



Nicholas Le Poidevin QC

Call: 1975

Silk: 2010

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"A hugely respected figure at the Chancery Bar,' who is 'a leading silk in every way. He's exceptionally able, responsive and accessible."

Chambers UK Bar 2021

"Is in a class of his own when it comes to his knowledge of trust law and practice both onshore and offshore."

Legal 500 UK Bar 2021

"Intellectually outstanding, but also approachable and accommodating."

Legal 500 UK Bar 2020

Practice Overview

Nicholas Le Poidevin specialises in trusts and estates work, both contentious and advisory. He has appeared in significant cases in England at the highest level in both areas of practice, *Crociani v Crociani* (2014: trust jurisdiction clauses) in the Privy Council and *Marley v Rawlings* (2014: switched wills) in the Supreme Court. Over half of his work comes from overseas, especially Jersey and Guernsey, and he also appears in courts abroad. He is familiar with the trust laws of most of the offshore jurisdictions. A particular interest is the conflict of laws and the problems it causes in both trust and estate administration.

He is an editor of the leading practitioners' textbook, *Lewin on Trusts*, and is a frequent speaker at conferences. His practice extends also to property law, company law and insolvency, either in their own right or in connection with trusts and estates.

"He's a truly fêted authority in this industry, who is a giant in this market and a top-quality lawyer."

Chancery: Traditional - Chambers UK Bar 2018)

Trusts, Wills & Estates

Trusts

Nicholas is highly regarded in the field of trusts. Legal 500, ranking him as a leading silk, refers to his "great reputation". Chambers UK Bar calls him "one of the top experts in the international trust arena" and says, "Any superlative would not do him justice. His advice is superb, his drafting is elegant and he is tremendous in conference."

It was recorded in Legal 500 2016 that *"Given his notable intellect and wide experience, he is someone you very much want on your side"*.

Chambers UK Bar (Trusts) & Chambers Global (Private Wealth) 2017 describe him as *"Bright, up to speed and a lawyer with a very nice persuasive advocacy style. He's absolutely substance not show."*

Who's Who Legal (UK Bar 2016) states in its Private Client section that Nicholas Le Poidevin QC is *"incredibly bright and effective"*.

Chambers UK Bar 2016 (Chancery Traditional) states that *"He is an absolute wordsmith and can convey complex ideas very well. A superb advocate, he is a great person to have in your team."*

He litigates trust disputes of all kinds and advises on difficulties in trust administration. He is relied on by leading firms of solicitors and advocates both in England and abroad. In *Crociani* he argued the construction of a trust jurisdiction on appeal from Jersey and had earlier run a similar argument in Bermuda in *Re A Trust*. He is glad to work with local advocates in assisting their preparation of cases, as in *Re B*, dealing with French threats of criminal proceedings against a Guernsey trustee.

For many years he has been an editor of *Lewin on Trusts* (19th ed., 2015) and has written in detail elsewhere about sham trusts; writing and practice inform each other. He is often asked for contributions at conferences, for example speaking on trust investment at the first STEP Global Congress in Miami in November 2014.

Wills and Estates

Nicholas deals with all aspects of wills and estates, both litigation and advice. Chambers UK Bar records *"Learned but practical and able to take a commercial approach. Whatever he says about the law, you feel comfortable with, and he's very good at working with you and seeking out your ideas."*

He has a special expertise in cases involving cross-border issues, such as conflicting rules of succession, getting in foreign assets and questions of the jurisdiction in which a grant of representation should be sought. He recently appeared in the first probate case to be decided in England's highest court for over 50 years, *Marley v Rawlings*, where husband and wife signed each other's wills; and he was later successful in seeking from the Supreme Court an order for costs directly against the insurers of the negligent solicitor.

He has written on problems in estates and spoke on cross-border issues at the STEP Caribbean conference in 2013.

Offshore

Who's Who Legal (UK Bar 2016) states in its Private Client section that Nicholas Le Poidevin QC is particularly well known for his work in the offshore market and is *"a pleasure to work with"*.

In Chambers UK Bar & Chambers Global 2017 Offshore section Nick is described as *"Technically astute and someone with excellent skills."*

Nicholas frequently appears in courts in offshore jurisdictions, including Bermuda, the B.V.I., the Isle of Man and the Cayman Islands, and also takes instructions for litigation or advice in Jersey, Guernsey and elsewhere. Notable cases offshore include *Serena v Equity Trustee Ltd* in the B.V.I. in 2014 and *Re A Trust* in Bermuda in 2012. He has a special expertise in firewall legislation and issues arising under the Hague Convention. He has also acted as an expert when issues have arisen about trusts in foreign proceedings.

As an editor of *Lewin on Trusts* (19th ed., 2015), he has had particular responsibility for its treatment of the conflict of laws. He has lectured widely abroad on matters within his practice and contributes articles to legal publications. He is a member of STEP and has sat on its International Committee.

Property

General property law

Nicholas maintains an active involvement in property law, such as advising on easements and restrictive covenants. Having sat as a Commons Commissioner (until the abolition of the office by the Commons Act 2006), he has a special interest in rights of common and appeared in *R. (Littlejohns) v Devon C.C.* (2015), funded by the N.F.U., to establish the status of unregistered rights.

His familiarity with both real property law and company and insolvency law prove useful in trust and estate work, where such ancillary questions often arise. He is instructed in the winding-up in the Isle of Man consequent on *Prest v Petrodel Resources Ltd*.

Additional Information

Qualifications / Education

Dual Qualifications

Bermuda (2012)

B.V.I. (2011)

Cayman Islands (2001)

Isle of Man (c. 1990)

Education

M.A, LL.B. (Cantab.)

Professional Appointments

Head of New Square Chambers (2014 - 2015)

Deputy High Court judge

Recorder

Bencher of Lincoln's Inn

Commons Commissioner

Memberships

The International Academy of Estate & Trust Law

Deputy Chair, STEP Contentious Trusts & Estates Special Interest Group

The Chancery Bar Association

Association of Contentious Trust and Probate Association

Society of Trust and Estate Practitioners

Professional Negligence Bar association

Languages

French - Basic

Articles

Date	Title	Contributors
15 Mar 2019	Trusts in Europe and Brexit—a view from the Bar Published in <i>Lexis PSL - March 2019</i>	Nicholas Le Poidevin QC

Publications

Date	Title	Contributors
24 Feb 2020	Lewin on Trusts	Nicholas Le Poidevin QC Lynton Tucker

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