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# Our third quarter

The third quarter since the Centre's foundation in January 2009 has coincided with the summer Long Vacation in both academic and legal terms, and the commencement of the new academic and legal year 2009-10. As such, this period has been spent largely in consolidation of earlier work, in particular of the developing awareness of the existence and purpose of the Centre, which has been noted at a series of specialist conferences, and in taking forward arrangements for the 2010 conference.

This noted expansion of the Centre's profile has led to the acquisition of enlarged space for the Centre in the Law School (as a result of which we have moved from the main 16 Goulston Street building to CS207 in the small building on the Calcutta House side of the City campus); 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; for Marilyn to participate in relevant research opportunities in New Zealand; for the Centre to make a pro bono funded appearance in two leading cases in international child abduction in both the USA Supreme Court (Abbott v Abbott to be heard in January 2010) and the new Supreme Court in London (Re I heard when the Court

opened in October 2009); and in interest from Routledge Cavendish (part of the long established Taylor & Francis publishing group) in developing and publishing the Centre's journal. Taylor & Francis has also just signed a contract for republication of Frances' well established Textbook on Family Law (previously published by Cavendish, which was taken over by Taylor & Francis a couple of years ago) so that the new edition will come out as our second Centre publication: Frances' annual statute book Core Statutes in Family Law was published in a 2009-2010 edition as usual by Palgrave Macmillan in July 2009.

Frances has also continued to attend relevant conferences at which the profile of the Centre has been raised further, including the Society of Legal Scholars' Centenary Conference at Keele University, the International Bar Association Conference in Madrid and the inaugural Judicial Mediation Congress of GEMME in Paris, taking our publicity flyers to all of them. Meanwhile detailed arrangements for the 2010 conference have continued alongside, with the result that a sponsored Speakers' Reception has been arranged for 29 June 2010, the evening before the opening of the conference, to take place in the Women's Library adjacent to the Law School.



## 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 6 months of the Centre's existence has had unexpected results in the flood 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 this conference is now clearly seen as an important comprehensive gathering of specialist child lawyers, providing a rare opportunity for sharing worldwide work in these key areas, we have finally decided that parallel sessions are necessary to accommodate the wealth of important material which has been offered, since we did not feel that the 3 days allocated to the conference could be extended but were unwilling to deny to delegates the chance to access all the scholarship and expertise available. It has also been decided to include rapporteurs for the breakout panel sessions, and to develop a series of resolutions which it is hoped will emerge from these discussions. Edward Devereux of 2 Harcourt Buildings has kindly agreed to lead the rapporteur and resolution programmes. The full draft programme and a booking form are now to be found on the Centre's website.

During this period further thought has been given to other potential opportunities for delegates, particularly those from long haul destinations, to make the most of their visit to London for the conference. Optional social events, which can be offered at the weekend of 3-4 July 2010, include visits to the opera at the Royal Opera House, Covent Garden, and the replica of Shakespeare's Globe Theatre on the South Bank of the Thames, in both cases with back stage tours, privately escorted visits to the famous Georgian houses of Spitalfields and to Oxford & Cambridge. Delegates who might wish to include any of these visits will note an opportunity on the booking form to express an interest upon which further information can be provided. All depend on sufficient numbers.

Family Law Week, 4 Paper Buildings and **reunite** all carried a news item on their websites on the day in October on which our conference programme and booking form was published on our own website, a news item having been carried by Family Law Journal, and another which will shortly appear in International Family Law Journal.

We have been particularly pleased at the level of sponsorship which has been achieved already (and offers continue to come in, including from overseas). 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 and offering their views and input, as recorded on the conference documentation.

## WEBSITE

The Centre's website now contains a convenient News Panel highlighting latest developments including increasing press coverage. 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](http://www.londonmet.ac.uk/flp). The draft conference programme and booking form is now up on the website and bookings have begun to be received.

## THE CENTRE'S JOURNAL

The first issue of the journal will be in the first quarter of 2010 and will be in electronic form, published on the Centre's website. The Centre has been lucky in obtaining an offer of complimentary design and typesetting for our on line issues from an American publisher who produces the Newsletters of the Association of Women Barristers for its English editor and, as for the AWB's issues, is able to work remotely by email.

Following a meeting between Professor Peter de Cruz, Frances and Aimee Wood of Taylor & Francis at the Society of Legal Scholars' Centenary conference at Keele University in September, discussions will now be taking place with Routledge Cavendish's journals team with a view to their undertaking the hard copy publication of the Centre's journal, beginning with a commemorative edition of the edited papers on the Child Law topics which are the subject of the 2010 conference. It is intended that the Journal, which will be peer reviewed as a refereed journal

in the normal way, will shadow the Centre's work, so that in 2011 (when we anticipate moving on beyond the present Child Law work to address topical issues in Family Property, Assets and Status) we shall aim for a conference in these subject areas and an accompanying expansion into these topics in the Journal.

The editorial board, led by Professor de Cruz, currently comprises (in addition to Marilyn and Frances, the Co-Directors of the Centre) Anne Marie Hutchinson of Dawson Cornwell and Stephen Gilmore, Kings College, London.

*ABBOTT v ABBOTT* (US Supreme Court) and *RE I* (First Family law case in the new Supreme Court in London)

The Centre has been delighted to take part in these two cases. We were granted permission to intervene in *Re I*, and in *Abbott v Abbott* Marilyn acted as one of the small team of counsel to **reunite** in its intervention. The Centre was referred to in the *amicus* brief in the following terms: "Dr Freeman is Reader in Family and Child Law and Co-Director of the Centre for Family Law and Practice at London Metropolitan University, which is dedicated to both academic and practical aspects of Family Law and, in particular, international Family Law".

In *Abbot v Abbott* Marilyn was part of a small team of counsel from the specialist Chambers at which she holds a door tenancy and which recently won the Family Law Chambers of the Year Award, 4 Paper Buildings in Inner Temple. The case focussed on issues in International Child Abduction of potentially wider significance than to the parties involved in that case and it was decided that the Centre should intervene as a neutral in respect of the issues of principle. The team of counsel acted as co-counsel with a leading firm of Washington DC lawyers as counsel *amicus curiae* on a Writ of Certiorari to the United States Court of Appeal

for the Fifth Circuit in this case. Professor Linda Silberman (a speaker at the 2010 conference who was in London for the launch of Marilyn's latest research in July) subsequently visited London again to meet with Marilyn on this and other issues, while the judgment in the case is awaited.

The Centre intervened in the case of *Re I* which was heard on 13 and 14 October by a Court including our Patron, Baroness Hale of Richmond. Family Law Week carried an article about the case, the first Family Law case to be before the new Supreme Court and only the second to be heard since its inauguration in early October. In *Re I* the mother sought to challenge the ambit of the jurisdictional framework of Brussels II Revised, the extent of its reach in respect of children who are habitually resident outside the European Union, the concept of "habitual residence" for the purposes of the Regulation, the continuing role (if any) of the doctrine of *forum non conveniens* governed by Brussels II Revised and thus to clarify the ability of the court to stay proceedings. The case was on appeal from the Court of Appeal (Thorpe, Scott Baker and Sullivan, LJJ). Our pro bono representation was by Anne-Marie Hutchinson at Dawson Cornwell, Solicitors, who instructed as counsel Teertha Gupta led by Henry Setright QC of 4 Paper Buildings. The Appellant mother is represented by Jonathan Baker QC, the Head of Harcourt Chambers, leading Edward Devereux, another specialist in international child law, instructed by Janet Broadley of Bindmans. Judgment is now out and interested readers should look at our website for further details.

## 4 PAPER BUILDINGS, INNER TEMPLE:

### Family Law Chambers of the Year and Marilyn's new Chambers

In the summer Marilyn moved Chambers with a small group of specialist Child Abduction Barristers, from the set in Grays Inn where she has been a door tenant for some time, to the highly specialist Family set, 4 Paper Buildings in Inner Temple. The group was led by Henry Setright QC, the leading Child Abduction silk, and included Marcus Scott-Manderson QC and Jacqueline Renton who with Henry Setright and Marilyn were also members of the team which intervened in the US Supreme Court case of *Abbott v Abbott*.

On 1 October 2009 4 Paper Buildings won the Chambers and Partners Bar Awards nomination for Family Law Set of the Year, beating off fierce competition from 2 Hare Court and 29 Bedford Row which were the other short listed sets. Our 2010 Conference is also now advertised on their website which also has a link to our website. See [www.4pb.com](http://www.4pb.com)

## CONFERENCES

Marilyn has spoken at a number of conferences since the summer term, starting with Lord Justice Thorpe's conference, The International Family Justice Judicial Conference for Common Law and Commonwealth Jurisdictions held (by invitation only) at Cumberland Lodge in July (at which she gave a paper on her recent relocation research, *Relocation – The reunite Research Project*,

[www.reunite.org](http://www.reunite.org)). She then went on to Halifax, Nova Scotia for the Fifth World Congress on Family Law and Children's Rights, at which the Centre and our 2010 conference was the subject of much interest. During the autumn and early winter she will again be speaking in Cape Town at a conference of the University of the Western Cape on Relocation and on Cross Border Family Relocation at the conference of The International Centre for Missing and Exploited Children (ICMEC) and the Hague Conference on Private International Law in Washington. Marilyn will also be presenting a paper on Relocation, and chairing a workshop, at the International Family Dispute Resolution meeting of experts being arranged by The Foreign and Commonwealth Office in Cairo at the beginning of December 2009. Marilyn is also giving a seminar for 60 alumni of London Metropolitan University at North Campus during the week beginning 23 November 2009, on the issue of Relocation and how it affects ordinary people in their everyday lives.

Frances attended the inaugural Judicial Mediation conference in Paris, at which Mr Justice Singer (Treasurer of the English Branch of GEMME) was also present, and two other English speakers (Jeremy Tagg of the Ministry of Justice and Sir Gavin Lightman) also attended. This conference culminated in the establishment of an annual conference, currently managed by the French and Germans, and with the next meeting in Martinique in 2010. The object of this initiative is to encourage and develop Judicial Mediation in all jurisdictions and the Centre's interest in such developments is linked to our general interest in mediation – not least in the **reunite** scheme for the resolution of international child abductions by mediated settlements – and to the fact that we shall in due course be running mediation courses.

Both Frances and Marilyn attended the IBA annual conference in Madrid. Frances gave a paper in the Academic and Professional Development Committee's session "Tilting at Windmills" which was inspired by Cervantes' famous literary work *Don Quixote* and looked at a number of cases where advocates' and judges' had addressed apparently lost causes in the manner of Cervantes' imaginative knight. Frances' paper "Lord Denning and the Women" looked at his early 1970s attempts to develop property rights in family assets for women and the progress of these themes through *White v White* and subsequent case law to the current Law Commission examination of marital property agreements. Later in the week Marilyn participated in the Family Law section's International Child Abduction Mediation demonstration.

Frances attended the Twenty Fifth Anniversary Dinner of the Family Mediators Association, an important milestone in the family mediation community, and Marilyn and Frances both attended an evening seminar on International Child Abduction for Panel Solicitors presented by her new Chambers (4 Paper Buildings, Inner Temple) at which she spoke with another member of Chambers, David Williams, on international Child Abduction. Frances will attend the FLBA Annual Conference at Bath at the end of November.

## RESEARCH IN NEW ZEALAND

Marilyn has also been invited to New Zealand in February and March 2010 to visit the New Zealand Relocation research team at the University of Otago at Dunedin. She will also visit the Australian research teams on this journey.

## CENTRE FOR FAMILY LAW AND PRACTICE



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### INTERNATIONAL CHILD ABDUCTION, FORCED MARRIAGE AND RELOCATION

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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Next issue: New Year

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