

Elizabeth Wark

Called: 2018



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Practice Overview

Elizabeth completed pupillage in October 2019, having been supervised during pupillage by Luke Barnes, Matthew Hellens and Catherine Piskolti.

Prior to coming to the Bar, Elizabeth practised as a Registered Nurse at Royal Prince Alfred Hospital in her hometown of Sydney, Australia. She completed a two-year post-graduate training programme in the Intensive Care Unit (ICU).

This experience gives Elizabeth a unique insight into complex family problems and the difficulties individuals have in navigating the system when dealing with extreme stress, trauma and mental or physical ill health.

Elizabeth gave a seminar in November 2021 titled: **Setting Aside a Financial Remedy Order -Where Are We Now? A Look at Current Law and Practice in Light of BT v. CU (2021) EWFC 87**

She wrote a two-part article on this case and its possible implications. The first part appeared in the March 2022 edition of the Family Law Journal, which can be found [here](#).

The second part has been published in the April 2022 edition of the Family Law Journal.

Elizabeth recently completed the Bar Council course 'Advocacy and the Vulnerable', which has further enhanced her ability to both represent vulnerable clients, such as children, those with intellectual impairment or victims of domestic abuse, and to appear against them.

She also recently completed an Advocacy Skills Workshop with the Australian Advocacy Institute.

Elizabeth sits on Resolution's London Regional Committee.

Practice Areas

Family Law

Elizabeth accepts instructions in all areas of family law, including financial remedies, public and private children proceedings, Schedule 1 Children Act 1989 applications, and Family Law Act 1996 applications.

Examples include cases where:

Parties are divorcing and one or both seeks a financial remedies order.

A parent who is unmarried to the other parent seeks financial relief from this parent for the benefit of a child they have together. There are allegations of domestic abuse and one party seeks a Non-Molestation Order against the other or seeks an occupation order excluding the other from a shared property. There is a dispute about with whom a child should live. There is a dispute about whether a child should have contact with the other parent and, if so, what kind of contact this should be. One parent wishes to relocate a child permanently either within the jurisdiction of England and Wales or outside the jurisdiction of England and Wales. A Local Authority seeks a care or supervision order in respect of children.

She recently wrote an article for the Transparency Project 'Setting aside a financial remedy consent order in Covid pandemic times: HW & WW(2021) EWFC B20'

Civil Law & Tradition Chancery

Elizabeth also accepts instructions in civil law and traditional chancery (wills, trusts, probate and real property), including in cases involving a TOLATA 1996 dispute, an Inheritance Act 1973 dispute and issues of duress or undue influence.

Examples include cases where:

A property is held in joint names and there is a dispute as to the division of the beneficial interest between the parties. A property is held in one party's name and the other party wishes to establish a beneficial interest in it, either because they were promised this, they contributed to the purchase price or in some other way, or the parties had a shared intention. The parties have reached a settlement about the division of interest in a property and need to enter into an enforceable agreement. One party alleges they should not be held to an agreement, contract or other arrangement because they were operating under the influence of the other party to the extent that they were not exercising their own free will at the relevant time.

Elizabeth has given a seminar on forgery, entitled 'Forgery: General Principles, Practice and Procedure'.

Case Examples

Successfully appealed a final financial remedies order, leading to a favourable settlement for the client. Advised on and negotiated a favourable settlement for a client who was defending a claim predicated on undue influence in respect of a property transferred into her name by a family member. Represented a parent in a complex Non-Accidental Injury Fact Finding Hearing which spanned over four weeks. Secured a general finding of coercive and controlling behaviour against a respondent at a Fact-Finding Hearing in a private law children case when this allegation was not in the applicant's original schedule. Drafted a settlement agreement for the sale of the family home and allocation of assets following separation of an unmarried couple. Advised a client in a case where there were two potential defendants and three causes of action following the subdivision of a plot of land and subsequently drafted a Letter Before Action and Without Prejudice offer.

Areas of Practice Previous Professional & Advocacy Experience

She represented Middle Temple Inn at the European Universities Debating Championship in 2017, University College London at the World Universities Debating Championship in 2018, and was secretary of the Middle Temple mooting team at the 2017 Willem C. Vis International Commercial Arbitration Moot Competition.

In 2015-16 whilst undertaking the BPTC Elizabeth volunteered on the Vocalise pro-bono scheme which involved teaching debating in schools and prisons.

Her broad interests are reflected by various summer internships, including at the Bar Pro Bono Unit (now 'Advocate'), M&Adecins Sans Frontières in Madrid and ACI (The Financial Markets Association). Elizabeth takes on pro-bono work for Advocate as and when she is able.

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Qualifications

Bachelor of Nursing, University of Technology, Sydney

Graduate Diploma in Law, City University, London

Bar Professional Training Course, City University, London (Very Competent)

LLM (International Commercial Law), UCL (Distinction)

Memberships

Honourable Society of Middle Temple

Resolution

The Family Law Bar Association

The Anglo-Australasian Lawyers Society

Association of Lawyers for Children

Areas of Practice

Family



Domestic Violence
Family Finance
Public Children Law
Private Children Law

Civil

Contract, Company and Commercial
Chancery
Housing
UK & EU Data Protection & Privacy Law

Other Interests

Outside of the law, Elizabeth enjoys travel and medium distance running. She ran in the London Landmarks Half Marathon in 2021 to raise money for Advocate.