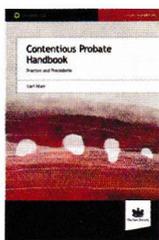


Contentious Probate Handbook: Practice and Precedents

BY CARL ISLAM TEP | REVIEWED BY RICHARD DEW TEP



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SOME YEARS AGO, I spoke at a local STEP branch regarding practice and procedure in contentious probate, and subsequently published the notes of the talk online. As is the way with the internet, I found, even recently, that I was occasionally contacted by solicitors who – or whose clients – had read the notes and found them helpful, despite their obvious antiquity. The reason was simple: there are very few publications that address squarely (and solely) the topic of contentious probate.

Carl Islam has now filled that gap with a handbook aimed at practitioners that sets out the law and practice of contentious probate, with a number of useful precedents.

The author covers all the major topic areas, not only regarding the validity of wills, but also the removal of executors and trustees, claims under the *Inheritance (Provision for Family and Dependants) Act 1975*, and the principles of interpreting and rectifying wills. The requirements of civil procedure are set out in a comprehensive chapter, and there is a further chapter on the principles of costs, including the costs-budgeting regime.

The reader who wishes to quickly research a principle or check on a procedural rule will be swiftly satisfied with the logical and clear presentation. A more avid reader will also not be disappointed: the author sets out his considered views on the tactics of litigation in a chapter that will cause even a seasoned litigator to reconsider. He also clearly has considerable experience in alternative dispute resolution, and provides guidance on both the well-known process of assisted

mediation and other less well-known techniques, such as barrister-assisted mediation and the system of guided settlement, something the author himself has pioneered.

Where outside expertise was needed on certain procedures, the author has obtained it: there are contributions from experts on mental disorders, forensic document examination and the preparation of costs budgets.

There are also 23 precedents ranging from, for example, *Beddoe* orders to a sample Precedent H (a costs budget). It is inevitable that even a book devoted to precedents will not provide all those that might be needed, but this volume contains many examples that will prove useful to its readers.

I can also recommend the notes set out in the appendices, which include a note on preparing court bundles (if only this were better known!) and a very useful digest on mediation cases.

I do not have criticisms of the book so much as suggestions for the next edition. The chapter on *Inheritance Act* claims is short and would be improved by further discussion of the principles applicable to such claims. In addition, while the tax effect (and advantages) of settling and concluding probate claims is discussed, the book would benefit from outlining some of the more common techniques that are used.

I had thought that I should update and expand the notes that I had written and make them into a book. This is now not only unnecessary but pointless, as I would be unable to improve on this publication.



RICHARD DEW TEP
IS A BARRISTER
AT TEN OLD
SQUARE CHAMBERS