

1GC | Family Law

Janet Bazley KC, MCI Arb

Year of Call: 1980 Year of Silk: 2006



Practice Overview

Janet maintains a broad family law practice. Much of her work comprises private law disputes about children. Janet also receives instructions in complex care cases (generally involving medical issues), in family finance cases and in appellate matters. Much of Janet's work has an international element. Janet is rated as a Leading Silk (Band 1) in both the Legal 500 and Chambers and Partners legal directories. Janet undertakes arbitrations (in both children and financial cases) in addition to other forms of dispute resolution and is a trainer on IFLA training courses for family law arbitrators. Janet sits part-time as a Judge, in both civil and family cases.

Children (Public Law)

Janet has experience over many years of conducting the most complex care cases, for local authorities, parents and guardians. Many of her cases involve the death of young children, where the issue for the court is how the child died and whether the death was from a natural or organic cause or resulted from non-accidental injury. In the long-running Poppi Worthington case, Janet was instructed on behalf of the older siblings.

Janet is also instructed in 'end of life' and other medical treatment cases. One such case was *Re JA (Medical Treatment: Child Diagnosed with HIV)* [2014] EWHC 1135 (Fam) in which the court had to consider, within wardship proceedings, the health authority's application for orders requiring the parents to present their child for HIV treatment. In other cases, the special needs of a party or child witness require the assistance of an intermediary in order for him or her to access the proceedings and have a fair hearing or police intelligence may require the use of special advocates, an example being *Re R (Closed Material Procedure: Special Advocates: Funding)* [2017] EWHC 1793 (Fam).

Janet often acts in cases which change or clarify the law or procedure. She acted in the Supreme Court for the successful appellant in *Re T (Children)* [2012] UKSC 36, now the seminal authority on costs in children cases. Another such case, involving international adoption, was *Re S and T (Inter-country Adoption: USA)* [2015] EWHC 1753; another was *Re J* [2017] EWCA Civ 398. She was also brought in at appellate level to *Re H-L (A Child)* [2013] EWCA Civ 655, in which the Court of Appeal considered the meaning of 'necessary' for the purpose of permitting the instruction of an expert in a children case.

Recent cases include:

T and R, Re (Refusal of Placement Order) [2021] EWCA Civ 71 (28 January 2021)

London Borough of Southwark v A Family [2020] EWHC 3117 (Fam) (18 May 2020)

Children (Private Law)

Janet undertakes all types of private law children work. Cases include all forms of dispute regarding arrangements for children, including internal and international relocation, specific issues regarding schooling and issues which arise where parents are unable to agree about their child receiving medical treatment. Other cases involve private adoption and issues concerning modern families, such as surrogacy. Janet was instructed by the children's Rule 16.4 guardian in the first series of cases involving errors on the part of fertility clinics resulting in the need for the court to be asked to make declarations of parentage: *In the Matter of the Human Fertilisation and Embryology Act 2008 (Cases A, B, C, D, E, F, G and H)* [2015] EWHC 2602 (Fam). Janet and her junior, Sharon Segal, drafted guidance for the HFEA which was approved by the President of the Family Division. Janet is particularly sought after for her clear strategic thinking, her extensive knowledge of medical and mental health issues and her expertise in cross-examination.

Recent cases include:

A and B (Parental Alienation: No.1, No.2, No.3 and No.4)

Family Finance & Property

Janet undertakes a broad range of family finance work. She acts in financial proceedings following divorce, applications under Schedule 1 of the Children Act 1989 often in circumstances in which there are concurrent proceedings relating to children or parties wish to have continuity of counsel. Janet is noted for her sensible approach and ability to settle cases on terms favourable to her lay clients. Her skills as an arbitrator in financial cases are considered to transfer well to court work in this field. In 2016, as an invited member of a Law Commission Committee, Janet was involved in advising the Government on the enforcement of family finance orders, resulting in proposals for reform of the law in this area.

Recent cases include:

- *M v P (Queen's Proctor Intervening)* [2019] EWFC 14 - developing the law on irregular divorce petitions, particularly those where decrees of divorce have been struck out as being void in circumstances in which the facts alleged were false

International Family Law

With the growth in the number of international families, many of Janet's cases, both in relation to children and family finance, have an international element. Janet acted for the natural father in a case in which the President clarified the requirements for foreign adopters obtaining parental responsibility with a view to adopting abroad: *Re S and T (Inter-country Adoption: USA)* [2015] EWHC 1753. Another recent case involved the jurisdiction of the English court to make protective orders in respect

of children habitually resident outside the jurisdiction. Janet also recently acted in a financial case in which orders had been made by the Tribunal de Grand Instance De Paris and the issue was about enforcement and variation of those orders in this jurisdiction. Some years ago, Janet was also called to the Bar in Bermuda for the purpose of undertaking financial proceedings there.

Court of Protection

Janet undertakes cases in the Court of Protection involving vulnerable adults, some of whom are parents for whom Janet acts in relation to proceedings concerning their children. One such case involved a young mother with significant learning difficulties, for whom the stress of proceedings relating to her children meant that she was no longer able to manage her affairs. She was particularly vulnerable to the father of her children and the court was required to make protective orders as to contact between them and where Janet's client's child should live.

Arbitration

Janet has always had a keen interest in alternative dispute resolution and was interested from the outset in the development of schemes for arbitration in family finance and children cases. Having trained as an arbitrator for finance cases, Janet was invited to assist with the preparation of materials and the delivery of the children arbitration course run by the Institute of Family Law Arbitrators (IFLA). Janet has been involved in teaching most of those currently qualified through IFLA to conduct arbitrations in children cases. Janet undertakes arbitrations in both finance and children cases and retains a keen interest in the development of this work. She has found that parties much appreciate the ability to set the agenda for their proceedings, choose their arbitrator and swiftly obtain a binding outcome.

ENE / Private FDR

Janet can offer an expert view of the likely outcome of proceedings to those who hope to be able to resolve a dispute without recourse to the courts. Using Janet's advice, parties are often able to narrow the issues or agree matters between them, often with the assistance of their solicitors.

Modern Families & Surrogacy

Janet is increasingly instructed in work involving modern families. Leading Sharon Segal, she acted for all of the children involved in the series of cases dealt with by the President in *HFEA (A and others) (Legal Parenthood)* [2016] 1WLR 135, the leading case which shaped the law in relation to declarations of parenthood. In addition to legal parenthood, surrogacy and all issues concerning children, Janet also advises on financial issues between cohabitants.

What the Directories Say

"Janet is a force to be reckoned with. Her attention to detail, effortless and vast legal mind and personable nature makes the complexities of cases so much better to deal with. She's a delight to work alongside and everything you need in a silk and so much more. She is a powerhouse and a machine." **Band 1 - Chambers and Partners, 2023**

"Janet Bazley is not only an exceptional silk but she also possesses outstanding client care skills and empathy in immensely challenging, complicated and sad cases." **Band 1 - Chambers and Partners, 2023**

"Janet is simply an excellent lawyer. She is pragmatic and gives sensible advice to clients. She is also good at managing difficult clients." **Tier 1 - Legal 500, 2023**

"Janet is the foremost child law QC. She has an encyclopedic knowledge of the law relating to children, is a brilliant advocate, a skilled strategist and combines this with availability, responsiveness and an unmatched bedside manner with clients." **Tier 1 - Legal 500, 2022**

"Janet combines a gentleness with the client and a toughness in Court that at times takes you aback, but it makes you feel good she is on your side. Her instincts are second to none." **Tier 1 - Legal 500, 2021**

"Outstanding. The most down-to-earth and wonderful person, who will always help you." **Band 1 - Chambers and Partners, 2021**

"Janet is great for the most difficult children cases. She is really hands-on, available 24/7 and superbly well prepared." **Band 1 - Chambers and Partners, 2021**

"When you instruct Janet you know the case is going to be so well thought out. With her it's a slam-dunk for victory." **Band 1 - Chambers and Partners, 2020**

"She is hugely empathetic, warm and kind, but when she needs to she'll throw off the fluffy cardigan and be a real tiger. She's got that great mixture of toughness and kindness and is endlessly patient." **Band 1 - Chambers and Partners, 2020**

"A true pro, as comfortable cross-examining in the High Court as arguing points of law in the Court of Appeal." **Tier 1 - Legal 500, 2020**

"Remains calm in the eye of the storm." **Tier 1 - Legal 500, 2019**

"Her steadfast composure and kind approach to clients, her unwavering commitment to putting the client's best case forward, and keen eye for strategy make her an outstanding leader." **Band 1 - Chambers and Partners, 2019**

"She is utterly brilliant, always well prepared, and someone with amazing client care skills. She has a quiet manner in court, but has the ear of the judge." **Band 1 - Chambers and Partners, 2019**

"Has a great mind and impressive tactical skill. She's great with clients and a good lateral thinker. Judges love her understated style." **Band 1- Chambers and Partners, 2018**

"She has an extraordinary work ethic and is utterly committed to trying to achieve the best results for the client. She came in at the last minute in our case and dominated in court." **Chambers and Partners, 2017**

"There is a real sharp brain hidden behind a gentle warm smile; she is superb." **Legal 500, 2017**

"She is able to present her case in a way that leaves others simply watching in awe." **Legal 500, 2016**

"Her key strength is her advocacy. She is also able to explain the minutiae of the law with real clarity and accuracy. She is a very intelligent cross-examiner and has a very thorough understanding of the law." **Chambers and Partners, 2016**

"A superb advocate who commands and deserves the greatest of respect." **Legal 500, 2015**

"Always calm and in control, yet at the same time strong and firm." **Chambers and Partners, 2015**

"She combines empathy with the parents with deep knowledge of the difficult issues involved in the case." **Chambers and Partners, 2015**

"Has a sterling reputation for undertaking children law cases. She also handles the full spectrum of family finance." **Chambers and Partners, 2015**

"She is really good with clients and is a brilliant advocate." **Chambers and Partners, 2014**

"Janet Bazley QC's flawless cross-examination is an example to be followed" **Legal 500, 2013**

Noted for her excellence in children cases, especially those involving complex medical or mental health issues and international relocation. One instructing solicitor praised her advocacy, commenting that *"there were times when I just sat back in awe - she manages to say her bit in such a firm, eloquent way."* **Chambers and Partners, 2013**

"One of the strongest, most competent and user-friendly children law QCs." **Legal 500, 2012**

"A 'masterful advocate' who is extremely hard-working and very good with clients, she is instructed in both children and finance work, and is particularly skilled in matters involving complex medical issues." **Chambers and Partners, 2012**

"A fearsome cross-examiner, who has the ability to turn a case around." **Chambers and Partners, 2011**

Education

LLB (Hons), University of London

Appointments

MCI Arb

Civil and Family (2002)

Recorder Crime (2000)

Memberships & Associations

Association of Lawyers for Children

Court of Protection Bar Association

Family Law Bar Association

Resolution

Publications

Editor and lead author of the 1 Garden Court Handbook "Applications under Schedule 1 of the Children Act 1989 (Jordans, September 2010).

Joint author of the book Money Laundering for Lawyers, published by Butterworths (Lexis Nexis)

Contributor to Halsbury's Laws of England and occasional contributor to Family Law.

Contributor to Cases That Shook the World, Lexis Nexis - co-author of chapters on White v White and Gillick.

Janet writes responses on behalf of the Bar Council's Law Reform Committee or the FLBA to Government and Law Commission consultations on Family Law matters.

Seminars and Lectures

Janet is regularly invited to speak on Family Law matters at conferences and seminars run by external providers.