

1GC | Family Law

Katherine Dunseath

Year of Call: 2008



Practice Overview

Katherine is a leading junior in matters involving complex high net worth matrimonial finances and private children law matters. She has appeared in all levels of Court in the UK and has a particular specialism in cases involving complicated periodical payments issues (both domestic and international). Recent cases of note include:

Des Pallieres v Des Pallieres [2021] 4 WLR 96 – Court of Appeal matter on the issue of jurisdiction to appeal to “rectify” the registration of an international maintenance order issued under the wrong regulation. Katherine also successfully represented her client in the High Court on this matter.

M v P (the Queen’s Proctor Intervening) [2019] 2 FLR 813 – High Court leading authority where she successfully argued the decrees made in error upon divorce were voidable and the Court thus had jurisdiction to amend the petitions and correct the error.

Mills v Mills [2018] 4 All ER 612 [2018] UKSC 38 – Supreme Court case on the issue of whether the uplift of a periodical payments order should include rental needs if the original capital settlement also included provision for the purchase of a property.

She has been shortlisted for a number of awards including:

- Junior Pro Bono Barrister of the Year (Bar Pro Bono Awards 2019)
- Junior Barrister of the Year (Family Law Awards 2017)

Family Finance & Property

Katherine regularly represents high-net-worth clients on cases involving complex business structures, offshore trusts and shares. She has a particular expertise in cases involving complex maintenance issues and was junior counsel in the Supreme Court case of ***Mills v Mills*** [2018] 4 All ER 612 [2018] UKSC 38.

She specialises in a broad range of financial matters under the Matrimonial Causes Act, Schedule 1 of the Children Act, TOLATA and under the Inheritance (Provision for Family and Dependents) Act. She also regularly represents clients on Child Maintenance appeals in the First Tier Tribunal.

Children (Private Law)

Katherine specialises in private children law matters with particular expertise in cases involving jurisdictional issues such as leave to remove from the jurisdiction and child abduction at both first instance and on appeal. Other complex cases of note in the High Court include representing a mother applying for a declaration that the child undergo an operation in order to correct a deformed face and representing a party opposing a medical procedure being proposed on religious grounds.

She has appeared in all levels of court in the UK.

Notable Cases

Des Pallieres v Des Pallieres [2021] 4 WLR 96 (Court of Appeal)

DP v DP [2020] EWHC 3188 (Fam) (High Court)

The appeal concerned an application made for registration of a French order made (in error) under BIA which governs parental responsibility when the wife's intention was to issue enforcement proceedings for maintenance. For three years neither party realised this error or the court's lack of jurisdiction. Upon it being noted the wife applied for the court to rectify the error and substitute registration for that under the Maintenance Regulation under FPR 4.1(6). The husband opposed the application on the basis that the court did not have jurisdiction under r.4.1(6) to do what was being proposed and that all orders made for enforcement of maintenance were thus void.

M v P (the Queen's Proctor Intervening) [2019] 2 FLR 813

Highly publicised case before Sir James Munby led by Janet Bazley QC opposing an application by the Queen's Proctor to strike out (on the basis of it being void) the decree of divorce in circumstances where the petitioner initially by mistake relied upon the wrong facts in his petition, the court having missed the error then granted decrees nisi and absolute. The parties remarried before the error was identified by the court.

Mills v Mills [2018] 4 All ER 612 [2018] UKSC 38

Appeal before the Supreme Court which was highly publicised. This appeal was from the Court of Appeal's decision in circumstances where the ex-wife had received a lump sum in the financial proceedings to allow her to rehouse and had depleted all of this capital. Led by Frank Feehan QC.

The Court of Appeal had allowed the ex-wife's appeal and increased her maintenance order to include all of her rent. The Supreme Court found that the judge at first instance had justified the maintenance award made and why there be no further increase to include her full rental costs on the basis of her financial mismanagement.

Mills v Mills [2017] EWCA Civ 129

Appeal by the ex-wife from decision of the judge at first instance on application to vary the maintenance order under s. 31 of the MCA in respect of a joint lives maintenance order. Led by Frank Feehan QC. The ex-husband applied to discharge the maintenance order and the ex-wife applied to increase the quantum to include her full rental costs. Neither application was granted at first instance. The Court of Appeal increased the maintenance level to include all of the ex-wife's rental costs.

In the Matter of X, Y and Z (Children) (Retrospective Leave to Remove from the Jurisdiction) [2016] EWHC 2439 (Fam)

Application for retrospective leave to remove the children from the jurisdiction in circumstances where the mother had abducted them and return orders had been made which she breached. The circumstances had now changed as the children had now been living abroad for a number of years and were settled.

LM and DR (Return to Non-Convention Country) [2016] EWHC 1943 (Fam)

Abduction case before MacDonald J under the inherent jurisdiction led by Richard Harrison QC. The father had abducted the child, obtained a prohibited steps order and opposed the child's return. Application for return to Azerbaijan granted.

Re L and B (Children) (Specific Issues: Temporary Leave to Remove from the Jurisdiction; Circumcision) [2017] 1 FLR 1349

Leading James Chegidden before Mrs Justice Roberts, this was the father's application for the children to be circumcised (on non-medical grounds) and for permission to take them on holiday to France and to Algeria. These applications were refused.

In the Matter of JL and AO (Babies Relinquished for Adoption) [2016] 4 WLR 40; [2017] 1 FLR 1545

One of two cases before Baker J (as was) where the parents were not English but were working in this jurisdiction and had requested that their baby be adopted in England. Led by Frank Feehan QC. The issues included whether their greater family in their country of origin be informed of the situation (contrary to their wishes), whether the baby be sent to their country of origin where further decisions be made and whether care orders be made. Baker J gave leading guidance.

Guerroudj v Rymarczyk [2016] 1 FLR 1349

This was an appeal in the Court of Appeal in respect of a transfer of tenancy case under Part VI of the Family Law Act 1996. The appeal was in respect of the judge's decision to set aside a previous order transferring the tenancy to him and then transferring the tenancy instead to his ex-girlfriend given his back problems and her assertions that the local authority were likely to rehouse him and not her given his disabilities.

What the Directories Say

"Katherine is determined and fights hard for her clients. No client leaves court feelings they haven't given it their all." Band 4 – Chambers and Partners, 2023

"Katherine is technical and extremely tenacious. Pragmatic and clear-sighted, she's a pleasure to deal with. Clients adore her." Band 4 – Chambers and Partners, 2023

"Katherine is a fantastic and robust advocate. She is incredibly skilful in cross examination and persuasive in her arguments." Tier 5 – Legal 500, 2023

"Sharp, punchy and slick in court. Clients are always delighted with her." **Band 4 – Chambers and Partners, 2022**

"She efficiently pinpoints the key issues and knows what needs to be done." **Band 4 – Chambers and Partners, 2022**

"An experienced, driven barrister." **Band 4 – Chambers and Partners, 2022**

"A fantastic and tenacious advocate. She is always well prepared, strategically sound and has a great manner with the clients. She is no-nonsense and exceptional in cross-examination." **Tier 5 – Legal 500, 2022**

"Robust in terms of her cross-examination, she prepares thoroughly for cases and goes the extra mile." "Gets to grips with the issues and is very approachable." **Chambers and Partners, 2021**

"She is a tough negotiator." **Chambers and Partners, 2020**

"She sticks up for her clients well and is a very sound practitioner." **Chambers and Partners, 2020**

"Very knowledgeable." **Chambers and Partners, 2019**

"Diligent and personable." **Chambers and Partners, 2019**

"She prepares thoroughly for cases and goes the extra mile." **Chambers and Partners, 2019**

"Her strength is her no-nonsense approach and impressive cross-examination skills. She is a fighter and is always totally committed to her client." **Legal 500, 2019**

"She has a forceful cross-examination style." **Legal 500, 2019**

"An expert in cases with an international element, who fiercely protects her clients interests with professionalism and congeniality." **Legal 500, 2017**

Published Articles

October 2021: with D. Eames: Jurisdiction and Brexit: Des Pallieres v Des Pallieres [2021] FLJ 1304

June 2019: with J. Bazley QC: Considering the impact of the wrong box on a divorce petition, June [2019] Fam Law

September 2018: with J. Westcott: Periodical Payments, no second bite [2018] FLJ 179

July/August 2017: with C. Lloyd-Smith: Parental Abduction within the UK (Issue 189 Resolution)

March 2017: with F. Feehan QC: Varying maintenance: Mills, March [2017] Fam Law

November 2016: with R. Harrison QC and S. Craddock: 'Should I stay or should I go? Where the clandestine removal of a child from the jurisdiction is not unlawful: LM v DR' November [2016] Fam

Law

August 2016: with J. Chegwidde: 'A clear conclusion: religious circumcision for boys' August [2016]

July 2016: 'Babies relinquished by foreign nationals: leading guidance': July [2016] Fam Law

Interviews

With F. Feehan QC Maintenance payments as a gateway to independence (Mills v Mills) (28.02.2017) interview with LexisNexis

With K. Taft: English court exercises jurisdiction in retrospective leave to remove case (Re: X, Y and Z) (25.10.2016) interview with LexisNexis

With R. Harrison QC: Summary return and competing jurisdictions (11.08.16) interview with LexisNexis

Court considers transfer of tenancy on separation (23.07.15) interview with LexisNexis Evidence and interim care orders (21.02.14) interview with LexisNexis

Education

BSc (Hons) Geography, First Class (2004)

GDL (2005)

LLM (2006)

BVC (2007)

Appointments

Judicial Assistant, Court of Appeal (March – July 2008)

Blue Book Stagiaire, European Commission (October 2007- February 2008)

Awards

Stage Scholar, Gray's Inn

Prince of Wales Scholar, Gray's Inn

Shortlisted for Junior Barrister of the Year at the Family Law Awards (2017)

Shortlisted for Junior Pro Bono Barrister of the Year at the Bar Pro Bono Awards (2019)

Memberships & Associations

[Family Law Bar Association](#)

[Association of Lawyers for Children](#)

Child Abduction Lawyers Association (CALA)

Free Representation Unit