



Luke Nelson

Year of Call: 2017

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Property and Estates

Luke has experience dealing with various property matters. He has a particular interest in matters arising out of the Trusts of Land and Appointment of Trustees Act 1996 (TOLATA).

He is particularly comfortable dealing possession orders against persons unknown and is conversant with the issues regarding possession orders and injunctions for land not yet trespassed upon raised in Secretary of State for EFRA v Meier [2009] UKSC 11

Luke's recent work includes:

- Advising in relation to the professional negligence of conveyancing solicitors;
- Landlord and tenant disputes;
- Relief from forfeiture;
- Proprietary estoppel;
- Advising on and attending hearings for injunctive relief;
- Mortgage possessions;
- Mortgage applications;
- Interim possession orders;
- Possession orders & injunctions against persons unknown.

Coownership and Trusts of Land

Luke has a particular interest in matters arising out of the Trusts of Land and Appointment of Trustees Act 1996 and is comfortable advising and advocating in concurrent Schedule 1 Children Act matters. Luke provides advice in conference or on paper and has a sound knowledge of the principles of equitable accounting and occupation rent.

Luke has recent experience in the following:

- Drafting statements of case and advising on prospects and offers pre-issue
- Advising and appearing in all hearings from inception of the claim, to CCMC to final hearing
- Advising in relation to the establishment of a constructive trust based on an agreement which was never executed, where the defendant was refusing to make mortgage payments over the property and possession proceedings were impending
- Advising and representing a client in a case involving large contributions from both sides, a reconciliation and considerable sums spent on renovations

- Representing a client in a long-running case alongside Children Act sch 1 proceedings where the respondent had suppressed the profit-earning capacity of the business in order to remain in the FFH
- Advising on a matter involving an agreement to transfer the beneficial interest in a property where the buy-out sum was never paid
- Obtaining strike out and summary judgment against a company who wrongfully asserted the existence of a common intention constructive trust, proprietary estoppel and agreement to dispose of beneficial interest in domestic property.

Recommendations

"In my time with Luke on our pre-court call and all day in court, Luke listened to me, was patient and empathetic but also challenging. On top of all that he's a nice bloke too!

The simple yet powerful narrative he pulled together for the court were, for me, quite simply perfect. It made me feel understood and content. Despite a great deal of sabre-rattling from the applicant, Luke kept his composure and calmly but firmly asserted our position. He clearly connected with the court, foresaw and addressed its concerns and was mindful of the position he would take if in his opponent's camp.

The phrase velvet glove springs to mind!

I will advocate for Luke to work with you and others again."

Lay Client

"I would like to take this opportunity to thank you for recommending Luke Nelson to me. It's a scary concept to entrust somebody you've never met with a truly life-altering court case. However, Luke had clearly absorbed every tiny detail of the case and he delivered it in court with precision and persuasiveness. As a result, the judge warned the other side to drastically reconsider their position, and they did. In short, it was A MASSIVE WIN."

Lay Client, Financial Remedies

"I recently instructed Luke on an FDR with a difficult opponent and a difficult client. He performed far in excess of his Call and his charm in dealing with judges is quite exceptional."

Solicitor, Financial Remedies

"I just wanted to put in writing how impressed both I and my client were with the performance of Luke Nelson in court yesterday. Everything was handled with outstanding professionalism and ability and a resounding success was obtained for the client. I really feel Luke went well beyond the call of duty with all that he did in terms of preparation and delivery (in particular the skeleton argument). I have no doubt that his ability will take him far in this career."

Regional Solicitor

"Thank you for this morning. You made it easy for me to understand the process, and in agreeing the sensible items prior to the hearing, made it more straightforward."

Client, financial remedies proceedings

"Luke is an excellent communicator and builds a great rapport with clients. He has a professional and approachable manner, which places any client at ease in often difficult circumstances. Luke has been able to drill down the issues within a case and approach those in a methodical and academic manner which has resulted in a first class service and result for the client overall. "

Eleanor Wood, Goughs Solicitors

"Luke Nelson approached our case with total dedication, incredible commitment, stunning professionalism and deep empathy for us.

He made all the difference. Not only to how we were feeling through it all, but in obtaining us the result we wanted.

In court, Luke was electric, hard-hitting and exceptionally clever in his cross-examination of the claimant. I can honestly say that he is a barrister who not only represents the highest legal standards, as one would hope for, but he also superbly represents & defends his client, to a level that was without doubt simply outstanding, and quite exceptional.

We will never be able to thank him enough."

Client

Academic qualifications

- University of Gloucestershire (2 year fast-track LLB) - First Class

Scholarships

- Provost's Award For Excellence, University of Law, BPTC 2017
- Law Prize for Outstanding Achievement, University of Gloucestershire, 2017
- Finalist, Lincoln's Inn Inter-Provider Mooting Competition, 2017
- Undergraduate Team Award, National Client Interviewing Competition, 2016
- Sir Thomas More Bursary, Lincoln's Inn, 2016
- Neuberger Prize, Lincoln's Inn, 2015

Professional qualifications & appointments

- University of Law (BPTC), Birmingham - Very Competent

Professional bodies

- Lincoln's Inn
- FLBA
- Western Circuit