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Issue 34

2013 New Year Letter

Dear All,

I really do hope all of you have a great New Year and most important of all a healthy one.

A friend of mine recently put me in my place when I was complaining that I did not seem to be doing anything in life to make a real difference. What did I think I was doing each day, he said, for each and every divorce client whose life had been put into turmoil and in respect of which I was playing my part to put it back into some order.

He was right, of course and I would just like to remind each and every one of you that after yet another exhausting day dealing with the many emails, enquiries and too often demanding clients and the thought that your spouse or children are being neglected by the time you have to spend on the problems of others – what you do everyday does make a real difference. Our society would be a hell of a worse place without you.

Many more kids would be in abusive households, many more partners would live in violence and many more families would live an everyday misery if you were not doing what you do. What you do every day brings back normality and security and, dare I say it, some happiness in families' lives.

Family law may not be the coolest area of the law to practice in and it certainly is not the best remunerated – but it certainly is up there as one of, if not, the most important to our society's well being.

And finally, may I just take the chance to bring to your attention a substantial article of mine, which is to be published in Family Law this month and which I feel passionately about. Unfortunately, its length means I cannot realistically set it out here but I can insert the summary of the same which Jordans have as a flyer on their website:-



Are our higher courts prejudiced against the role of the married woman?

21 December 2012

Ashley Murray

Barrister, Oriel Chambers, Liverpool:

The fairness of our legal system is acknowledged around the world. Yet, at the heart of our domestic law of capital and income distribution upon divorce, the married woman remains, by reason of historical and cultural reasons, in cases where resources exceed 'needs', the most likely spouse to recover a less than equal share of the parties' post divorce assets. The married woman is also the most vulnerable of the married parties to any failure of the judicial system to recognise her 'needs' when set against the opportunities which each will have upon marital breakdown following divorce. After many years in practice as a family law barrister, Ashley

Murray, in an unapologetic analysis, which traces the struggle for justice of the married woman before English law from the birth of Christendom to William the Conqueror through Tudor times to the women's rights movements of Victoria's reign and on to the present day, challenges the current approach by our higher judiciary in the formulation of the principles and rationale underpinning the search for 'fairness' within the s 25 statutory exercise as instinctively prejudiced against the role of married women generally. He further argues that set against this position, a 'fair and equal' approach between divorcing spouses under the present legislation, which became law a generation ago, can no longer be secured without fundamental reform by Parliament.

The full version of this article appears in the January 2013 issue of [Family Law](#).

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