Background
In March 2012 Resolution, an organisation for family lawyers in England and Wales, agreed to conduct an online survey of its membership for the Law Commission. The survey asked a number of questions relating to the current law of needs.

In total 366 family law practitioners responded, with 234 practitioners answering all questions posed. The percentages indicated below refer to the percentage of practitioners who responded to an individual question. Although the numbers, and methodology, are not statistically significant, responses to some of the questions posed provided useful quantitative information about the operation of the current law in England and Wales.

Results from the survey
General information
The majority of respondents (61%) practised mostly in cases where the assets available could meet the housing demands of both parties. 21% of practitioners dealt mainly with clients whose assets were minimal and could not stretch to meet the needs of both parties. 14% of respondents practised mostly in “big money” cases where assets substantially exceed needs.

Practitioners were invited to describe the location of their legal practice by reference to one or more regions. We received responses to our survey from across England and Wales.
Meeting “needs” on divorce

We asked practitioners “Are you able to predict accurately how the court will quantify your clients’ “needs” under section 25 of the Matrimonial Causes Act 1973?”

The results obtained indicated that the majority of practitioners could only “sometimes” predict how the court would quantify needs.

The “sharing principle”

We asked respondents “In a case where the available assets exceed the needs of the parties and consequently the sharing principle applies, would you expect the court in most cases to:

A1: Award the parties enough to meet their respective needs and then share the remainder;

A2: Share the available assets between the parties, and then check the award to make sure that each parties’ needs are met through sharing; or

A3: Do something else?”
56% of respondents expected the court to first share the available assets between the parties, and then check the award to make sure that each parties’ needs were met through sharing.

**Regional differences**

We asked practitioners whether they had ever issued proceedings in a certain court, or area of the country because they believed the outcome would be more favourable for their client than issuing elsewhere.

234 practitioners answered this question and the majority (57%) said that they had issued proceedings in a location or court they believed would be more favourable to their client.