

10/12/2025. Memo.

To

Mr. Harvey Specter.

Senior attorney.

From

Claudio Perugini.

CC

Fiona Lee.

Legal Advice Memorandum: The role & effectiveness of mediation in family disputes.

Comments: Description of dispute within this memorandum shall take effect from the date of 10/12/2025. A mediation order concerning both parties involved shall start before any furtherance of action toward litigation procedures. **Please find context of details below.**

Dear Mr. Specter, this memo involves the order for a mediation information assessment meeting to decide divorce proceedings between Sir. Paul McCartney & his spouse/wife Mrs. Heather Mills McCartney. No legal aid requirements set. These sessions are to be completed in full by **19/01/2026**. The mediator will have to meet with both parties involved being that either face-to-face or via virtual meeting to discuss further the custodial provisions for their 3-year-old daughter Ms. Beatrice Milly McCartney. Both sides have asked for a settlement to be negotiated within 3 - 5 sessions. There will also be a further discussion about any relocation of the child internal & external from or within the UK.

Legislation.

- (*Children and Families Act 2014*). S.10(1).
- (*Family Procedure Rules 2010*). 3 & PD 3A.

Key cases. According to (Hudson, 2020).

- 'DO v BO' (Temporary Relocation to China) (2017) EWCH 858 (Fam).
- 'K v K' (2011) EWCA Civ 793.
- 'Payne v Payne' (2001) EWCA Civ 166.
- 'Re B' (A Child) (Unnecessary Private Law Application) (2020).
- 'Re C' (Internal Relocation) (2015) EWCA Civ 1305.
- 'Re R' (A Child) (2013) EWCA Civ 1115.

Mediation services found. Apple Mediation Services. Swansea, SA1 6AM.
Telephone: 01792 856745. Email: services@apple.services.co.uk.

[Graham Evans & Partners Solicitors]

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Section B: Marriage & Divorce.

This section discusses the breakdown of a marriage in all its complexities involving modern contemporary family law to best provide structure for proceedings plus formalities of both parties met. This section will also include the legal requirements for marriage & divorce, the grounds of divorce and procedural steps, implications of annulment vs divorce with all supporting legislation and case law provided throughout. A client has come into the office and asked for an insight into the current changes and an overview of proceedings with some credible sources to look through.

According to (Lowe & Douglas, 2015, p. 37-38) marriage is a formal contract between husband & wife with the law saying that the capacity to marry is different from any other form of contract and can be found in the case of 'Hyde v Hyde' (1866). This best describes the binding understanding of wedlock from both parties when entering in such obligations involving their respective relationship. In the United Kingdom, couples can form a marriage with conditions involving age requirements, relations of closeness & any other marriages entered beforehand that are still in effect. There are also other laws to provide same sex couples with the same rights to marriage throughout England & Wales (Uk Government, no date). The government provides a diversity of categories of people when enacting upon whom and who cannot marry in the UK. A supporting case is 'Bellinger v Bellinger' (2001). The supporting cases with all the evidence can provide the legal requirements for marriage. The enactments can consider all the implications throughout and can be found in s.11 of the (*Matrimonial Causes Act 1973*) with further laws found in s.5B (1) of the (*Marriage Act 1949*). This proves the point of the difficult judgement throughout the key case of 'B v B' when defining the legal aspects of marriage and all its complexities, especially involving gender acquirements.

This moves forward toward the legal formalities concerning divorce requirements in the UK. According to (Standley & Davies, 2013, p. 134) part 1 of the (*MCA 1973*) allows either husband or wife to obtain or file a divorce that can also involve any annulment or judicial separation. What this evidence provides is that although marriage is a vow and a commitment & a form of legal contract, divorce is always a possibility if there is any breakdown in marriage. It can be further supported as mentioned by both Standley & Davies within part 7, chapter 2 (7.2) (2)(a) of the (*Family Procedure Rules 2010*) with further strengthened support found in s.1 (1) of the (*Divorce, Dissolution and Separation Act 2020*). The rules provide guidance toward divorce and give the correct laws and procedures to understand any complications for either party. Since the 6th of April 2022 legal terminology has changed in divorce proceedings as found by Kinder (2023). The first step in obtaining a divorce is through an application for a 'conditional order' after 20 weeks before deciding on divorce proceedings & the second part is to obtain a 'final order'. Dates provided from Kinder understands how the modern take on divorce with all its

complications is now to be decided, changed, and updated to fit modern contemporary proceedings. What this provides is a process of dissolution legally dissolving a marriage.

Considering all of the above that is necessary for a successful divorce according to Citizens Advice, (2019) the requirements involve quite a substantial number of applications, legal professionals involved, forms, court orders and monetary involvements not just to start any proceedings but also to ensure the right legal pathways for both parties are available. There are many different options to consider making divorce quite respectively a difficult matter to analyse in any sense of the word. However, as explained further by LexisPSL Family Practical Guidance (no date) the guidance finds that a ground for divorce is the 'irretrievable breakdown' of the marriage identified in s. 1 (2)(b) of the (*MCA 1973*). The law proves this point of reason. The main changes from the (*DDSA 2020*) are the forms, terminology & provisions as expressed prior, with a further change identified in a new 'no fault' divorce procedure. Through no fault divorce procedures there have been 26,412 applications made through the quarterly analytical database calculated in the months ranging from April – June 2025, the statistics further indicate a 3% drop from the 2024 findings (UK Government, 2025). The statistics provided are quite a low percentage compared to standard divorce procedure before the introduction of no fault divorces where statistics from the years 2010 in England & Wales provide the figure of 119,589 divorces which is a staggering comparison especially when it was an increase from 2009 (Standley & Davies, 2013, p. 134). However, as an advantage now, these new changes in divorce proceedings provide a faster, clearer & more amicable way of divorce settlement in the UK relieving tension & stress whilst dealing with such sensitive and fragile situations. A key case to support the changes can be found in 'Owens v Owens' (2018), Chen (2025) proves that repeal was the correct decision to further develop the (*MCA 1973*) to further strengthen the law through 'Reform'. Understanding the full process can be understood with all the proponents provided thus far. However, the discussion can deepen whilst understanding the implications of 'annulment vs divorce.' According to (Duffield, Kempton & Sabine, 2024, pp. 79-80) nullity is different from divorce and is very rarely used more described as an alternative than divorce proceedings and can be supported in s.11 (a) of the (*MCA 1973*) & also similarly found in s. 49, 50 of the (*Civil Partnership Act 2004*). The main changes are found in the (*DDSA 2020*) concerning administrative areas of the proceedings. The enactments provide all information that can help understand nullity or void marriages & civil partnerships. A key case to support civil partnership and also gives light to the possibility of same sex marriages is the case of 'Fitzpatrick v Sterling Housing Association' (1999). The case was a turning point in same sex marriage and can be seen as a pivotal factor in civil partnership legislation. Another case to examine is of 'De Reneville (otherwise Sheridan) v De Reneville' (1948). The case proves the point of prohibitions leading to a voidable marriage and can clarify the meaning of all ranging from annulment, void

& voidable marriages, civil partnerships whilst all the matters are still settled in court to this day.

Section C: Financial Orders Report: Financial Aspects of Divorce.

This drafted report shall provide clarity toward some key areas of divorce that involves the diverse types of financial remedies available inclusive of the variety of financial orders, for an example, property adjustment, pension sharing, and lump sum pay outs. The law includes the (*Matrimonial Causes Act 1973*) with all its factoring aspects with the inclusion of case law and shall provide the role of consent orders & clean break settlements.

The 1st part of this report has found upon the analysis by the law commissions understanding that the facts and data examined at this point is toward a potential reform of financial remedy law (UK Government, 2024). The understanding is quite clear that although the law is outdated dating back to 1973 & also the involvement of the (*Civil Partnership Act 2004*), the law is still relevant to date and keeps modern divorce proceedings throughout England & Wales at the forefront of development in the family law sector. This does not mean the remedies are not up for further scrutiny and this can only be seen throughout the law commissions scoping report. According to (Standley & Davies, 2013, p. 149) marriage breakdown consists of many parts, & financial resolve plays a major factor that involves areas such as delegation of financial property & assets inclusive of homes and pensions whilst also including investments. The key case of 'Moore v Moore' (2007) & the case of 'Haseltine v Haseltine' (1971) has become relevant throughout this research and can give light to the procedures understood throughout financial remedy. There is a legal question in the 'Haseltine' case of whether assets should have been shared although in the husband's name? A further supporting key case to examine is the landmark case of 'White v White' (2001), Chen (2025). The case finds the importance of the principle of equal sharing of assets enacted within s.25 of the (*MCA 1973*). There is also a provision of financial equity found in the cases of 'Dart v Dart' (1996) & 'B v B' (2001), (Standley & Davies, 2013, p. 149 - 150). The cases offer an array of distinct kinds of challenges faced within the financial aspects of divorce and exemplifies the welfare of the child being paramount, found in s.25 (1) (3) of the (*MCA 1973*). Furthermore, when examining the full procedure of financial remedy, the (*Family Procedure Rules 2010*) can provide everything there is to know ranging from applications of procedures, courts involved, fast – track procedures, financial remedies for children, estimated costs & pensions. All of this can be found in Parts 1-9 of the (*FPR 2010*) and can give some added insight into the procedures needed for financial remediation. According to (Hitchings, 2024) there are further supporting cases proven including the cases of 'Miller v Miller; McFarlane v McFarlane (2006)'. The case delves deeper in to the understanding of fairness in divorce proceedings providing the 3 principles of needs, compensation & sharing, this analysis provides

scrutiny toward both parties when understanding financial remedies. Chen (2025). Whilst developing further the differences between the husband & wife about financials there is the consent order which is a legal document that confirms the agreement between both parties. The courts can make a financial order as found by the (Uk Government, no date) where the courts can help respectively to decide fairness through what is known as a 'contested' route or an 'ancillary' relief order. What this provides is a structure to follow for both parties to ensure smooth justice. The order divides finances categorically, providing a visual guide between all the relevant components of assets inclusive of all the forms for both sides of the case to apply. S. 25 (a)(b)(c)(d)(e)(f)(g)(h) of the (MCA 1973) provides all the information necessary for the courts to exercise powers for each side of the marriage and provides the relevant conditions to better understand the circumstances of the marriage/divorce of both parties when deciding upon the divorces outcome involving the matrimonial assets. The courts can also decide upon an order of lump sum payments for either party to pay & this can involve the children as well on rare occasions (Lowe & Douglas, 2015, p. 840 - 842). The payments can give a valuable opportunity to each side to help the financial situation that can meet liabilities & aid in expenses. There is also an order in relation to pensions found by 'Lowe & Douglas' with the court providing 2 kinds of available orders with supporting legislation found in s. 23, 24B & 25B (1) of the (MCA 1973). The enactment offers the relevant guidance to aid with pension orders with the person responsible for the pension arrangements to ensure the financial security of the spouse's retirement. To conclude this, reports emphasise the clean break principle let availability & can be found similarly to pension orders, there are the same law enactments that involve s.25A (1) of the (MCA 1973) finally settling the financial assets, responsibilities and the welfare of any children involved in such disputes. Key cases involve 'Matthews v Matthews' (2013), (Duffield, Kempton & Sabine, 2024, pp. 121- 123). The case provides interesting evidence to how assets are to be shared with income and also employment playing important factors. The case of 'Miller v Miller' can also expand on the clean break order with all principles involved and gives a good opportunity to everyone involved to walk away respectively with both sides picking up the pieces of a marriage agreement that has ended in divorce. Divorce is one of the most compelling and heartfelt areas of family law and will continue to develop over time to ensure the most successful application for all effected & continue to innovate, develop and most importantly reform, when possible, to ensure maximum results for all parties involved.

Section D: Domestic Abuse Reflection & Legal Response.

According to (Lowe & Douglas, 2015, pp. 164 - 165) domestic violence, abuse encompasses different behavioural factors that can cause the victim to suffer from mental & physical abuse from the abuser. These acts can further lead to violence in certain circumstances & can be a profoundly serious offence. The definition involves many kinds of traits inclusive of psychological, physical, sexual, financial, emotional, violent & gender related factors all of which can cause and influence some form of discomfort/harm or even death to the victim. The definition can be clearly found within the book and can give light to the exact nature of all the areas of domestic violence with the whole aspect being quite difficult to sometimes name and as to whether abuse is even taking place at all. The different variety of definitions can be found in s.1 of the (*Domestic Abuse Act 2021*). The act is contemporary, clear and can provide the whole point to empathise and understand the situation that the victim is experiencing and it starts from the early age of 16 upwards. The act also involves all parties involved inclusive of children as further researched in s.2, 3 of the (*DAA 2022*). A key case to examine relating to children & s.3 of the (*DAA 2021*) is the case of 'Re H-N and Others (children) (domestic abuse: finding of fact hearing) (2021)', the case identifies the fact of a pattern of behaviours rather than just one isolated occurrence or incident giving light to the ongoing abuse suffered throughout this particular case. The case also includes the (*Children Act 1989*) utilising s.1, 'the welfare of the child' and s.8, child arrangement orders. The case also includes the (*Family Procedure Rules 2010*) coming under PD 12J with all involvements including coercive & controlling behavioural aspects of the abuse.

Domestic abuse can be further examined through statistics whilst understanding the abuse as a crime in its entirety. The Office for National Statistics [ONS], (2025), finds the number of incidents of abuse throughout England & Wales with a significant amount of people again over the age of 16 suffering from the effects of domestic abuse & violence. The figures mention that 3.8 million experienced domestic oriented abuses in the last year with many other statistics mentioned throughout the article. One of the most significant findings is that there are many undetected or even in some cases many hidden incidents which is quite alarming when you consider the detrimental effects & damages caused through such acts. Unfortunately, the stats cannot be measured from the previous year due to a change in administrative questions although there can be a sign to just how much suffering is happening throughout England & Wales relating to domestic abuse/violence.

Considering all the above there are family law remedies available according to (Standley & Davies, 2013, p. 109). The remedies are found under Part IV, s. 42(1) of the (*Family Law Act 1996*) known as a 'Non-Molestation Order' & is also found under s. 33,35,36,37 or 38 of the (*FLA 1996*) regulating an 'Occupational Order' to suffice, target & enact such abuse as well. Furthermore there is a scrutinised aspect that has been identified through safeguarding alongside multi-agency research to better understand the full range of abuses and all its consequences, the safeguarding has

proven to be a short fall in terms of progression with a lot of misunderstanding thus far although there have been 4 principles implemented to help this area of the abuse as a whole. The panel provide statistics of 40% relating to domestic abuse (UK Government, 2022, pp. 4 - 7). To conclude on the above according to the Crown Prosecution Service [CPS] (2025), meaningful analysis of the shifting demands and challenges faced is a good pathway forward proving vital in further developments to better understand domestic abuse/violence as a national concern. The entirety will depend upon how serious the response is to innovate further upon the current situation by all parties involved. Analysis understands that domestic abuse has proven to be a subtle yet sometimes deadly or even a traumatising experience for all involved, the whole problem involves, families, children, husbands, wives, civil partnerships, courts & police with many other services involved. The situation is a daunting area of the law as proven there are so many cases that fly under the radar undetected, and this problem can only continue without the correct safeguarding a due process to tackle this issue finally. The men affected, the families, the women & children again cannot go unnoticed throughout this research whilst understanding there are underlying issues and problems within family matters that can become quite humiliating once brought to light, a very real & serious area of the law with deepest sympathies to all involved. The development is key to any progression for a safer target of statistics to help aid this issues growth.

Section E. Scenario A: Case Study Analysis (Marriage & Divorce).

The advice would be for Sarah to protect her well being and ensure that the full support required to navigate such complexities. Sarah shall prove to become incredibly valuable to her family to gain the right outcome for herself and her two children & of course Daniel. As found through this portfolio's entirety the understanding of divorce proceeding can be complex. However, it does not have to be in this scenario, as of April 2022 there is the introduction of no-fault divorce laws throughout England & Wales, this can provide a smoother process for divorce proceedings. The understanding is that the marriage has irretrievably broken down & this is the legal ground for the divorce. There is no need to mention adultery as the law no longer requires that kind of proof as proven by Slater Gordon Lawyers (2023). According to Vardags (2026) and their experience, in all cases there is no effect to financial settlements in similar earlier circumstances, the courts are looking for fairness and that is found under s.25 of the (*Matrimonial Causes Act 1973*). This can aid the entire process especially knowing how heartfelt and emotional the experience can be for all involved. The courts shall take full consideration of the children's welfare as found throughout this portfolio whilst utilising the correct enactments & procedures to follow. This can be found under s.1 of the (*Child Act 1989*) & ensures the children's welfare is paramount. Daniel is also keen to ensure a clean break is the best solution for proceedings to undergo. Mediation can be a possibility as litigation costs can be expensive; this can be found in depth involving all the possible

financial avenues to pursue inclusive of legal aid as best described by Citizens Advice (2026). The advice can provide useful and educational when looking to maximise proceedings expenditure on all accounts. The key legislation for this scenario is the (*Divorce, Dissolution and Separation Act 2020*). Overall, Sarah will require a legal professional to navigate divorce proceedings in an expertly, professional manner & can ensure that herself and her family are in safe hands to continue further in her pursuit for justice and family law order. Divorce is a challenging time for Sarah & her family; the advice is for her to stay in a calm frame of mind and to show resilience in such circumstances. The Solicitor Regulation Authority (2022) can provide what is necessary & what is needed when sourcing a professional for her legal requirements. This should cover most aspects of the scenario further advice can be given in court.

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