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Family provision litigation is a significant practice area for many solicitors’ firms. As is so often the case, as the volume of such litigation increases, there is a propensity for the quality of its conduct to decrease. In this article, Porter QC DCJ addresses five aspects of family provision litigation, and in doing so provides a thorough guide to best practice in the field. Specifically, his Honour deals with (1) the scope of the jurisdiction with particular reference to when applications should be brought in the District Court, (2) affidavit evidence in general in family provision applications, (3) addressing evidence of the relationship between the deceased and the applicant,(4) addressing the de facto relationship question, and (5) costs.

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We live in an age of aggression; an age in which the accepted norm seems to be that every otherwise reasonable claim or demand must be larded with some threat or other, and in which every submission, no matter how trite or innocuous, is met by the expression of ill-disguised contempt, whether feigned or real. In this article the author surveys the principles of professional etiquette and courtesy, and argues that their deployment is far more likely to be of benefit to the client than outlandish and discourteous bluster.

