

Jonathan Walker-Kane

Barrister

Overview

Jonathan Walker-Kane is a Family Law practitioner who specialises in matrimonial finance, TOLATA claims arising out of cohabiting relationships, and claims brought under the Inheritance (Provision for Family and Dependents) Act 1975. He is a popular barrister who attracts a following of solicitors nationwide, and he is a regular speaker at family law events organised by Jordans, the Family Law Bar Association, The Solicitor's Group and at Cambridge University.

His pedigree extends to cases of considerable complexity, some of which are reported. He appeared in the case of *Cordle v Cordle* at first instance and up to the Court of Appeal, where the key issue was the division of the proceeds of sale of a former matrimonial home in a volatile market and the court's discretion when hearing an appeal. He also appeared in *Frear v Frear*, an Inheritance Act case on appeal. Jonathan is an experienced barrister known for his distinctive court style and sensitive manner with clients.

Feedback from Jonathan's Jordans talks include:

- "Excellent delivery of course subject"
- "Engaging presentation"
- "Excellent speaker"

Notable Cases

Court of Appeal (Civil Division)

- *WS and HS* [2018] EWFC 11

Judgment of Cobb J in a financial remedy appeal in which he set aside an interim order for sale of the former matrimonial home which had relied on FPR r.20.2(1)(c)(v).

Ground of appeal: It was argued on her behalf that –

1. The court did not derive jurisdiction from the FPR r.20.2(1)(c)(v) to terminate W's rights of occupation of the FMH [17]
2. H had not made an application under s.33 of the Family Law Act 1996 ('FLA 1996') to terminate W's occupation rights; and
3. In any event, such an application would fail because W's occupation rights arose from her legal and beneficial interest in the FMH, rather than "home rights" (s.33.3(e) FLA 1996) [18]. Appeal – Mr Justice Cobb granted permission to appeal and the appeal itself.

Year Of Call:

1994

Practice Areas

[Alternative Dispute Resolution](#)

[Divorce and Domestic Violence](#)

[Family Finance](#)

Memberships

Family Law Bar Association

Continued...

- Frear v Frear and another [2008] EWCA Civ 1320
- Equity – Election – Application of doctrine of election to will – Claimant claiming entitlement to three-quarters of beneficial interest of property – Whether claimant holding half beneficial interest in property at date of mother’s death – Whether mother believing herself to hold entire beneficial ownership – Whether claimant to be put to election
- Re R (children) [2005] EWCA Civ 542
- Children – Residence order – Shared residence order – Judge ordering sole residency with mother – Correctness of decision – Appropriateness of retrial
- Cordle v Cordle [2001] EWCA Civ 1791County Court
- Divorce – Ancillary relief – Appeal – Circuit judge varying order of district judge – Whether circuit judge in error – Whether appeal from district judge to circuit judge should be by way of rehearing or by way of review

County Court

- George v Szyczak [2009] EW Misc 5 (EWCC)
- Leeds County Court – Trusts of Land and Appointment of Trustees Act 1996 – Constructive trust – Proprietary estoppel – Cohabitation – Property – Post-acquisition agreement between the parties – Weight to be given to such agreement – Beneficial interest implied from conduct – Whether case exceptional
- Memberships/Professional Qualifications