

IAFL INDIA STUDENTSHIP REPORT 2019

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International Academy of Family Lawyers (IAFL) has been organizing various Studentship programmes in different parts of the world with an objective to motivate and give law students the opportunity to explore the vast arena of Family Law. Continuing its prestigious programme, IAFL organized its 3rd IAFL India Studentship. As part of the selection process I wrote an essay on “*whether the law to deal with the growing problem with NRI marriages in India is efficient?*” Following the essay paper, all the shortlisted candidates were interviewed and I was selected for the prestigious Studentship Programme as part of which I spent three weeks from 9th July, 2019 to 27th July, 2019 in London exploring the British Legal System, focussing on the International Family Law.

First Week with James Stewart

In London, for the first two weeks I was hosted by James Stewart and his firm, Pennington Manches Cooper LLP. James had meticulously and painstakingly framed the itinerary, as per which I spent the first week in the office and the second week in courts. On my first day at the office, I was given a tour of the Royal Courts of Justice and the Central Criminal Court of England and Wales, popularly known as the *Old Bailey*, by trainee solicitor Jessica Ryan. Interestingly, the matter on trial was one of manslaughter, where the doctor was being cross-examined. It was one of the best displays of the art of cross examination, I had ever witnessed. The architecture and the interior of the court was truly mesmerizing. After the visit to the court, I attended a seminar on Brexit and Cross-Border Litigation by Michael McParland QC. Brexit is one of the most-discussed topics not only in London but in the whole of Europe considering its wide ramifications. Taking into account the political scenario in England and the continued uncertainty of ‘deal’ or ‘No deal’ Brexit, it was of great knowledge to know about the possible outcomes and its impact on the litigation in England. Following the seminar, I accompanied James, Edward Flyod (partner, family team) and Violetta Onishchenko for a consultation



In the frame : Edward Floyd, Subham, James Stewart & Violetta (10th July, 2019)

session with Leading Counsel, Deborah Bangay QC regarding financial proceeding in divorce matter of a Russian couple. The craft with which the QC was able to gain confidence of the client and cull out important information was brilliant. Later, James and I attended a party hosted by Sarasin & Partners where James introduced me to eminent solicitors and barristers attending the party. It was fascinating to meet

Samantha Woodham and Harry Gates, founders of The Divorce Surgery, which advises couples together impartially of the likely outcome of the dispute both in terms of finances and/or child arrangements at the beginning, turning the current adversarial model on its head.



In the frame : Elizabeth Carson, Subham, Samantha Woodham and Harry Gates (10th July, 2019)

The next day started with a coffee meeting with Rustam Dubash, head of Commercial Dispute Resolution team and the firm's India desk. Rustam shared his stories of law graduation in Bombay and his experience as a lawyer in London. Following the coffee meeting, was a delicious lunch with Hazar El-Chamaa (Partner, Immigration department) at the Haz cafe serving Turkish food. Hazar however preferred to call it Lebanese to which I agreed. We discussed issues ranging from immigration laws to the history of Lebanon. It was interesting to know about *Life in the UK* exam, which one needs to clear

in order to become a citizen of the UK. It helps ascertain if the citizenship-seeker knows about the British culture, values, history, traditions and everyday life. Between my interactions with partners I also read interesting cases of child abduction. I was amazed to see how Hague Convention helped in resolving complex issues quickly, which I am sure for a country like

India (which is not a signatory to the Hague Convention) would take months to resolve. Later, I accompanied Tammy Knox, Kate Molan, Matilda Kingham and Katie Harding, to an extremely entertaining quiz night in aid of the child abduction charity named Reunite. Despite the fact that I couldn't contribute to the team in answering the questions, I enjoyed the games and most importantly, interacting with international family lawyers.

The last day of the first week ended with sharing my experiences and conversing with young lawyers at lunch, followed by reception party of my studentship, hosted by James at the firm. After spending three days with the family team of the firm, it was equally enriching to meet people at the reception party working in other departments of the firm. Particularly, it was interesting to meet Advocate Shreyas Jayasimha, Aarna Law from Bengaluru who is working to build a technology to resolve legal disputes using artificial intelligence. I was wondering even if such a technology was successfully engineered, would it ever be able to make space in the Indian legal system.



In the frame : Shreyas Jayasimha, Philip D'Costa, Subham & James. (12th July, 2019)

After a very interesting week at the firm, James ensured that I had an equally entertaining weekend. We visited several places - British Museum, Tate Modern Art Gallery, Victoria and Albert Museum, Trafalgar Square, Buckingham Palace to name a few. For a foodie like me, it was a treat to explore different cuisines in London. I particularly enjoyed the musical play,



Everybody's Talking About Jamie and the Mexican cuisine at Wahaca Soho restaurant.

Second Week with James Stewart

I was excited for the next week but little did I know that I would have the opportunity to interact in person with esteemed judges in the UK. For a law student with a keen interest in litigation, courts are the real paradise. It was no different for me. I spent the first day of the week with Her Honour Judge Khatun Sapnara, Circuit judge, East London Family Court. Child care cases involving Special Guardianship, child sexual abuse were listed before the court. While deciding any matter, the most paramount consideration of the court was the best interest of the child. In comparison to Indian scenario, the financial & infrastructural capabilities and the pro-active approach of the local authority was praiseworthy. It was interesting to listen to a wide range of discussions among the judges including politics during the lunch.



Subham with Her Honour Khatun Sapnara, Circuit judge, East London Family Court (15th July, 2019)

The next day I had the opportunity to attend a Private Financial Dispute Resolution with Charanjit Batt of QEB who is an IAFL fellow. Her instructing solicitor Tom Amlot was also an IAFL fellow. Charanjit was representing the husband in a case involving millions of pounds. In my assessment, private FDR has elements of Arbitration, Mediation as well as Negotiation. After hearing the arguments of the barristers, the judge gave a preliminary neutral evaluation of the financial dispute. He also actively helped the parties reach a settlement, following which the parties then negotiated the terms of settlement. The dispute was resolved in a day whereas the same matter would have taken months if not years to resolve in India, considering the huge pendency of cases.



Subham with Charanjit Batt, IAFL Fellow (16th July, 2019)



Subham with Teertha Gupta, IAFL Fellow (17th July, 2019)

I accompanied Teertha Gupta QC to the divorce proceeding of a Pakistani couple at the Royal Courts of Justice before the President of the Family Division, Sir Andrew McFarlane. After having witnessed cross-examination in a criminal case at the Old Bailey, it was intriguing to watch cross-examination in a family matter where questions were very personal.

One day after the other, before my excitement could settle, it would reach new heights. I had the opportunity to observe proceedings in the Supreme Court of the United Kingdom

involving Hague Convention. The issue before the five judge bench led by Lord Wilson, was whether the inherent jurisdiction can be used to order summary relocation of a child where there is statutory scheme and where the substantive and procedural characteristics of the scheme are avoided. It was a pleasure to listen to Mark Twomey QC and Henry Setright QC argue. The arguments were completed on the same day and the court reserved the matter for judgement. After the hearing, Lord Wilson was kind enough to share his valuable time with me, where we discussed various legal issues. He was astonished to know from me, the reason



Subham with Lord Wilson at the Supreme Court of United Kingdom (18th July, 2019)



Subham and Jessica Ryan outside National Theatre (18th July, 2019)

why India is not a part of the Hague Convention. He advised me to fight for the cause of women in India. He gave me a tight hug, which was reflective of his fondness to meet and discuss important societal issues with young students. After an exciting day at the Supreme Court, I joined Jessica Ryan to watch a play, *Small Island* at the National theatre. Jess was an amazing company to watch play with.

My last day at the court was spent marshalling Justice Jennifer Roberts at the Royal Courts of Justice. A very complex case where anti-suit injunctions was granted by courts to both parties in the UK and the US respectively. She briefed me about the cases listed before the commencement of the proceedings. The manner in which the case was handled by Justice Roberts keeping in mind the international doctrine of comity of judgements was enriching. After the hearing, she shared her views on the case and reason for arriving at the same. It is a life-time opportunity for any law student to sit along with the judge during the course of proceedings. She also shared her experience as a judge in various landmark cases.



Subham with Justice Jennifer Roberts at the Royal Courts of Justice (19th July, 2019)

After completing two weeks at the Pennington Manches Cooper and before I moved to my next host for further exploration of British legal system, James on seeing my interest to pursue masters in law, took me on a tour to Oxford. We visited Radcliffe Camera library and different colleges in Oxford. The pleasant climate added to the beauty of the place. There couldn't have been a better way to conclude the first leg of my studentship programme.

Third Week with Suzanne Kingston

My journey to observe and understand closely the aspects of International Family law continued with Suzane Kingston and her firm, Mills & Reeve. After two amazing weeks, it was difficult to leave James's place. However, within no time Suzanne had made me very comfortable.

I spent the first day of the third week with Samantha Singer of QEB at the Central Family Court (CFC) in an FDR. After having observed Private FDR, it was an enriching experience to observe court FDR. Though the method of resolution is the same in both forms of FDR, the effectiveness of each method is very different. A Private FDR is costlier than court-based FDR, however it's much more effective as the judge is of the choice of both parties. The resolution rate in Private FDR is much higher than the court FDR as the judge has only one matter before him in a day whereas in court FDR he has 5-6 matters listed. Following the court proceeding, Suzaane and I attended a party hosted by Laura Devine. We took a ferry on our way back home. It was one of the best views of the Central London, especially the beautifully-lit tower bridge.

The next day was very significant as the results of the internal elections of Conservative party for the post of Prime Minister were to be announced. As I was sitting at the CFC alongwith Philip Cayford QC, President of 29 Bedford Row, where we were waiting for our turn to appear before the court, the results of the election was announced and Boris Johnson was elected the Prime Minister of the UK. Since ours was the last case in the court, there was only a very short time for arguments and negotiations. Owing to the shortcomings of the Court FDR, the matter couldn't be settled on the day. After the court, I joined Suzanne and Jo Grandfield to attend a T20 cricket match between Surrey v



Subham and Suzanne Kingston at Oval Stadium. (23rd July, 2019)

Middlesex as guests of 29 Bedford Row. To watch a cricket match from the executive box of the Oval stadium is an experience which any cricket fan would cherish.



On the following day, I joined Ciara Moore, associate at the firm, to Mills & Reeve Cambridge Office where I had interaction with various young solicitors discussing differences in legal system and culture of Britain and India, which brought out interesting revelations for everyone. Followed by exploring magnificent colleges of the University of Cambridge and watching the beautiful punting. The short trip ended with a cricket match between the partners and the staff of Mills & Reeve.



Subham with Laura Heaton at 29 Bedford Row. (25th July, 2019)

On the subsequent day, I joined Laura Heaton acting for a husband in a directions hearing involving cross jurisdictional assets. Later in the evening, I joined Ellie Cawthra, Ellie and Ciara Moore from the family team for a drinks party hosted by 36 Family Chambers.

On my last day of the Studentship Programme, I accompanied Alexis Campbell QC of 29 Bedford Road to a Pre-trial hearing of a complex financial remedy case at Central Family Court. It was astonishing to know that apart from practising at the CFC, she was also a judge in the same court. In India, judges are barred from practising in any court.

Following the hearing, Vince Lane, Chartered Financial Planner of R & S Associates was generous to take me to a tour of the Bank of England and its museum. The

commerce enthusiast in me was excited and amazed to know the history and the functioning of the bank. The visit was followed by a tour to Lloyd's building, the world's largest insurance market. The building is a leading example of radical Bowellism architecture in which the services for the building, such as ducts and lifts, are located on the exterior to maximise space in the interior. It's world famous for its most innovative and unusual risk insurance. One can

insure anything one can imagine, right from ship or any body part to even one's smile.

The evening ended with a delicious dinner at Afghan Kitchen with Suzanne.



Subham with Vince Lane at Bank of England. (26th July, 2019)



Subham with Vince Lane at Tower of Lloyd. (26th July, 2019)

I consider myself most fortunate to have been selected for the prestigious IAFL India Studentship 2019. I had the opportunity to interact and gain from the experience of highly distinguished judges of Family courts, the High Court and the Supreme Court. Discussions with various eminent barristers and solicitors on various aspects of family law has enriched my knowledge. Almost every day after the court or office, I would end up in a party hosted by different firms continuing my desire to explore more and more of London. This studentship has widened my horizons of thought. After this program, I stand more confident and self-determined to be a lawyer who desires and most importantly, acts, to be the change.

I would like to thank my most amazing hosts James and Suzanne for all the love and affection. I had the most comfortable stay in London at their respective homes. They consistently ensured throughout the program that I get exposure not only of law but of culture as well.

This studentship wouldn't have seen the light of the day, without the efforts of International Academy of Family Lawyers and Campus Law Centre, University of Delhi. My sincere thanks to Donna Goddard, Joy Feinberg, Dr. Pinky Anand, Prof. (Dr.) Usha Tandon and Dr. Kshitij Kumar Singh.

I also understand that with great opportunity comes great responsibility. Having continued interest in Family law and being a source of encouragement and motivation to my friends to explore various aspects of family law, is the way forward for me.

