

Dawson Cornwell Newsletter

September 2010

The firm



Elizabeth McGowan

We are delighted to welcome Caroline Korah and Elizabeth McGowan to the firm as Trainee Solicitors. Caroline recently completed her LPC at the College of Law in London after completing a law degree at the University of Westminster. Caroline also studied law at the University of Montreal and is fluent in French. Elizabeth obtained a Distinction in her Legal Practice Course at the College of Law. She obtained a law degree from Nottingham University and prior to this was studying in Singapore. Elizabeth speaks Mandarin.



Caroline Korah

Abandoned spouse case

The firm recently acted in the ground-breaking abandoned spouse case of *Re S (a child)*, as a result of which Mrs Justice Hogg has issued a Guidance for wardship cases where a parent has been left stranded abroad by the other parent. The Guidance is designed to ensure that the "stranded spouse's" Article 6 and Article 8 ECHR rights are upheld, to ensure that there is a fair trial of the factual allegations and to enable the child or children to have contact with both parents pending a final decision on residence and contact.

Jurisdiction case

Ishtar Khalaf-Newsome recently won the case of *H v W* in the High Court. The Court held that the Italian Court was not seised of proceedings where they had been struck out by an Italian judge. According to Brussels II, the Court found that the Italian court was not first seised and that the English Court had jurisdiction on the basis of the Wife's habitual residence here.

Illegally obtained documents

In the past, spouses have been encouraged to access documents belonging to the other spouse in divorce proceedings. Known as the *Hildebrand* rules, clients were permitted to use such documents, even if they were confidential, provided force was not used and the originals returned. The recent decision in the case of *Imerman v Tchenguiz* has changed this. The Court of Appeal has held that it is unlawful for a spouse to take, copy and retain copies of confidential documents. The test to be applied is whether the other spouse has a "reasonable expectation of privacy" in relation to the documents.

