

CENTRE FOR FAMILY LAW AND PRACTICE

Department Of Law, Governance And International Relations
Patron: Baroness Hale



NEWSLETTER
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Starting our second year

The second calendar year since the Centre's foundation in January 2009 has coincided with a quarter from January to March 2010 during which the international reputation of the Centre has been significantly enhanced. The developing awareness of the existence and purpose of the Centre, which began to be noted at the Fifth World Congress on Family Law and Children's Rights in Halifax, Nova Scotia, in August 2009, has been further enhanced at a series of specialist conferences between January and March 2010 where it seems that the talk of these gatherings of the international specialist Child Law community has been our own conference at the Law School, from 30 June to 2 July 2010.

The Co-Directors have been very pleased that the significant international profile gained by the Centre has recently been accompanied by the University's explicit recognition of the contemporary importance of Family Law in the creation of a Chair of Family Law which is now held by Marilyn, see further below in our section on Events.

This notable profile for the Centre, which led to more invitations for Marilyn to speak at a variety of national and international conferences on the 3 linked topics which comprise our current work, and for her to participate in relevant research opportunities with those working in other jurisdictions, has been further consolidated in a packed travel programme in the first quarter

of 2010, as she shuttled between Ireland, Australia, New Zealand, South Africa and Washington, DC: for details of which see below in this issue's account of the Centre's participation in CONFERENCES, RESEARCH IN NEW ZEALAND AND AUSTRALIA and developing OTHER RESEARCH PROJECTS.

In early December 2009 the new Supreme Court in London gave judgment in the case of *Re I*, the first Family Law case heard when the Court opened in October 2009, and in which the Centre was a neutral intervener with the child abduction charity **reunite**. In the eventual judgment Baroness Hale commented approvingly on the practical value of the Centre's neutral intervention in assisting the Court to decide that it was in the interests of the child that the Supreme Court should have jurisdiction in that case. Marilyn has written an account of the favourable decision in the first issue of the Centre's new journal, which will shortly be available on the website: for further details of which see below in the section on THE JOURNAL OF FAMILY LAW AND PRACTICE.

Frances has also continued to attend relevant conferences at which the profile of the Centre has been raised further, including the national conference of the Family Law Bar Association at Bath on 28 November 2009, taking our publicity flyers to all of them. She has also, in February 2010, again attended the FLBA Annual Dinner, and in March, attended the 2010 annual conference of the



THE 2010 CONFERENCE

30 June to 2 July 2010, at the Law School

INTERNATIONAL CHILD ABDUCTION, FORCED MARRIAGE AND RELOCATION

Three Linked Topics and the Global Perspective

The enthusiastic welcome for the Centre which has been extended by the international specialist Family Law community during the first year of the Centre's existence has continued to have unexpected results in the sustained surge of offers to give papers and to participate in the breakout panel discussions in each of the 3 linked topics of International Child Abduction, Forced Marriage and Relocation. As it was clear at an early stage that this conference was seen as an important comprehensive gathering of specialist child lawyers, providing a rare opportunity for sharing worldwide work in these key areas, we had already created a number of parallel sessions to accommodate the wealth of important material which has been offered: this process has since been further expanded as more high level offers of participation have been received and the programme has therefore been further adjusted. We have also been lucky to find such distinguished delegates registering for the conference that we have been able to invite to participate as Rapporteurs in the International Child Abduction and Relocation break out panel sessions, The Hon Mary O'Dwyer, Family Court, New Zealand, and the Hon John Faulks, Deputy Chief Justice of Australia. It is of enormous value to the Centre and to the Conference to have such important contributions towards developing the series of resolutions which it is hoped will emerge from these discussions. The latest revised draft programme and booking form are regularly updated and to be found on the Centre's website.

We have been particularly pleased at the level of sponsorship which has been achieved (including that of Miles and Stockbridge from Maryland, USA, who will sponsor the Speakers' Reception on 29 June 2009, the night before the Conference: this will be held in The Women's Library, a Department of the University which is immediately adjacent to the Law School). Moreover the Ministry of Justice and the Foreign and Commonwealth Office, for whom Marilyn has done significant research, have been extremely supportive in discussing our plans and projects, including the Forced Marriage Seminar on 19 April 2010, to which the Forced Marriage Unit has contributed a speaker, Olaf Henricson-Bell.

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Association of Law Teachers at Clare College, Cambridge, which conveniently focused in several of its sessions on highly relevant topics in the methodology of the Centre's educational role, including in contributing to student learning and development at undergraduate level. The ALT is at the cutting edge of teaching and learning practice and this important role for the Centre in teaching Family Law has already been addressed in the creation of our first outreach event (the 7 Bedford Row Seminar mentioned in the next paragraph) and is scheduled for further development at vocational and professional levels later in 2010, with a ground breaking programme of CPD, offering courses in areas of Family Law less well covered by existing commercial providers: Frances will also be attending the International Bar Association's 4th World Woman Lawyer Conference in April, of which the Association of Women Barristers, of which she is Vice-President for International Relations, is a sponsoring organisation, and in May the 4th Civil Mediation Council Conference, where links with other specialised mediators, including the Workplace Mediators and Family Mediators, is under discussion in a packed programme relevant to all mediators, including the Centre's plans for contributing to Mediation in Family cases. Both Frances and Marilyn are invited guests at the annual FLBA Cumberland Lodge weekend, 7-9 May 2010. Frances, who is a member, will be there for the whole weekend and Marilyn will attend on the Sunday to deliver an update on Relocation in her paper "Relocation – Where Are We Going?"

Meanwhile detailed arrangements for our own 2010 conference have continued alongside and we have for the first time extended the Centre's work outside the Law School with the arrangement of a Seminar on Forced Marriage to be held on 19 April 2010 at one of the leading Family Law Chambers, 7 Bedford Row, by kind invitation of their Family Law Team, led by Rachel Langdale QC: for further details see below at the section on EVENTS.

MEDIATION PROJECTS

Marilyn is shortly to commence international child abduction mediation training with **reunite** and to join the UK College of Mediators. She has been lucky to undertake both her compulsory observations (since completing her initial mediation training course in 2009 at ADR Chambers UK) with the former Court of Appeal judge, Sir Henry Brooke, Chairman of the Civil Mediation Council, from which she has obtained experience of routine civil mediation which will be useful background before specialising in Family Law cases, which may often involve civil and commercial issues.

Frances, a member of the Board of the CMC for ADR Chambers UK, and a member of the Council's Academic Group (which is jointly chaired by Sir Henry Brooke and Professor Loukas Mistelis of Queen Mary College, University of London) has been invited to Canada in October 2010 to speak in the Judges' Forum at the annual International Bar Association Conference at Vancouver, British Columbia, where her paper will be on Restorative Justice, one of the specialist forms of mediation. She will also participate in the sessions of the Family Section which is chaired by Anne-Marie Hutchinson. She will earlier deliver another mediation paper in the Practice, Profession and Ethics specialist subject section at the annual conference of the Society of Legal Scholars in September 2010, this year at Southampton University, on this occasion focusing on the recent Jackson Report and the projected increase in mediation in litigation with the aim of reducing litigation costs.

THE CENTRE'S JOURNAL

The first issue of the journal, Volume 1 Issue 1, will be in electronic form, published on the Centre's website and is expected to be uploaded during the month of April 2010.

As announced on the Website News Panel, the Editorial Board is chaired by Professor Peter de Cruz of Liverpool John Moores University, and the membership comprises The Hon Mr Justice Baker of the Family Division of the High Court (formerly Jonathan Baker QC, one of the leading counsel in *Re I* in which he represented the Appellant mother), Anne-Marie Hutchinson OBE of Dawson Cornwell, Solicitors, Stephen Gilmore of Kings College, London and (ex-officio) the Co-Directors, Marilyn and Frances.

The editorial board met for the first time on 8 March 2010, and the journal is now proceeding through the production process. The inaugural issue, which foreshadows the theme of the summer Conference contains articles from the academics Professor Nigel Lowe of Cardiff University (on the 1996 Convention), Ursula Kilkelly of University College, Cork (on the Children's Rights Perspectives of Relocation) and from Marilyn (with the assistance of the legal team which represented the Centre in its intervention) on the Supreme Court case *Re I*. From the practice side, Lord Justice Thorpe has led with an article on Relocation from the judicial perspective, and Anita Guha and Hanisha Patel from the Family Team at 7 Bedford Row have contributed an article on Forced Marriage from the practitioners' point of view. With the exception of Marilyn and Lord Justice Thorpe, who ends his article looking forward to the continuation of the Relocation debate in his paper at the summer Conference, the authors in this issue are chosen from those unable to attend to speak at the Conference. The Journal also contains a Student Section: in this issue there is an article by a current pupil at the Family Law Bar on Shared Residence and a Commentary on Contact following the Enforcement Provisions of the Children and Adoption Act by a graduate of the University now a student on the College of Law's LPC.

The second issue of the Journal will follow the summer Conference and constitute a commemorative edition, including edited versions of some of the key papers and an account of the recommendations and resolutions reached at the Conference break out panel discussions.

The third and final issue of 2010's Volume 1, at the end of the year, will continue the Child Law theme from the 2010 conference and look ahead to focus on the Centre's next work area, on issues in Adult Relationships and Property within the Family.

CONFERENCES

Marilyn has attended, and usually spoken at, a number of conferences during the first three months of the year.

In January 2010 she went to Eire to the Fifteenth Four Jurisdictions Family Law Conference at Powerscourt House, Enniskerry, where our Patron, Baroness Hale of Richmond, was Rapporteur in Session 3, The Case Study on Topical Issues. One of our contributors to the first issue of the Journal of Family Law and Practice, Dr Ursula Kilkelly, was the Keynote Speaker in Session 1, Human Rights and Family Law.

Following her return from a research trip to Australia and New Zealand, in early March, Marilyn travelled to South Africa to speak in Cape Town at the University of the Western Cape's conference on Relocation.

Finally later in March she went to Washington to speak, by invitation of Professor William Duncan, Deputy Secretary General of the Hague Conference, at the conference of the International Centre for Missing and Exploited Children (ICMEC) and the Hague Conference on Private International Law: this was a conference that was attended by 55 global experts, and which looked at Relocation in terms of the various judicial and administrative approaches to the issue. Marilyn's paper, delivered jointly with Dr Nicola Taylor of Otago University, Dunedin, New Zealand, was on Research and Statistics Leading to Relocation, and considered the mixed outcomes of the existing social science research, as well as the 4 existing empirical studies, (i) Marilyn's for **reunite**, (ii) the New Zealand project, (iii) that of Professor Parkinson et al at the University of Sydney and (iv) Dr Behrens et al at the Australian National University, and the emerging themes from these studies. One of the main recommendations to emerge from this conference was for the undertaking of international research in this area to further judicial understanding of the issues which need to be considered in judges' decisions. Marilyn has received several messages of appreciation for her paper which appears to have been influential in the "Washington Declaration" which has emerged from the conference. In particular congratulatory emails were sent by Professor William Duncan, Maura Harty at ICMEC and Michele Bond at the State Department.

WEBSITE

The Centre's website's convenient News Panel, highlighting latest developments including increasing press coverage, remains the most instant source of current news between Newsletters, although the practitioners' magazine, Family Law Week, has been particularly assiduous in reporting developments at the Centre. Those interested can thus easily access recent news on www.londonmet.ac.uk/flp.

RESEARCH IN NEW ZEALAND AND AUSTRALIA

In February 2010 Marilyn went on an extended research trip to New Zealand and Australia. By invitation of Associate Professor Lee Ann Basser, Marilyn gave a seminar (in that University's Colloquium series) at La Trobe University in Melbourne, Victoria, on Shared Parenting and the Issue of Relocation After Separation. She also visited Professor Patrick Parkinson and his team at the University of Sydney and met with Professor Rosalind Croucher, recently appointed (in December 2009) President of the Australia Law Reform Committee to discuss their current inquiry into Domestic Violence. She then went on to New Zealand, where she visited the Relocation Research Team at the University of Otago at Dunedin, and worked with Dr Nicola Taylor on their joint paper for the Washington Conference at which they were both scheduled to open the proceedings in March 2010. She also worked with Professor Mark Henaghan, Professor Gordon Harold, Megan Gollop and Dr Nicola Taylor, the key specialists working in the areas of the Centre's interest regarding future research projects.

OTHER RESEARCH PROJECTS

A project on Relocation is currently under consideration with Dr Nicola Taylor, and is expected to be finalised and possible funding applied for during the summer, when the New Zealanders will be in London for the conference.

Further research projects are presently under consideration, including a further opportunity in Relocation, in partnership with another European university which is seeking EU funding.

EVENTS

The next issue of the Newsletter will report on the Centre's first outside event, the Seminar on Forced Marriage at 7 Bedford Row. This event is a unique first for the Centre in that it has been specifically planned to include, as well as solicitors and other professional delegates, a small group of the University's Family Law students, drawn from the undergraduate and LPC programmes, who will make up a third of the delegates and have the opportunity to appreciate at the reception after the seminar the value of networking within the profession. The creation of the Chair of Family Law now held by Marilyn facilitates planning of more outreach events of this type so as to give students a greater perspective on applied law in the profession and thus to enhance their employment prospects. We hope to arrange more of these seminars, with other Chambers and firms of solicitors which interest themselves in, and in various ways support, the Centre's work.

Next issue: Summer Term 2010

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Three Linked Topics and the Global Perspective

30 June – 2 July, 2010

For further information on the programme of the Centre, the Conference and offers of papers please contact the co-directors:

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