

DR NATHAN SMITH

Year of call: 2007

Clerked by: Harry Young

AREAS OF EXPERTISE:

Banking & Finance Commercial Litigation Company
Insolvency Partnership Private Client, Trusts and Probate
Professional Negligence Real Estate Litigation Technology &
Construction



Private Client, Trusts and Probate

Nathan regularly undertakes work dealing with the administration of contested estates, including claims for financial provision and challenges to the validity of wills and associated trust instruments, including:

- Advising and representing clients in challenges to wills based on undue influence and lack of capacity;
- Advising and representing clients in relation to claims by cohabitants and other dependants under the Inheritance (Provision for Family and Dependants) Act 1975;
- Advising on the removal of executors and the rectification of a wills;
- Obtaining and investigating estate accounts; and
- Advising on procedure under the non-contentious probate rules.

In January 2019, Nathan was invited to speak to STEP Chester on the law of undue influence as it applies to lifetime gifts and the making of wills and proposals for reform. In previous years, Nathan has presented seminars on how to deal with insolvent estates (2018) and proprietary estoppel (2017).

Examples of cases include:

- (2019) Drafting a claim for an order under the non-contentious probate rules to remove a caveat without consent;
- (2018) Acting for a trustee / executor in a property dispute where two sets of beneficiaries sought different relief;
- (2018) Advising on the rectification of a will;
- (2018) Applying for and obtaining an order that a will was valid following a trial on written evidence;
- Advising on, drafting proceedings and representing clients in probate claims where the validity of one or more wills is challenged on the grounds of undue influence and/or lack of capacity;
- Representing one of several adult children in a multi-party dispute over the construction of a will and a claim for maintenance under the Inheritance (Provision for Family and Dependants) Act 1975;

Profile

Nathan joined chambers in April 2008 and practises in all areas of commercial dispute resolution and business and property law, with a particular emphasis on real property, insolvency, professional negligence, shareholder disputes and probate.

Nathan regularly appears in the Business and Property Courts and the County Court for banks, institutional clients, companies of all sizes and individuals. Nathan also frequently appears in the First Tier Tribunal, Property Chamber.

Nathan approaches every instruction with the of the aims and objectives of his clients in mind and understands the need to provide clear and comprehensive advice to enable his clients to effectively navigate through litigation.

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Areas of Expertise

Banking & Finance

Commercial Litigation

Company

Insolvency

Partnership
Private Client, Trusts and Probate
Professional Negligence
Real Estate Litigation
Technology & Construction

Memberships

Chancery Bar Association
Northern Chancery Bar Association
Northern Circuit Commercial Bar Association
British and Irish Commercial Bar Association

Publications

Nathan has published several articles in leading scientific journals, including Physical Review Letters.

Qualifications

2006/2007 Bar Vocational Course. Graded: Outstanding (ranked 1st in year).
2005/2006 Graduate Diploma in Law. Graded: Distinction (ranked 1st in year),
2001/2005 Atomic & Laser Physics DPhil, Oxford University
1997/2001 Physics MPhys, Oxford University (1st class)

Recommendations / Awards

‘His strengths are his attention to detail and being excellent on paper; he is a quality advocate.’ **Legal 500 2021**

Lincoln’s Inn Student of the Year (ranked 1st in year)
Wales & Chester Circuit Award
Oxford University Press Award
Lord Denning Scholarship
Buchanan Prize & Hardwicke Scholarship#

Other Career Details

2004/2005 Nathan was a lecturer in Physics at St. Peter’s College, Oxford.

Nathan has also published several articles in leading scientific journals, including Physical Review Letters.