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Jonathan Arkush

OBE

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Year of Call: 1977

E: jonathanarkush@enterprisechambers.com

T: 020 7405 9471

Clerk: Duane Hitchman

Clerk: Kenya Mendoza

PRACTICE AREAS

Mediation and ADR

Wills, Trusts and Probate

Property

Commercial

Charities

PROFILE

Jonathan conducts a wide range of commercial and chancery litigation, with a particular emphasis on all aspects of contentious probate, including mental capacity, family provision, cross-border estates and conflicts, disputes on the validity of wills and estates and trusts. His practice also extends to real property, company and partnership. Clients vary from individuals to banks, building societies, PLCs and

major retail operators.

Jonathan is a well-known and highly experienced mediator. He is a member of the mediation panels of the Chancery Bar Association, Property Bar Association, Property Law UK, and the Association of Contentious Trust and Probate Practitioners. He received the ADRg Award 2006 for his contribution to ADR and was cited as one of the group's most successful mediators. Since gaining his accreditation in 2000 he has conducted more than 300 mediations concerning a wide range of disputes in all of the practice areas listed below.

Jonathan has held judicial office as a Deputy Chancery Master in the Business and Property Courts of England and Wales since 2003.

PRACTICE AREAS

Mediation and ADR

Jonathan has conducted more than 300 mediations concerning a wide range of disputes, including inheritance, wills and probate, negligence (both professional and otherwise), breach of contract, breach of trust, commercial property, residential property, contested shares in property, boundary and neighbour disputes, family trusts and settlements, disputes between members of charitable and religious bodies, sale of goods and banking disputes. These mainly involved high value disputes.

As a practitioner with years of experience at the Bar in property and commercial disputes, he is well used to the ways of litigation, negotiation and, in mediations, asking the penetrating questions designed to flush out the parties' real views on the merits of their case and expose its strengths, weaknesses and risks. Jonathan is equally used to handling advocates, members of other professions and occupations and litigants in person. He consistently achieves a successful settlement outcome in almost all the mediations he conducts. By temperament and experience he is not overawed by difficult parties or their representatives. Sitting as a Deputy Master in the Business and Property Courts of England and Wales (formerly the Chancery Division) has helped him to keep a firm hand on difficult situations and assess rival contentions tactfully and with impartiality and fairness.

Wills, Trusts and Probate

Jonathan has wide advisory and litigation experience in probate, including interpretation of wills, questions involving disputed wills and other testamentary documents, intestacy, undue influence and lack of testamentary capacity claims, administration of estates, breach of duty by executors and trustees and Court of Protection and mental capacity work. These often involve sensitive family conflicts where strategy and negotiations are vital in ensuring that the case is firmly progressed either to trial or to a resolution of the issues by agreement.

Jonathan has extensive experience in claims for financial provision under the Inheritance Act – both in bringing and resisting such claims. These frequently overlap with the range of sensitive conflicts and other matters described under probate and demonstrates his multi-disciplinary expertise.

Property

Jonathan has wide experience in most types of disputes and litigation involving property. These include matters such as vendor & purchaser, conveyancing, title, misdescription and misrepresentation in contracts for the sale of land, auction contracts, rights of way and other easements, boundary disputes, squatters and trespassers, adverse possession, licences and disputes over shares in property between unmarried couples. He has dealt with markets and fairs, both statutory and under charter, and rights to prevent rival markets. He is frequently instructed in relation to mortgage disputes both by lenders and borrowers and has considerable experience of advising and litigation in Barclays Bank v O'Brien, Royal Bank of Scotland v Etridge and Stack v Dowden cases.

Jonathan's landlord and tenant experience includes disputes and litigation, primarily, but not exclusively, involving commercial property. He is frequently instructed by both landlords and tenants in relation to such matters such as forfeiture and relief from forfeiture, breaches of covenant and the scope of covenants generally, rent review, service charges, questions whether an agreement comprises a lease or a licence. He also deals with business tenancies under the Landlord & Tenant Act 1954.

Commercial

Jonathan has extensive experience in commercial agreements of many kinds, including the sale and supply of goods (international and domestic), banking, conflict of law issues, disputes as to forum, agents' claim for commission and commercial agents' disputes. He also has experience of claims between employers and employees, past and present, particularly those involving non-competition and non-solicitation covenants and other issues of restraint of trade and intellectual property.

Charities

Jonathan deals with litigious and non-litigious aspects of charity law. He acts for major charities in relation to a very wide range of contentious probate matters. He is also used to dealing with trust companies and other professional executors.

CAREER AND ASSOCIATIONS

University College School, London NW3

Mansfield College, Oxford (BA Jurisprudence 2.1)

Inns of Court School of Law

Called to the Bar (Middle Temple) 1977

Member of Lincoln's Inn

Bencher of Middle Temple

Member of the Chancery Bar Association

Member of the Association of Contentious Trust and Probate Specialists (ACTAPS)

Regularly gives lectures and seminars to professional bodies and firms

President, Board of Deputies of British Jews 2015-2018

PUBLICATIONS

Author of the chapter Landlord and Tenant Disputes in ADR and Commercial Disputes (Sweet & Maxwell).



LONDON

9 Old Square
Lincoln's Inn
London
WC2A 3SR

T 020 7405 9471
E london@enterprisechambers.com

BRISTOL

4-5 College Green
Bristol
BS1 5TF

T 0117 450 7920
E bristol@enterprisechambers.com

LEEDS

43 Park Square
Leeds
LS1 2NP

T 0113 246 0391
E leeds@enterprisechambers.com

NEWCASTLE

65 Quayside
Newcastle upon Tyne
NE1 3DE

T 0191 222 3344
E newcastle@enterprisechambers.com

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