

Marco Pierre White Case: The use of private documents during a divorce

Since 2008 the divorce case of TV chef Marco Pierre White has attracted healthy media attention. The main reason being a parallel claim by the husband against the wife's solicitors arising from allegations of inappropriate use of personal documents. It can be tempting for separating spouses to seize bank statements they believe the other will hide from them. The landmark case continues but you may wish to know the current guidelines. The Family Court will not penalise the taking, copying and immediate return of private documents but does not sanction the use of any force, interception or retention of documents. The removal of computer hardware is not sanctioned. The evidence contained in the documents, even if wrongfully taken, will be admitted in evidence because there is an overarching duty on the parties to give full and frank disclosure. The wrongful taking of documents may lead to findings of litigation misconduct or orders for costs. There can also be parallel criminal charges for a range of offences.

This whole scenario can be avoided by a new approach to divorces known as Collaborative Law. Separating spouses take a constructive and non-confrontational approach using Collaboratively trained lawyers in a series of round table meetings. The parties set the rules themselves as to how often to meet, what to discuss, and are helped towards an amicable settlement.

For advice on these subjects, contact specialist solicitor **Ben Twitchen of Taylor Walton's family law team on 01582 714183 or ben.twitchen@taylorwalton.co.uk.**