

1GC | Family Law

Luke Eaton

Year of Call: 2015



Practice Overview

Luke has a busy practice specialising in all aspects of the law as it relates to children. Luke is regularly instructed at all levels of Court and is ranked as a leading junior in the Legal 500.

Modern Families & Surrogacy

Luke has a range of experience in proceedings in respect of 'modern families', including those arising from both domestic and international surrogacy arrangements. Luke has appeared in such cases as both sole counsel and whilst being led. Luke recently appeared in the important cases of *Re Z* (Surrogacy: Step-parent Adoption) [2024] EWFC 20 and *P v Q & Ors* [2024] EWFC 85 (B).

In 2023, Luke co-presented the 'surrogacy case law update' to the Resolution Modern Families Forum where Mrs Justice Theis delivered the keynote address.

Luke's experience also extends outside of the 'more usual' applications, including being led as junior counsel in the case of *Re G (A Child)* [2018] EWCA Civ 305, in which the Court of Appeal considered contact between a child and their biological grandparents.

Children (Public Law)

Luke is regularly instructed in care, adoption and other public law proceedings by local authorities, parents, guardians and intervenors. Luke has a wide range of experience, from contested ICO applications through to lengthy and complicated fact-finding and composite hearings (including in cases against leading counsel). Luke is often instructed in cases featuring allegations of non-accidental injury ('NAI') and fabricated or induced illness ('FII').

Luke is also experienced in proceedings involving Forced Marriage Protection Orders, Female Genital Mutilation Protection Orders and claims under the Human Rights Act 1998.

Luke is regularly involved in applications to authorise the deprivation of a child's liberty (including in the new national DoLS Court) and has provided training to a number of firms and local authorities on the subject

Children (Private Law)

Luke is an experienced advocate in private law children proceedings. Luke frequently

represents parents and rule 16.4 guardians at every stage of proceedings and has a particular interest in complex fact-finding hearings (including in respect of domestic abuse and/or parental alienation).

Luke has appeared in several important reported cases, including *PS v BP* [2018] EWHC 1987 (Fam) where, on appeal, Luke successfully argued that the Court's treatment of the father (who was accused of having been abusive to the mother) was unfair and overturned the result of the previous fact-finding hearing.

Luke also appeared in the linked cases of *Re C* ('Parental Alienation'; *Instruction of Expert*) [2023] EWHC 345 and *The Mother v The Father* [2023] EWHC 2078 (Fam), where the President of the Family Division considered the approach to allegations of parental alienation and expert evidence in such cases.

Domestic Violence & Injunctions

Luke also represents clients in injunctive proceedings (under both the Family Law Act 1996 and the Protection from Harassment Act 1997 in a civil context) including where allegations of serious domestic abuse have been made and where those applications are linked to concurrent (or imminent) Children Act 1989 proceedings.

Abduction and the Inherent Jurisdiction

Luke accepts instructions to represent parents and local authorities in proceedings in respect of both incoming and outgoing abductions, including where children have been abducted to non-Hague Convention countries.

Notable Cases

P v Q & Ors [2024] EWFC 85 (B)

Re Z (Surrogacy: Step-parent Adoption) [2024] EWFC 20

The Mother v The Father [2023] EWHC 2078 (Fam)

Re C ('Parental Alienation'; *Instruction of Expert*) [2023] EWHC 345

Re A, B, C & D (Children) [2019] EWHC B32

Re G (A Child) (Child Arrangements Order: Third Party) [2018] 1 WLR 2769

PS v BP [2018] EWHC 1987 (Fam)

What the Directories Say

'Luke is an exceptional barrister with a brilliant eye for detail. He is loved by clients and solicitors alike for his kind and approachable manner.' -

Education

BA, Law (Jurisprudence), Jesus College, University of Oxford

BPTC, Outstanding, BPP University

Awards

Viscount Sankey Award, Jesus College, University of Oxford

Inner Temple Exhibition

Inner Temple Outstanding BPTC Award

Family Law Young Barrister of the Year 2019 (shortlisted)

Family Law Young Barrister of the Year 2020 (shortlisted)

Memberships & Associations

Association of Lawyers for Children

Family Law Bar Association

Honourable Society of the Inner Temple

Seminars, Publications and Training

Authored, co-authored or presented:

Ongoing – The Deprivation of Children’s Liberty – Where Are We Now?

July 2023 – Removal From Family Care

June 2023 - Surrogacy case law update for the Resolution Modern Families Forum

March 2023 – LexisNexis case analysis (P (A Child: Fair Hearing) [2023] EWCA Civ 215)

May 2020 - Contact in the Time of Quarantine

June 2019 – Private Law and Covert Recordings

August 2018 - Children case update: Public Law [2018] Fam Law 1016

October 2016 - FLBA Public Children Law Update (with Sarah Morgan QC)

October 2016 – SLLP Human Rights Act 1998 claims and section 20 CA 1989

October 2016 - Developing Case Law on Damages under the Human Rights Act 1998 – an alternative to Civil Claims for Children (with Deirdre Fottrell QC)

May 2016 – International Adoption (with Denise Gilling KC)