

## Keeping it in the family

Two family law experts explain how the recession and open courts have impacted divorce cases within the UK.

### UK - Silverman Sherliker LLP



Maeve O'Higgins

**Maeve O'Higgins is a Partner and Head of the Family Department at Silverman Sherliker LLP law firm, based in the city of London. The service Silverman Sherliker provides is designed to focus on the issues and facilitate their resolution in a sensitive, constructive and cost-effective way.**

#### How does England's divorce law relate to other countries throughout the world?

England is often regarded as the divorce capital of the world because of our discretionary system in dealing with the financial aspects of the divorce, which is generous to the economically weaker partner, especially after a long marriage. Unlike most other EU jurisdictions, the English family court always applies English law, whatever the nationalities of the couple. In our firm we have extensive experience of cross-jurisdiction issues.

#### How has the recession affected family law?

Obviously financial pressures cause stress which can lead to relationship breakdown; but sometimes a couple find that external pressures help cement their relationship, as they pull together in adversity. Other people find that at a time of economic downturn they simply can't afford to divorce because of the need to create two households out of the existing family assets, or they can't move on because they are unable to sell their family home.

#### Last year family law courts within the UK opened up to the public. Do you have any concerns about this?

The benefits of opening up the family courts to the media have to be weighed against the need to protect the interests of children and vulnerable adults from publicity.

#### What area of family law do you specialise in?

I cover the whole range of legal issues arising out of relationship breakdown but the majority of my time is taken up with the financial aspects of divorce, acting for high net worth individuals. I also have particular expertise in dealing with international relocation cases, where one parent wants to move permanently to another country with the children.

### UK - Dawson Cornwell

**Dawson Cornwell was one of the first niche family law firms. It was founded by John Cornwell who also founded the national organization of family lawyers called Resolution. The firm acts for clients across the UK and internationally. ACQ Magazine spoke to Russell Bywater, Partner at the firm, about Family Law.**

**"If a Danish man and a Greek woman living in Berlin choose to divorce, they must decide whose law to use to split up their assets — an often divisive process that can add more lawyers, more legal fees and more heartache to already tense proceedings." What would you advise to the clients?**

There are a number of points to consider here. Although all three countries are members of the European Union, Denmark is not a signatory to Brussels II. Also, the advice as to where they divide up their assets would depend on which 'forum' would suit any particular client and which one you were advising. The advice might be to suggest before divorce proceedings are issued that the one who would benefit from moving to England does so but they would have to be resident here for 12 months before being in a position to bring proceedings – events likely to overtake them. From our extensive network of foreign lawyers we would recommend a lawyer in the relevant jurisdiction.

#### Have you seen more divorce cases because of pressures relating to the unstable economic climate?

Initially there was a significant increase in work load because not only were we dealing with our normal through put of clients but the recession resulted in many economically stronger spouses (usually husbands) who were paying very high maintenance orders seeking to have those reviewed. We were therefore re-visiting cases that we had concluded recently as well as dealing with the normal turnover of new clients.

#### The new rules now allow accredited media to attend hearings in the family courts. What impact did this have on your clients?

The local press has shown interest in certain types of cases particularly care proceedings but they are not generally interested in run-of-the-mill divorces.

#### DETAILS



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