

# Private Client Services Newsletter

I am pleased to share with you our Summer edition of the Private Client Services newsletter.

This past quarter has brought a lot of exciting changes to our team.

We are proud to announce that [Stephanie Parish](#) has been promoted to Partner. Stephanie is a real Clarion success story, having joined as a trainee in 2008 and quickly established herself as one of Yorkshire's foremost advisors for high net worth individuals. She will continue to head our Band 1-ranked [Private Wealth team](#).

[Kerri-Anne Ball](#), also in our Private Wealth team and having joined Clarion as a trainee in 2015, has been promoted to Senior Associate in recognition of her outstanding client service, technical ability and leadership.

In our Family team, both [Sarah Manning](#) and [Stephanie Douthwaite](#) have been promoted to Legal Director. Sarah has been instrumental in setting up Clarion's busy Family Mediation offering and we look forward to supporting her ambitious plans for the future. Stephanie Douthwaite is truly a rising star at Clarion and you can learn more about her in this edition's Q&A.

Meanwhile, [Justine Osmotherley](#) has stepped into a new consultancy role. Since joining Clarion in 2008, Justine has built the team into one of the most highly regarded family teams in the country - not to mention that she is in the Hall of Fame of the Legal 500 for her high-profile cases over the years. We are delighted that Justine is taking on this new role with us, and [Jane Ingleby](#) will continue taking Clarion from strength-to-strength as she takes over as head of the Family team.

Additionally, [Keil Walsh](#), Senior Associate in our Private Wealth team, has recently been appointed as a committee member for STEP Yorkshire Branch, which is one of the largest and most active branches of STEP worldwide. STEP's main objectives including providing members with high quality continuing professional development and education and knowledge sharing, together with supporting local charities.

Finally it would be remiss of me not to mention our significant win at the recent Lawyer Awards down in London where Clarion was awarded Independent Law Firm of the Year. We were honoured to receive such high-profile national recognition.

As our team continues to grow, we remain committed to providing a high quality offering to private clients across the country and internationally. We look forward to working with all of you in this next chapter of our exciting story.



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## **Wider considerations at the start of the divorce or dissolution process**

When you start the divorce or dissolution process, there are a number of important personal considerations which often do not immediately spring to mind.

Your family lawyer will raise these with you but this summary is hopefully a helpful reminder of documents you may need to review given your change of circumstances.

[This blog](#) has been prepared by referring to a spouse and the divorce process. The same principles apply however in relation to the dissolution of a civil partnership. Reference to “spouse” apply equally to civil partner.

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## **Children law arbitration - Everything you need to know**

Children law arbitration presents an alternative approach for resolving child-related disputes outside of the conventional court system.

With the court system facing significant delays and inefficiencies, family arbitration is quickly emerging as a valuable alternative for couples navigating a family breakdown. It provides a faster, confidential, flexible, and less formal avenue to resolving disputes.

The arbitration process involves the parties willingly opting to submit their dispute to a skilled arbitrator, who they trust to make a decision in relation to their child dispute. Read [our blog](#) on everything you need to know about children law arbitration.

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## **Marriage revokes your Will!**

This cannot be shared enough... Courtesy of a 1837 piece of legislation, unless that Will has been specifically written in contemplation of that marriage.

[In this case](#), a Will was prepared for a terminally ill lady, who very shortly thereafter then married her partner on her death bed.

The Will was not expressly in contemplation of marriage so, on the face of it, the marriage revoked her Will taking her back to being intestate, resulting in new husband inheriting the £10m estate. The family (who would have inherited) are challenging this.

This sadly isn't uncommon. We have had cases exactly the same and we also wrote [a blog](#) on this topic.

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## The unique challenges facing a farming family on divorce

### What are the challenges facing a family family on divorce?

[Siobhan Jeffels](#), Legal Director and [Grace Parker](#), Associate Solicitor in the Family team have recorded a short video during which they consider the unique features of a farming divorce.

You can view it [here](#).

For more information about how Clarion can support farming families, get in touch with our team.

[Siobhan Jeffels](#) is a Legal Director in our [Family team](#), you can contact her on 07741 668 428 or at [siobhan.jeffels@clarionsolicitors.com](mailto:siobhan.jeffels@clarionsolicitors.com)



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### What is a Child Trust Fund (CTF)?

A Children Trust Fund (CTF) is a long term tax free savings account for children born between 1 September 2002 and 2 January 2011.

In most cases, the government paid in £250 when a child was born, and a further £250 when they turned 7, if this was before the scheme closed in 2011. The money in the account belongs to the child and they can take it out when they are 18.

### What happens if a child has a Children Trust Fund and lacks mental capacity?

If a child has a trust fund and does not have mental capacity to manage their own account when it matures, the parent or a close friend or relative need to apply to the Court of Protection for the appointment of a financial Deputy so they can manage the child's account when they turn 18. Once the account matures, the money can either be taken out or transferred to an ISA. We explain further in our blog [here](#).

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## Challenging a Will for Undue Influence - The case of Rea v Rea

The latest instalment in the long running saga involving the estate of Anna Rea - which started back in 2016 - has been published.

The High Court's judgment, following a 4-day trial, serves as a helpful example of how to challenge a Will due to undue influence.

The deceased, Anna Rea ("AR"), had four children: one daughter and three sons. AR made two Wills in her lifetime: a Will in 1986 which left her estate to all 4 children equally, and a Will in 2015 which gives AR's house to the daughter then splits the rest between the children in 4 equal shares. Rather unusually, the 2015 Will included a declaration by AR that her sons had not



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taken care of her. By the time she made the 2015 Will, AR was suffering from serious health challenges including chronic kidney disease and partial deafness and blindness, on top of being wheelchair bound. You can read more about the case [here](#).

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## **Understanding shareholder disputes: A toolkit for your team**

The challenging global economic climate has exposed many UK businesses to enormous financial hardship and has created an environment which is forcing many companies to introduce cost-cutting and cash preservation policies.

Many of those measures have been bringing into sharp focus the conduct and performance of owner-managers of businesses. In many cases, that increased level of peer scrutiny has magnified and exacerbated pre-existing issues between business owners which first emerged in the COVID-19 pandemic.

Without early intervention and triage, those tensions have the potential to erupt into acrimonious business divorces. The consequences of such breakdowns for businesses which have been carefully managed over many years can be catastrophic and, in extreme cases, can lead to the rapid and complete evisceration of shareholder value.

As a trusted advisor, whether to a minority or a majority shareholder, you will often be the first port of call when things start to turn sour.

Our shareholder disputes experts can provide your team with a dedicated training session and toolkit that will allow you to confidently steer your client along the path most likely to lead to early containment and resolution of a shareholder dispute or, if such an outcome proves to be unachievable, put your client in the best possible position if matters end up escalating.

To learn more about these sessions and to book one for your team please contact:

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## **Q&A with Stephanie Douthwaite**

For our Summer edition, we are getting to know [Stephanie Douthwaite](#), Legal Director in our [Family team](#).

### **When did you join Clarion and what sort of law do you do?**

I joined in November 2016 when I was just over two years qualified, after having been a paralegal, trainee solicitor and qualified solicitor at another firm in Leeds. As a paralegal and trainee, I gained lots of experience in employment law, commercial law and corporate law which I enjoyed but I then trained and chose to specialise in family law which is quite different! That being said as a family lawyer dealing with financial settlements in a divorce scenario, often for clients who own their own businesses, all of my



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previous experience comes in handy to spot issues and opportunities and to really understand the whole picture.

Most of my workload at the moment is advising on and negotiating financial settlements in divorce cases and also advising on and preparing nuptial agreements, as these seem to be getting much more popular – possibly due to people becoming more worried about the prospects of finding themselves in the court system in the future if they divorce. I also work with our Private Wealth team to help clients who are looking at inter-generational wealth planning, because nuptial agreements can be really useful for that too.

I really enjoy being able to make a difficult break up just that little bit easier or more straight-forward for clients, bringing together all sorts of resources and helping to find solutions. In our team we now resolve most cases using various alternative dispute resolution routes, instead of court, and even when cases have been tricky to negotiate I have actually shared some quite pleasant experiences with clients using ADR.

### **If you weren't a lawyer, what would you be?**

I think being a lawyer suits me, because I enjoy analysing and problem solving – both people and documents! I also have a strong sense of justice and fairness, though sometimes this is not such a blessing.

If I was not a lawyer... the reality is that I am sure my two cheeky children as well as my Labrador and Frenchie would between them keep me plenty busy, however, I did used to dream of owning my own fancy dog hotel – a (slightly) less pink Barbie dream house for dogs complete with pet/owner video conferencing. The closest I have got to this is negotiating terms for a client to spend time with the family dog as a small but emotive part of a divorce settlement, which was fairly pleasing to be able to agree as a dog lover myself.

### **Tell us one thing people don't know about you**

I really, really love Turkish Delight and once bulk ordered 21 packs on Amazon which I polished off in two days. I have since then reconsidered my sugar intake!

### **What do you do outside law?**

If I am honest I am mostly alternating between watching Bluey and catching up on Married at First Sight (UK, Australia, US.... all of them).

My secret skill, however, is that I am an amazing shopper and I am often sourcing perfect outfits, shoes, handbags or make up for friends and colleagues. Such is my reputation on this, I even sourced a colleague's wedding dress!

When the children are older I plan to find a quirky hobby because I love meeting people that I wouldn't come across in my other routines (ideas welcome!)

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