

# 1GC | Family Law

## **Penny Clapham MCI Arb**

Year of Call: 2007



## **Practice Overview**

Penny specialises in all aspects of financial provision on relationship breakdown. This encompasses divorce, dissolution of civil partnerships and the separation of cohabitants. She has a particular specialism in financial provision for children under Schedule 1 of the Children Act 1989 and is sought after for this work. Penny enjoys international work, including advising in cross border maintenance disputes or in proceedings under Part III of the MFPA 1984. Penny regularly advises and represents clients in the States of Jersey.

She is recognised in the legal directories for her formidable advocacy and intellectual rigour combined with a hard-working approach. She has excellent client care skills, balancing the need for compassion and sensitivity with realistic, commercial advice. Penny understands that there are a number of effective ways of resolving disputes and tailors her approach accordingly: whether a client requires robust litigation, effective negotiation or to utilise forms of ADR to resolve their dispute.

She is at ease appearing against KC's, often by herself, as well as acting as Junior Counsel with a leader.

Penny qualified as a financial arbitrator in August 2021.

## **Family Finance & Property**

Penny's area of expertise is in representing clients across the full breadth of family finance and property work, whether acting for a party in divorce proceedings, a separating same-sex couple, a dispute between cohabitants or even parents and children in 'intervener' and claims under Schedule 1 of the Children Act 1989.

Much of her work involves high-net-worth cases including where there are complex business structures, trusts, offshore assets, farms and international property. She is also brought in to advise in more modest asset cases, including where there are complex allegations of dissipation of assets or a misrepresentation of the financial landscape which requires detailed forensic rigour.

Penny also represents vulnerable clients, including those who have been affected by domestic violence or in which there is an issue about mental capacity. She is comfortable advising on the steps to be taken where there is a concurrent Court of Protection issue.

She advises and represents clients in international disputes involving jurisdiction and forum, financial

relief after an overseas divorce (Part III claims) and international child maintenance obligations. Penny has a particular interest in cases in Jersey and has advised and drafted documents for clients in the Royal Court in Jersey as well as providing representation at private FDR.

Penny has a particular specialism in cases involving financial arrangements for children (Schedule 1 of the Children Act 1989 claims) and has co-authored a book on the topic.

Penny appreciates that not all clients wish to litigate in Court. Penny has successfully represented clients at Arbitration, private FDR and lawyer-led mediation and is happy to advise as to which may be the most appropriate forum in a particular case.

## **International Family Law**

Penny regularly represents clients in international financial matters.

Financial claims commonly concern offshore assets, international property or international maintenance issues. Penny is experienced in representing clients in jurisdiction or forum disputes regarding the country in which their proceedings should be heard. Penny enjoys the intellectual challenges of the recognition and enforcement of foreign financial orders.

## **Arbitration**

Penelope is an arbitrator, qualified to take on financial remedies work.

## **What the Directories Say**

*"Penny is a first-class barrister. Her preparation is meticulous, and she knows the case inside and out. She is extremely assertive and robust as an advocate but is very personable, and clients warm quickly towards her."* **Tier 1 – Legal 500, 2024**

*"Penny is a very hard-working barrister and clients are universally full of praise for her."* **Band 2 - Chambers and Partners, 2023**

*"She's really easy to work with, really clever, committed and fights for the client."* **Band 2 - Chambers and Partners, 2023**

*"She is very thorough and gives clear advice presented in a way that's easy for clients to understand."* **Band 2 - Chambers and Partners, 2023**

*"Penny is direct and punchy in court with an eye for detail and numbers."* **Band 2 - Chambers and Partners, 2023**

*"Penelope is a very impressive barrister. She is extremely assertive and fearless as an advocate and is persuasive and robust in her advocacy but is very friendly and approachable to clients."* **Tier 1 – Legal 500, 2023**

*"A very impressive advocate with a first-class mind. She is very diligent, conscientious, and intelligent. A well-respected barrister."* Tier 1 – Legal 500, 2022

*"Takes time to understand what the client wants and then presents it in a very persuasive way to the Judges. She clearly has the ear of the court."* Legal 500, 2021

*"Confident and shrewd and grasps the issues. Explains the position to the client in a very calm and understanding manner. Professional, engaging and approachable."* Legal 500, 2021

*"Has a forensic ability to go through numbers and make sense of them. The confidence she gives clients is brilliant and she can cut through to the core of the case with such confidence. She settles cases in no time." "Professional, approachable, and driven to get the right result." "She has an infectious enthusiasm for her work and is loved by clients."* Chambers and Partners, 2021

*"A superbly confident and forceful advocate who brings her considerable talents and eye for detail to bear on every case no matter what is at stake."* Legal 500, 2020

*"Razor-sharp intellect and is very hardworking."* Legal 500, 2020

*"Has an awe-inspiring ability to grasp facts quickly and cut through the issues. Her work is thoroughly prepared and impeccably presented, and her confident yet friendly style strikes the perfect tone."* Chambers and Partners, 2020

*"She's a consummate professional who is always meticulously organised in her preparation."* Chambers and Partners, 2020

*"One of the brightest rising stars of her generation, Penelope is fearless with opponents but a calming presence with clients."* Chambers and Partners, 2020

*"She has exceptional client care skills and is very talented at translating what the client wants into documentation and oral submissions."* Chambers and Partners 2020

*"Has excellent attention to detail."* Legal 500, Children and Family Law, 2019

*"Always impresses when on her feet in court."* Legal 500, Children and Family Law, 2019

Has a mixed practice and handles both high-value matrimonial finance and sensitive children matters, both of which often feature a strong international element. She is noted for her deft handling of challenging abuse cases. She is experienced at handling TOLATA disputes and those relating to issues of complex relocation. *"She is one of the rising stars of the junior Bar, and is equally confident in finance and private law children work. She is vivacious and clients adore her energy, but she is also meticulous in her preparation."* Chambers and Partners, 2019

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*"She stands her ground. She is very robust in her advocacy and she handles clients very well. Her preparation is excellent. Invariably when she is on her feet the other barrister is in*

*her shadow."* Chambers and Partners, 2018

*"A fantastic, well-prepared advocate."* Legal 500, Children and Family Law, 2017

*"She has an infectious passion for her work."* Legal 500, Children and Family Law, 2017

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*"Fearless advocate with excellent legal knowledge and a fantastic way with her clients. Her court documents are superb."* Chambers and Partners, 2017

*"Fiercely intelligent, amazingly well prepared and an excellent advocate; clients love her."* Legal 500, Children and Matrimonial Finance, 2016

*"Thorough in her preparation, and liked by solicitors and clients for her engaging personality."* Legal 500 Children and Matrimonial Finance, 2016

Has the impressive ability to carry out both financial and children matters to an equal standard. Her peers see her as an effective junior barrister with the potential to go far.

*"She is extremely conscientious and hard-working. At court she is tenacious, she leaves no stone unturned and she gives clients a huge amount of confidence and support. She has boundless energy and that's part of why clients love her."* Chambers and Partners, 2016

Penelope was recommended and described as *"up-and-coming"* and *"developing a strong following"*. Legal 500, 2012

## Education

MA (Hons), Jurisprudence, Somerville College, Oxford University

BVC, Inns of Court School of Law

## Appointments

MCI Arb

## Awards

Winner of Family and Child Law Junior of the Year at the 2022 Legal 500 UK Bar Awards

Duke of Edinburgh Scholarship, Inner Temple

Streuben Prize Winner, Inner Temple

Exhibition, Inner Temple

## Memberships & Associations

Family Law Bar Association

Resolution (Associate Member)

Bar Pro Bono Unit

Penny is Direct Access qualified

Publications

Penny is a co-author of 'A Guide to Schedule 1 of the Children Act 1989', published by Family Law (March 2018) and "DIY Divorce & Separation: The Expert Guide to Representing Yourself" (Jordan), 2014.' <http://diydivorce.familylaw.co.uk/1GC-Blog>

Seminars and Lectures

'Schedule 1 of the Children Act: Tips and Traps' Talk to Farrer and Co (February 2022)

'Cross border Pre and Post Nuptial Settlements' Talk to the Jersey Family Conference (October 2019)

'Financial provision for children: at home and away' Talk to the YRes Conference (October 2018)

'Interveners: Joinder of Trusts and Companies' Talk to a selection of firms (June 2017)

'Spousal maintenance: still a meal ticket for life' Talk to Trethewens Solicitors (May 2017) and TV Edwards (December 2017)

'The Proceeds of Crime Act 2002 and Family Assets' 1GC Seminar to solicitors (April 2016)

'TOLATA: A short guide to the Law': Talk to Trethewens Solicitors (October 2015)

'22 April 2014: what changed and how is it working out': Talk to Collyer Bristow (November 2014)

'Business Assets and Financial Remedy Proceedings': 1 Garden Court Seminar (March 2014)

'Schedule 1 of the Children Act 1989: the small to medium asset case': Talk to JMW Solicitors (November 2013), SG Events Seminar (May 2013) and Barlow Robbins (May 2013)

'Internal Relocation': Talk to young solicitors at Collyer Bristow (March 2012)

Personal Interests

Penny enjoys all forms of sport and fitness: whether hiking and cycling in the countryside or completing strength training in the gym or at a Pilates class. She is an avid spectator of rugby and cricket. She spends holiday time skiing and scuba diving (not usually on the same holiday!). Lockdown has invigorated her interest in cooking and the simple pleasure of spending time with friends and family.