



Elis Gomer

Email: clerk@stjohnsbuildings.co.uk

Phone: 01244 323 070

Year of Call: 2008

A well-regarded junior who focuses his practice on traditional chancery matters, including contentious probate, trusts and Inheritance Act claims. Gomer also handles non-contentious trust and estate matters, as well as real property disputes.

Strengths: "He should be praised for his speed of response and attention to detail. He is always willing to help and go that extra mile." **Chambers UK Bar 2022**

"Elis is a real team player who commits himself absolutely to the case and client. His genuine enthusiasm for his Chancery and contentious probate practice shines through in his technical excellence, and he really is outstanding on his feet." **Legal 500 2022**

Elis is a Chancery specialist who practises exclusively in the field of contentious estates and probate litigation, together with its associated fields. His practice is focused on contentious and non-contentious trusts matters; probate, inheritance and estate litigation and associated matters like agricultural holdings and partnership. He also conducts property and affairs cases in the Court of Protection.

The past 12 months have seen Elis instructed in several substantial reported cases in his specialist field, such as *Hughes v Pritchard and others* [2022] EWCA Civ 386 [testamentary capacity]; *Higgins v Morgan and ors* [2021] EWHC 2846 (Ch) [Inheritance Act 1975]; *Lonsdale v Teasdale* [2021] EWHC 2342 (Ch) [testamentary capacity] and *Partington v Rossiter* [2021] EWCA Civ 1564 [will interpretation].

Elis is a robust and experienced trial advocate who is praised for his client-handling skills and his strategic acumen in litigation. He aims to identify the best realistic outcome for the client, and the most effective way of reaching it, in every case in which he is instructed; he views ADR and mediation as a key adjunct to litigation and is an experienced and effective mediation advocate. He is recognised as

an authority in his field and regularly delivers seminars on his key specialisms.

Elis is a fluent Welsh speaker and has significant experience in using the language in a legal context, both in written work and in court. As an enthusiastic speaker of the language, he is always pleased to advise clients about bilingual or Welsh language litigation.

Memberships

- Northern and Wales Circuits
- Northern Circuit Commercial Bar Association (committee member)
- Northern Chancery Bar Association
- Chancery Bar Association
- Association of Contentious Trust and Probate Specialists (ACTAPS)

Directory Recommendations

Strengths: “He speaks with a real authority on inheritance matters.” “His technical expertise is brilliant; he’s really strategic and phenomenally good with clients.” “He’s absolutely outstanding on his feet.” **Chambers UK Bar 2021**

“Elis is my major go to on all things property (chancery) related, probate and trusts. He is incredibly astute, and always gives robust advice whilst remaining utterly charming throughout. Elis is outstanding on his feet. He has a real passion for advocacy and is driven to succeed by a genuine belief in and commitment to the case and clients he represents.” **Legal 500 2021**

“He always provides sound legal and practical advice.” **Legal 500 2020**

“Very experienced in trusts, wills and estates disputes” **Legal 500 2019**

“An expert in contentious probate matters.” **Legal 500 2017**

EXPERTISE

Property and Private Client

PROPERTY AND ESTATES

A respected expert in the field, Elis enjoys a busy property and estates practice. He is highly sought after to advise and draft pleadings and applications in all of his specialist areas, together with non-contentious drafting such as settlement deeds and trusts.

Elis has notable expertise across the field, including trusts, probate, inheritance and estates, as well as

property and professional negligence. He is frequently instructed in trust disputes, non-contentious trusts matters such as construction applications, Re Beddoe applications and Variation of Trusts Act 1958 applications, and TOLATA/proprietary estoppel claims.

His probate and inheritance work sees him advise on all aspects of estate administration (with removal of executors and administrators a particularly common field), claims under the Inheritance (Provision for Family and Dependents) Act 1975 claims and contentious probate claims, together with associated claims such as undue influence matters or professional negligence matters against estate practitioners. He has been involved in several substantial matters involving probate fraud and forgery and has wide experience of dealing with 'problem' trusts and estates.

His practice frequently overlaps with associated property law areas, such as co-ownership disputes under the Trusts of Land and Appointment of Trustees Act 1996, partnership disputes and proprietary estoppel actions. His agricultural background means that he has a particular interest in agricultural holdings and the law relating to them. Elis is frequently instructed to act in matrimonial cases (either alongside specialist financial remedy counsel or as sole counsel on behalf of interveners) which involve a Chancery element such as nuptial settlements, family wealth or partnership issues.

Key cases

Cooper (a child, by her litigation friend) and another v Chapman and others [2022] EWHC 1000 (Ch) (Business and Property Courts in Leeds): Represented the successful First Defendant in a trial as to whether a draft will found on the Deceased's computer could be admitted to probate.

Hughes v Pritchard and ors [2022] EWCA Civ 386 (Court of Appeal): Junior counsel for the successful Appellant (led by Penelope Reed QC of 5 Stone Buildings) in the appeal from the trial of this matter. An extremely rare instance of the Court of Appeal setting aside findings of fact made by the trial judge.

Partington v Rossiter [2021] EWCA Civ 1564 (Court of Appeal): Acted for the Respondent in a will interpretation dispute as to whether the term 'UK' can be interpreted to include Jersey.

Hughes v Pritchard and ors [2021] EWHC 1580 (Ch) (Business and Property Courts in Wales): Represented the Claimant in a contentious probate / proprietary estoppel dispute; a much-discussed authority on testamentary capacity.

Higgins v Morgan and ors [2021] EWHC 2846 (Ch) (Business and Property Courts in Manchester): Acted for the Claimant in the trial of an Inheritance Act 1975 action. One of a number of recent decisions to discuss the issue of CFA success fees in Inheritance Act litigation.

Lonsdale v Teasdale and ors [2021] EWHC 2342 (Ch) (High Court Appeal Centre Liverpool): Acted for the Appellant in an appeal from the dismissal of her contentious probate claim. The issues included the fairness of the trial at first instance and the shifting burden of proof.

Razaq v Shaheen [2020] EWHC 2382 (QB) (High Court Appeal Centre Birmingham): Acted for the Respondent in an appeal concerning beneficial interests in a joint property, where the relationship between the parties had broken down almost immediately after the property was purchased.

Ball v Sisson and anor [2020] WLUK 544 (Business and Property Courts in Leeds): Represented the Claimant in a forged will claim. One of only a handful of reported cases where forgery has been successfully proved.

Brindley v Brindley [2018] EWHC 157 (Ch) (Chancery Division, Leeds): Acted for the Claimant in a claim seeking the setting aside of lifetime transfers of property and money on the grounds of undue influence.

Jump & Anor v Lister & Anor [2016] EWHC 2160 (Ch) (Chancery Division, Manchester): Acted for the Claimants in a claim seeking the Court's directions as regards the true construction of mirror wills.

JM Sanderson and ors v Hi-Peak Property and anor [2014] EWHC 4918 (Ch) (Chancery Division, Birmingham): Represented the successful Respondents in this appeal concerning the substratum of an unincorporated association and the question of whether it had spontaneously dissolved.

Court of Protection

Elis has extensive experience in a wide range of property and affairs cases in the Court of Protection and sees this as a natural corollary to his work in the trusts and estates field.

As one of the few barristers to complete the Association of Contentious Trust and Probate Specialists (ACTAPS) diploma, Elis has accredited expertise in mental capacity issues and the involvement of the Court of Protection in such matters.

He has particular expertise and experience in the field of financial abuse, contested revocation of LPAs and other proceedings concerning delinquent deputies and attorneys.

Key cases

Re GC [2020] (Court of Protection, Newcastle upon Tyne): Represented the local authority in an LPA revocation case involving an impasse between family members, who each alleged that the other was unduly influencing P.

Re DM [2020] (Court of Protection, Liverpool): Acted on behalf of a property and affairs deputy in a case involving a parent who disagreed with the court-sanctioned care regime for P and who consistently failed to abide by court orders.

Re DH [2018] (Court of Protection, London): Represented the Official Solicitor in an LPA revocation case concerning a failure to provide proper accounts.

Re RR [2017] (Court of Protection, London): Represented a family member in a statutory will application involving extremely divergent views as to what P's views would be.