applicant for orders restricting the relationship between the respondent and the children

following an extremely abusive relationship. Helen advised on and acted in the application to prevent the respondent from entering the family home after a non-molestation injunction and ineffective occupation order had been made against the respondent, and then acted in the Children Act proceedings, involving a 7 day fact-finding hearing in which serious findings of physical, emotional and psychological abuse and coercive and controlling behaviour were made, followed by an in-depth risk assessment and a significantly restricted relationship between the respondent and the children.

M v W

Helen acted for the respondent in a Child Arrangements Order application where there were serious issues of the non-resident parent alienating the child (now verging on adolescence) from the resident parent. A fact finding hearing took place in which findings were made of emotional and psychological abuse and coercive and controlling behaviour over a number of years by the applicant. The harm done to the child over the years is such that he is now being assisted in his relationship with the respondent under the auspices of an interim care order and has an extremely restricted relationship with the applicant. The psychologist engaged to provide a risk assessment described the case as “a very serious case of parental alienation” in which the child was at risk of losing his relationship with the resident parent. Helen has succeeded in having the child returned to the resident parent’s care after absconding and obtained a costs order against the perpetrator.

S v L

Acting for the applicant in a Child Arrangements application where allegations of serious sexual abuse and coercion / control were made by her against the respondent. Helen supported and represented her client through a lengthy fact finding hearing after which all allegations were found to be proved. The Court, having considered an expert risk assessment, made final orders permitting only indirect contact. The respondent was subsequently prosecuted for the same serious sexual offences. Thereafter, she advised in the drafting of a separation agreement.

Acting for the first applicant grandparent in an application for a child arrangements order in circumstances where all the parties and the children had varying degrees of autism and in which the respondent parent with care of the children alleged that the applicants (grandparent and parent) had sexually abused the children. A lengthy contested fact finding was held, which included challenging expert evidence and the evidence of social workers, and in which the allegations against Helen’s client were dismissed and allegations of alienating behaviour by the parent with care were upheld. A plan was put in place for the children to resume a relationship with the applicant parent and grandparent, with the sanction of change of residence should the parent with care not comply.

B v B

Acting on behalf of the respondent in a case wherein the parties each alleged controlling and abusive behaviour and alienation of the children from the other parent. Following an inadequate assessment of the family by Cafcass,

Helen successfully obtained a further assessment by an independent social worker, funded by the applicant, and which identified that the problems in the family stemmed from the applicant's behaviour. Helen obtained an order providing that the children live with her client and spend limited time with the applicant and their family.

Trusts of Land

Helen advises and represents individuals, companies and managing bodies in disputes concerning interests in land of all descriptions, both as intervenors in matrimonial finance and / or proceedings for financial provision for children under Schedule 1 of the Children Act 1989, and in free-standing claims.

Trusts

Helen advises and acts in cases involving trusts and family settlements, and in cases concerning allegations of breach of trust and / or fiduciary duties, including where there are allegations of knowing receipt, knowing assistance and self-dealing by trustees.

Qualifications

- LLB (Hons) English and German Laws (Liverpool)
- Humboldt Universitaet zu Berlin (Klein BGB Schein)
- LLM by Research in Charity Law (Charity Law Unit, University of Liverpool)
- STEP Diploma in Trusts and Estates (England and Wales)
- Trained arbitrator under the IFLA (Children) scheme

Professional associations

2023: Trusts and Estates Practitioner (TEP) accredited by the Society of Trusts and Estates Practitioners.

2022: Appointed Deputy District Judge sitting in civil, family and financial remedies.

2017: IFLA arbitrator in Children Act 1989 disputes and Member of the Chartered Institute of Arbitrators

Professional Memberships:

Chancery Bar Association (ChBA)

Lincoln's Inn – Advocacy trainer

Family Law Bar Association (FLBA)

Society of Trusts and Estates Practitioners (STEP) – Advising Families Across Generations

Resolution

Institute of Family Law Arbitrators

Chartered Institute of Arbitrators

British Italian Lawyers Association

South Eastern Circuit

Publications

In 2023 Helen was appointed to the Editorial Board of the Financial Remedies Journal.

In 2023 Helen became the Family Property Correspondent for Private Client Business.

Helen frequently writes articles on current issues in her fields of practice which are or have been published in Family Law, Family Law Week, the Financial Remedies Journal and via Pump Court Chambers' website.