

Andrzej Bojarski

Called: 1995

Family Finance & Divorce**Ancillary Relief**

Ancillary relief and family finance form the bulk of Andrzej's practice. His expertise encompasses financial provision on divorce, financial provision upon dissolution of a civil partnerships, resolution of financial matters after the breakdown of an unmarried couple's relationship and financial claims for the benefit of children pursuant to Schedule I of the Children Act 1989. He also acts in proceedings for financial relief following a divorce overseas, pursuant to the 1984 Act.

Andrzej is recognised as a specialist in the field having co-written a leading practitioner textbook on ancillary relief. He has a wide experience of "heavy" cases involving voluminous disclosure and usually concerning substantial assets, complex business structures and trusts. The challenges of cases involving allegations of non-disclosure and extensive forensic scrutiny of voluminous documentary disclosure, especially where businesses are concerned, particularly suit his skills. He has experience of advising on and drafting pre-nuptial, post-nuptial and separation agreements.

Andrzej also acts in civil cases arising from related areas of property law such as cohabitees' property disputes, boundary disputes, trusts, inheritance and probate. Unlike many family practitioners, he is as comfortable dealing with such cases in the civil courts operating under the Civil Procedure Rules 1998 as he is with the Family Proceedings Rules 1991 in the ancillary relief context.

Extensive experience of practice across a broad range of areas of law makes Andrzej particularly well suited to those cases where third party interests in property or business assets become relevant to ancillary relief proceedings. He has also appeared in cases where mortgagees have been joined to proceedings to determine the validity of a mortgage or charge. He is regularly instructed to act for third parties who have been joined as parties to ancillary relief proceedings including trusts, companies and co-owners of property.

Andrzej is the co-author of **Unlocking Matrimonial Assets on Divorce** (Jordans, 1st edition 2007, 2nd edition 2009), which provides a detailed and practical reference work on the more difficult areas of ancillary relief work. The first edition of the book was reviewed for the magazine of Resolution, the organisation for specialist family solicitors, which said:

*"There are some text books which arrive on the market which almost instantly find a place on a practitioner's desk, destined to become a well thumbed and trusted aid. **Unlocking Matrimonial Assets on Divorce** is one of those books... This book gives the practitioner a head start when considering what to look for in the other party's disclosure, their Form E, what questions to ask, and so on... one of those books practitioners would benefit from reading from cover-to-cover... highly readable... This book is already a permanent fixture on my desk and I suspect is destined to arrive on most busy practitioners' desks."*

Having written the sections on civil recovery orders in one of the first text books on the subject (Proceeds of Crime Act 2002: A Practical Guide, Jordans, 2002), Andrzej has a good working knowledge of the complexities of the proceeds of crime

legislation and is well placed to act in cases where **criminal confiscation proceedings or civil recovery proceedings under the Proceeds of Crime Act 2002** are proceeding in parallel with a divorce.

Andrzej also co-presents the national series of seminars under the same title on behalf of Jordans Publishing. He has been invited to speak on ancillary relief law to various organisations in England and Wales and in offshore jurisdictions.

Civil Partnerships and Unmarried Couples

Andrzej skills and his considerable experience in ancillary relief translate directly to the comparable provisions dealing with the breakdown of civil partnerships under the Civil Partnership Act 2004.

Andrzej also specialises in property disputes arising on the breakdown of relationships between unmarried heterosexual partners and also same sex couples who have not taken the formal step of becoming civil partners.

Children Act financial claims

Andrzej regularly acts in applications for provision for children under Schedule I of the Children Act 1989. His experience of ancillary relief has given him the knowledge and skills to unravel the most complex financial arrangements.

Inheritance Act Claims

Andrzej regularly represents applicants, personal representatives and beneficiaries in proceedings brought under the Inheritance (Provision for Family and Dependents) Act 1975.

Andrzej finds that early involvement of counsel in such cases combined with a constructive approach to disclosure, negotiation and mediation will often result in an

early and fair settlement which avoids a large part of the estate in dispute being consumed by the legal costs of the respective parties.

Divorce

In common with most barristers, Andrzej's experience of divorce is usually in the context of resolving the ancillary financial arrangements and the residence of children of the family and contact to them. Nevertheless, he has a sound knowledge of the provisions of the Matrimonial Causes Act 1973 dealing with decrees of divorce and the procedures for obtaining a decree of divorce, judicial separation or nullity both on a contested basis and undefended by the special procedure. Andrzej has drafted particulars for divorce petitions and acted in defended causes up to and including trial.

Andrzej also has experience of obtaining declarations of status, usually following a marriage ceremony or divorce performed overseas.

PUBLICATIONS

Unlocking Matrimonial Assets on Divorce, Andrzej Bojarski & Simon Sugar (Jordans, 2007, 2nd Edition 2009)

Various articles and seminars published, including seminars for Resolution, Jordan's Family Law and Central Law Training and articles for Family Law Week. He has also been invited to speak on ancillary relief in offshore jurisdictions.

Public Law Children and Adoption

Andrzej has significant experience of public law children cases. He regularly acts for local authorities, parents and children. He has gained broad experience in a variety

of cases including neglect, non-accidental injuries, sexual abuse and international issues. His experience of personal injury work and the use of information technology to assist with fact-management have equipped him to deal with cases which require analysis of voluminous medical records, often running to many thousands of pages.

Andrzej has acted for clients suffering from psychiatric illness (including suspected Factitious Illness Disorder, formerly referred to as 'Munchausen's syndrome'), learning disabilities or physical disabilities.

A number of Andrzej's cases have involved the High Court's inherent jurisdiction, particularly in cases with an international dimension.

Inevitably, he deals with adoption issues when they arise within care proceedings but also in the context of freestanding applications for adoption orders, applications for placement orders, applications for contact with children placed for adoption, and applications to discharge orders. He has dealt with a number of cases involving placement of children overseas.

Andrzej also has extensive experience of special guardianship orders, both in the context of public law proceedings and as freestanding private law applications, and the particular difficulties which can arise in the context of this 'hybrid' form of order as a result of the often complex dynamics of the child's family.

Civil

General Common Law

Andrzej has experience of most areas of general and commercial civil law, although his practice now has a particular focus on those cases which arise from relationship

breakdown. Andrzej's experience of family ancillary relief work gives him particular expertise in **actions against solicitors** arising from ancillary relief cases. His combined experience in the fields of civil and family litigation make him well suited to dealing with **claims against local authorities** by children who have spent time in care and he has experience of a number of such cases as well as cases where damages have been claimed for **sexual or physical abuse**.

Chancery and Property Work

Chancery work is also undertaken by Andrzej. His chancery practice usually involves cases arising within the context of family relationship breakdown and Inheritance Act claims, but he also acts in general land and boundary disputes as well as probate disputes and more general issues as to the administration of estates.

Commercial and consumer litigation:

Andrzej has been instructed in cases arising from issues as diverse as breaches of contracts for industrial gas supplies to claims arising from spoiled luxury cruise holidays, and even claims for negligent treatment of a horse by a veterinary surgeon.

Proceeds of Crime: Civil Recovery Proceedings

Having written the sections on civil recovery orders in one of the first text books on the topic (Proceeds of Crime Act 2002: A Practical Guide, Jordans, 2002), Andrzej has a good knowledge of the complexities of the legislation. Combined with his experience of property and divorce law he is well placed to represent the interests of anyone involved in civil litigation involving the proceeds of crime

PUBLICATIONS

Proceeds of Crime Act 2002: A Practical Guide, Gumpert, Kirk & Bojarski (Jordans,

2002)

Contributor to Mercantile Courts Litigation Guide, edited by Richard Wilson QC (Jordans, 2004)

Private Law Proceedings and Domestic Violence

Andrzej has wide experience of all forms of private law children proceedings before a variety of tribunals. As well as proceedings concerning residence, contact, and parental responsibility orders, he has solid experience of special guardianship orders and applications concerning removal of children from the jurisdiction.

Andrzej has acted in a number of intractable contact disputes, acting both for parents and for children (acting by a CAFCASS Guardian and in cases where NYAS has been instructed on behalf of a child). He has acted in a number of cases where serious allegations of violence or sexual abuse have been raised by one parent against the other. His experience of dealing with such issues in care proceedings has proved invaluable.

Cases with an international dimension regularly form part of Andrzej's work (please refer to his entry under 'International Family Law').

Domestic Violence

Andrzej provided a series of lectures on the domestic violence provisions of the Family Law Act 1996 soon after they were enacted. Since that time he has regularly dealt with the issue of domestic violence in the context of free-standing applications for injunctions under the 1996 Act or using the court's other injunctive powers. He has also gained broad experience of dealing with the issue of domestic violence in the context of proceedings concerning residence of or contact to children and in proceedings concerning the financial affairs of parties to a relationship.

5th AREA OF PRACTICE (500 words max)**Court of Protection**

Andrzej Bojarski has long experience of resolving the financial affairs of individuals in the context of complex ancillary relief proceedings as well as dealing with the delicate welfare issues which arise in care and adoption proceedings and private law disputes over children (please refer to his entries on this site under those categories of work). His work has regularly involved representation of parties through the Official Solicitor because they have been unable to conduct the proceedings themselves.

Those skills have found themselves well suited to the varied, difficult and sensitive issues which now arise in the Court of Protection exercising its wide jurisdiction pursuant to the Mental Capacity Act 2005. Together with other members of the 36 Bedford Row Family Team, Andrzej is grappling with the rapidly developing law in this challenging area of work.

Personal Injury

Andrzej has been instructed consistently in personal injury cases since he commenced practice in 1995. He has accumulated broad experience of a wide variety of cases, including accidents at work and claims arising from clinical negligence. Some of his more unusual and interesting cases have been substantial claims for damages brought by servicemen and women against the Ministry of Defence. He has been instructed in cases involving complex injuries such as frontal lobe brain injuries as well as for claimants who have suffered multiple serious injuries requiring the involvement of a wide variety of expert opinions. He has also represented victims of sexual abuse in their claims for damages.

Andrzej also undertakes claims under the Fatal Accidents Act 1976.

Property Law

Andrzej's chancery and property practice usually involves cases arising within the

context of family relationship breakdown and Inheritance Act claims. He also has experience of acting in general land and boundary disputes as well as probate disputes and more general issues as to the administration of estates.

Financial Crime – fraud, money laundering and confiscation

Andrzej no longer practises in ‘pure’ criminal cases. However, having written the sections on civil recovery orders in one of the first text books on the topic (Proceeds of Crime Act 2002: A Practical Guide, Jordans, 2002), Andrzej has a good knowledge of the complexities of the money laundering legislation. This knowledge combined with his experience of property and divorce law makes him well placed to represent the interests of anyone involved in litigation involving the proceeds of crime. He has acted in a number of cases where confiscation proceedings have become entwined with divorce proceedings, advising and representing the criminal defendant, the innocent spouse or the prosecuting authority.

PUBLICATIONS

Proceeds of Crime Act 2002: A Practical Guide, Gumpert, Kirk & Bojarski (Jordans, 2002)

International Family Law

Andrzej’s work in family finance and cases concerning children often has an international dimension. His experience includes the following:

- Jurisdictional issues in the context of divorce, financial relief and children
- Hague Convention child abduction cases
- Claims for financial relief following an overseas divorce pursuant to the Matrimonial and Family Proceedings Act 1984
- Applications for declarations as to the validity of a marriage or dissolution of marriage conducted overseas

- Enforcement of English orders in overseas jurisdictions (including in relation to offshore trusts)
- Applications for permission to remove children from the jurisdiction (in both the private law and the public law context)

More detailed information about the nature of Andrzej's practice and experience can be found under the specific sections of this site referring to different areas of work.

Family – related areas of work

Professional Negligence

Andrzej's experience of both family ancillary relief work and general civil litigation gives him particular expertise in **actions against solicitors** arising from ancillary relief cases. He has advised and acted in several such claims.

Claims Against Local Authorities and for Personal Injury

Andrzej's experience in the fields of civil and family litigation make him well suited to dealing with claims against local authorities by children who have spent time in care and he has experience of a number of such cases.

Andrzej also has continued to undertake personal injury work and has acted in several cases where damages have been claimed for sexual or physical abuse. His experience of dealing with such issues in the context of care proceedings has proved invaluable in such cases.

Inquests, Inquiries and Disciplinary Hearings

Andrzej has experience of appearing at coroner's inquests. He has also appeared before local authority panels on behalf of social workers and child care professionals.

Chancery and Property Work

Chancery work is also undertaken by Andrzej. His chancery practice usually involves cases arising within the context of family relationship breakdown and Inheritance Act claims, but he also acts in general land and boundary disputes as well as probate disputes and more general issues as to the administration of estates.

Proceeds of Crime: Civil Recovery Proceedings

Having written the sections on civil recovery orders in one of the first text books on the topic (Proceeds of Crime Act 2002: A Practical Guide, Jordans, 2002), Andrzej has a good knowledge of the complexities of the legislation. Combined with his experience of property and divorce law he is well placed to represent the interests of anyone involved in civil litigation involving the proceeds of crime.