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Matrimonial Advocacy and Litigation

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Preface

One fascinating aspect of the work of a registrar is that one not only hears applications relating to many aspects of divorce proceedings but in the process of taxation one has the opportunity to read the files of the solicitors concerned. Frequently one is impressed with the standard of care and concern that is shown by solicitors. Unfortunately there are many other instances in which it is clear that the solicitor was just not aware of the issues that needed to be resolved, was not able to 'hear' his or her client's needs and had little experience of the rather different approach that was required in matrimonial proceedings. Only too often these failings were apparent also in the way that hearings were conducted, even where counsel was brought in at the last minute and endeavoured to pull the case together.

This book is written in the hope that it may help the tyro solicitor venturing into matrimonial matters with some account of the way in which such matters can be approached and of the law and practice that he or she will have to apply.

It was originally planned jointly with Martin Iller of the College of Law and sprang from talks given by me at the College of Law and lectures given by him as part of the Law Society's continuing education programme. Unfortunately Martin Iller was unable to participate in the writing of the book and cannot therefore be held responsible for its shortcomings.

Any book of this nature should acknowledge the enormous contribution that the Solicitors' Family Law Association has made, and is making to the improvement of the service offered in the field of matrimonial law. Their Code of Practice is included among the appendices; were it followed by the majority of solicitors engaged in matrimonial law the need for this book would be greatly diminished.

Richard Greenslade
December 1987

Note

As in any book dealing with matrimonial matters, the attempt to be neutral as to gender becomes quite impossible. In this book the client/petitioner/applicant is normally referred as 'she' and the solicitor as 'he.'

Reference to the Respondent are to the respondent in divorce proceedings, reference to the respondent are to the respondent to an application, whether or not he or she is the petitioner or respondent in the divorce.

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