

# 1GC | Family Law

## John Stocker MCI Arb

Year of Call: 1985



## Practice Overview

John specialises in complex and high value cases across the entire range of family-related financial disputes. His expertise includes applications for financial remedies by spouses and/or children following divorce or civil partnership dissolution; applications for financial remedies for children by unmarried parents pursuant to Schedule 1 to the Children Act 1989, as well as property disputes between unmarried cohabitants pursuant to the Trust of Land and Appointment of Trustees Act (TOLATA) 1996.

He also acts for third parties (interveners) who may have an interest that they seek to protect in divorce proceedings, such as parents and/or siblings of the divorcing couple, as well as trustees and/or corporate entities by whom relevant property may be owned.

## Family Finance & Property

John has practised exclusively in this field since the early 1990s. He is well-known and well-respected across the profession, and has very considerable specialist knowledge and experience. His work encompasses both court-based resolution and alternative (non-court-based) dispute resolution.

Hard-working and thorough, John combines first rate legal knowledge with a mastery of the papers. He has an excellent grasp of figures and is able to cut straight to the crux of the problem. Combined with his strong judgement, this enables him to give straight, no frills, objective advice. He has built a reputation for being measured and realistic, but forceful when necessary. Unfailingly courteous and empathetic, he aims to lead his clients calmly through to a resolution of what can otherwise be a stressful experience.

John is qualified to undertake Direct Public Access work in appropriate cases, and does so regularly, both in conference and at court (including final hearings).

John is a qualified arbitrator. He is available to conduct arbitrations under the IFLA scheme as well as private FDRs and Early Neutral Evaluations.

## By way of illustration of John's practice profile, recent cases have involved:

- Successful resistance to an application to set aside a financial consent order, based on non-disclosure, involving a self-employed foreign national consultant receiving business fees into a

UK-registered service company;

- An application for variation of spousal maintenance, based on alleged debts arising to HMRC arising from the implementation of new anti-avoidance provisions as applied to past tax schemes;
- An application for financial remedies following a forum race between a husband in Dubai and a wife in England;
- A case involving a husband and wife joint directors/shareholders in a successful specialist construction company;
- A case involving the division of a large portfolio of jointly owned residential properties between husband and wife, with issues over rental yields and tax efficiency on transfers;
- A farming case, involving issues of turnover from crop produce, contract management payments and EU environmental payments and planning issues;
- An application for financial remedies in England under Part III of the MFPA 1984, for an English wife, following a divorce in Denmark;
- A number of cases involving high-earning husbands being asked to fund high-level child maintenance awards and cover heavy school-fees commitments;
- A number of financial remedy claims involving the division of a portfolio of investment properties, residential and commercial, and consequent tax issues;
- A trusts of land claim involving a high-end property in the Home Counties and a written cohabitation agreement;
- A case involving a husband with a chain of retail trading stores across south-east England, built up substantially outside of the marriage;
- A case involving a husband with an interest in an English property company of disputed value, and a wife with interests in trading companies registered and operating in mainland Europe, of disputed value;
- A case involving a wife who had been in a road traffic accident leading to amputation of a leg, in which a substantial proportion of the assets were personal injury damages designed to meet her lifetime needs;
- A case involving the enforcement of an English financial remedies order in Singapore;
- A divorce and financial case involving a terminally ill wife who wished to be divorced and to recover her proper share of the matrimonial assets in order to make provision for her adult children from an earlier marriage. The proceedings were transferred to the High Court in order to provide jurisdiction for the court to move so that the proceedings could be conducted in the parties' residential property;
- An ancillary relief claim involving high-end properties in the Home Counties, owned in property development companies controlled by the husband;
- Acting for a businessman resident in the USA, in respect of a substantial and complex ancillary relief claim brought in London by a wife also resident in USA;
- An ancillary relief claim involving real property and business interests spread across a number of different jurisdictions worldwide, including US, Europe and the Far East;
- Acting for the Official Solicitor as amicus to the court in a claim brought under Schedule 1 of the Children Act 1989 by a mother against a father serving a custodial sentence for a serious criminal offence;
- A number of cases involving allegations that one party has hidden money and/or assets on the breakdown of the marriage by placing them in the hands of third parties

## Notable cases in which John has acted and which have been reported in the official Law Reports have been:

*O v P* [2011] EWHC 2425 (Fam)

*D v D* [2004] 1 FLR 988

## Education

LLB, Exeter University

LLM, Cambridge University

## Memberships & Associations

### Family Law Bar Association

Seminars, Publications and Training

John regularly presents lectures and seminars for the 1GC seminar series. He also presents seminars to individual groups of solicitors as well as to external training providers and is happy to accept invitations to do so. He recently gave a webinar as part of the 1GC Family Law Webinar series on "Thwaite and Barrell Jurisdictions" (May 2020).

John is a co-author of *DIY Divorce & Separation: The Expert Guide to Representing Yourself* (Jordan Publishing), 2014.

### Personal

John is married with three children. He likes music, horticulture, natural history and walking.