

# 1GC | Family Law

## Claire Heppenstall MCI Arb

Year of Call: 1990



## Practice Overview

Claire practises exclusively in private family and family related work. Her practice is largely split between all aspects of Private Children Law and Financial Remedies work. She has expertise in dealing with Schedule 1 claims (financial provision for children of unmarried couples) and also advising and representing clients in relation to child support issues. She acts in all levels of court and is frequently instructed in cases where King's Counsel is instructed on the other side.

Claire has a particular interest in all branches of dispute resolution (DR) work and in using DR to help clients to reach resolution out of court. Claire can be instructed as both a mediator (all issues) and an arbitrator (children and finance) and is also regularly instructed as a private FDR judge and for early neutral evaluations (ENE).

Dealing with both children and money work allows her to assist the private client across most areas of dispute that arise during difficult family breakdowns in a highly effective and pragmatic way.

Claire also accepts direct access cases, subject to suitability.

## Children (Private Law)

In the area of Private Children Law, she has a particular interest and a huge amount of expertise in cases involving relocation, both external and internal.

International leave to remove cases are a specialist area and Claire has recently been involved in contested removals to Brasil, USA, Germany, Italy and Australia.

She has particular expertise in representing clients involved in highly acrimonious and long-running intractable contact and residence disputes, and is often instructed in cases involving allegations of parental alienation and where expert psychiatric assessment has been required to assist the court.

She also has significant experience of being instructed on behalf of the child in rule 16 cases.

## Family Finance & Property

In Financial Remedies work, Claire is often instructed in difficult cases involving issues of non-

disclosure or where careful analysis of family businesses and trust interests is required.

She has considerable experience of dealing with Schedule 1 applications and is regularly instructed in this type of claim.

## **International Family Law**

Claire acts for parents involved in Hague Convention applications, whether acting to seek return of the child or oppose return and can advise in relation to tactical actions needed to prevent a potential removal in circumstances where there are concerns that this might be a real risk.

## **Arbitration**

Claire is an arbitrator qualified to take on both private children and financial remedies work under the two separate IFLA schemes. This dual qualification allows her to provide clients with the opportunity for all aspects of their separation (children and financial issues) to be determined in one consolidated hearing - saving huge amounts of time, money and stress.

## **ENE / Private FDR**

Claire is happy to offer parties early neutral evaluation of the merits of their case in either private children or financial remedy work, which may assist to resolve or narrow issues ahead of proceedings.

## **Modern Families & Surrogacy**

Claire has represented a number of LGBT clients in private law children proceedings and is extremely sensitive to the issues that can arise in some modern family arrangements. She has also advised on strategy and approach in relation to the preparation of children and/or the other parent when issues of transgender parenthood arise.

In relation to financial issues - Claire has particular experience of advising in relation to financial issues connected with unmarried parents and ownership of property, as applicable to LGBT clients. She has also advised in relation to financial responsibility where issues of informal sperm donation have occurred and other child support issues.

## **Mediation**

She is a member of the FMA (Family Mediators Association) and completed her mediation training with them.

She is registered with the Family Mediation Council and is currently working towards Accredited Status.

## **Financial Dispute Resolution**

Claire accepts instructions to conduct private financial dispute resolution hearings which can be

particularly effective in assisting the parties reach a concluded agreement.

## What the Directories Say

Ranked as a Leading Junior for both Children and Matrimonial Finance Work.

*"Claire Heppenstall is excellent in her field and sensitive to the feelings of the clients. She is also a brilliant advocate, who is well respected by the family law judges."* **Band 3 - Chambers and Partners, 2024 Family**

*"Very good on the numbers, she is very pragmatic and good at finding solutions."* **Band 4 - Chambers and Partners, 2024 Finance**

*"Claire's advocacy is robust. Her cross-examination of the witness is exceptional. Her authoritative presence in court is respected by both the judges and opponents."* **Tier 2 - Legal 500, 2024 - Finance**

*"Claire is an excellent barrister who is extremely well-prepared and good on her feet. She is a highly effective advocate, robust and calm under pressure. She has excellent judgement and builds rapport with clients easily and well. Her advice is clear and concise. She is very responsive, on email and the phone and highly organised. She produces paperwork promptly and in good time."* **Tier 1 - Legal 500, 2024 - Family**

*"Robust, very clear-thinking and someone whose advocacy is outstanding. She gets straight to the heart of the matter, which clients appreciate."* **Band 3 - Chambers and Partners, 2023**

*"Claire is excellent, tenacious, professional and very forthright when required."* **Band 3 - Chambers and Partners, 2023**

*"Claire is a very safe pair of hands, astute, hardworking and talented. She has an in-depth and technical understanding of family law. She is a deeply compassionate advocate who supports the client with her steadiness and wisdom."* **Tier 1 – Legal 500, 2023**

*"Claire has great commercial acumen. She is clear, direct and exudes authority in court. Her advocacy is polished and persuasive."* **Tier 2 – Legal 500, 2023**

*"An instinctive lawyer with an empathetic manner with clients. She is able to get the heart of the case and tackle it with both clients and the tribunal effectively and strategically. Her advocacy style is engaging and to the point, and she is determined and stylish in cross-examination and representations to the court."* **Tier 1 – Legal 500, 2022**

*"She is very focused and hones in on the key issues of a case very quickly. She has good judgement and is a fierce advocate when it is required."* **Tier 2 – Legal 500, 2022**

*"An absolute star player. Claire has an easy and straightforward manner with clients and adapts with emotional intelligence to the individual personality and needs of a case. She has a keen intellect and is skilled in getting to the heart of a case. Just as keen to weigh into a contest or to settle where required. Well prepared for both court and conference."* Tier 2 - Legal 500, 2021

*"Excellent on complex children matters and robust when needed." "She has a clear way of providing advice to clients" and "a calm, self-assured manner."* Band 3 - Chambers and Partners, 2021

*"Inspires confidence and is good with judges."* Legal 500, 2019

*"Puts considerable time into mastering complicated issues."* Legal 500, 2019

*"She is extremely professional and gives very accurate advice. She knows the subtleties of children law extremely well.' 'Her grasp of the figures and attention to detail really show the client that she is on their side and in control."* Chambers and Partners, 2019

*"She's very experienced and she has an amazing understanding of the current law and its application. Her advocacy is second to none and her ability to manage clients, focus them and assist them in identifying a way forward is excellent."* Chambers and Partners, 2018

*"A totally professional and dependable children lawyer."* Legal 500, 2018

*"She's an absolute pleasure to work with and clients love her."* Legal 500, 2018

*"A great advocate. She's an iron fist in a velvet glove when needed but is always pragmatic and gently but firmly reminds clients of the need to consider what is best for the children. She goes out of her way to explain tactical decisions and is a pleasure to work with for solicitors and clients alike."* Chambers and Partners, 2017

*"Handles complex financial and children law work and often leads proceedings concerning both. She is commended for her tactical approach when handling cases involving issues of abuse and education."* Legal 500, 2017

*"She manages difficult clients exceptionally well and has excellent advocacy skills. She has the ability to find agreement where agreement seems on the face of it perhaps impossible."* Chambers and Partners, 2016

*"An excellent judge of character and a class act all round."* Legal 500, 2016

*"Highly emphatic with clients and very good on advocacy and paperwork."* Legal 500, 2016

*"Extremely thorough; a standout barrister."* Legal 500 (Children), 2015

*"Unflappable; she is very bright, and trusted and well liked by clients."* Legal 500 (Matrimonial Finance), 2015

"Treats clients with empathy from first conference to final hearing." Legal 500 (Children and Matrimonial Finance), 2014

## Notable Cases

*Re M (A Child)* [2017] EWCA Civ 2356.

*Re M (Interim Contact: Domestic Violence)* [2000] 2 FLR 377

*S v P (Contact Application: Family assistance Order)* [1997] 2 FLR 277

*McCann v Wright* [1995] 2 FLR 579, CA

## Education

LLB (Hons), University College London

LLM, University College London

## Appointments

Recorder on the South Eastern Circuit to sit in Family matters (2022)

Claire sits as an arbitrator in both financial remedy and private law children disputes.

Panel Reviewer for the Bar Pro Bono Unit.

## Awards

Shortlisted for Family Junior of the Year at the 2023 Legal 500 Bar Awards

## Memberships & Associations

Chartered Institute of Arbitrators

Family Law Bar Association

Member of Institute of Family Law Arbitrators (IFLA)

Family Mediators Association

Registered with the Family Mediation Council - Working towards accredited status

PPC is Philippa Johnson URN: 0676A

## Seminars and Training

Claire has contributed to a number of leading publications:

The Expert Guide to Representing Yourself (Jordans)

Applications under Schedule 1 of the Children Act 1989 (Family Law)

Halsburys Laws- Children Law (5<sup>th</sup> reissue)

Butterworths Cohabitation Law and Precedents: Same Sex Cohabitation

She also regularly presents seminars and training for the 1GC seminar series in both the Private Law and Financial Remedy Teams, most recently:

Training provided to Hanson Renouf International Finance Conference - October 2017

Training provided to Surrey Resolution Family Law Day - May 2017

Seminar with Janet Bazley QC – “Arbitration in Private Children Law Disputes” to Mischon de Reya (May 2017).

Claire gave a webinar on "**Arbitration: A How-To Guide**" as part of the 1GC Family Law Webinar Series (May 2020).