

The Centre for
**FAMILY LAW
AND PRACTICE**
Patron: Baroness Hale of Richmond

IN THIS ISSUE

Our Second Year	1
Inaugural Conference	2
Website	3
The Journal of Family Law and Practice	3
Research in New Zealand and Australia	4
Mediation Projects	4
Seminars	4



Our second year

As we end the second year since the Centre's foundation in January 2009 we can look back with some pleasure on the two summer quarters from April to June and July to October 2010, during which the international reputation of the Centre has been further significantly enhanced both by our events - the inaugural international conference on International Child Abduction, Forced Marriage and Relocation and our first outreach event, the joint seminar on Forced Marriage with 7 Bedford Row (see further below in the sections on INAUGURAL CONFERENCE and SEMINARS) - and by the first issue of our new online journal, *Family Law and Practice*. 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 in the succeeding 15 months both by these events, by the international contributions to issues 2 and 3 of Volume 1 of the journal which will both be available by the end of the year of 2010, and by a further series of plans for 2011 - an international summer school in July 2011: further outside seminars in partnership with 7 Bedford Row and other sets of Chambers (see further below in the section on SEMINARS) and by the development of research projects, including a high profile proposal in conjunction with the University of Otago in New Zealand.

The Co-Directors have been very pleased that the significant international profile gained by the Centre was so successfully maintained at the inaugural conference, from which some of the international speakers' papers have become articles in issues 2 and 3 of the journal. 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 by an invitation for her to speak at the Child's Perspective in Family Matters in a Globalised World conference organised by the Department of Family Affairs under the auspices of the Danish Ministry of Justice in Copenhagen and at a variety of occasions in London during the summer and autumn.

During the summer the huge expansion of the Centre's work coincided with international recognition of Marilyn's research for **reunite**, which was also repeatedly referred to by speakers at the inaugural conference, and in particular by Baroness Hale in her keynote and closing conference addresses.

A particularly pleasing spin off from the conference was media coverage, including a Radio 4 interview on the first morning of the conference and a later television interview, filmed in the Women's Library, both owing to interest in the Centre's work by Clive Coleman, the BBC's legal analyst.

Frances has also continued to attend relevant conferences at which the profile of the Centre has been raised further, including the annual conference of the International Bar Association, this year at Vancouver, Canada in October 2010, where she participated in both the Family sessions and the Judges Forum. She has also, in July 2010, again attended the FLBA Annual Garden Party at Middle Temple, where the talk was all of the Centre's recent inaugural conference, a highlight of which was Lord Justice Thorpe's paper, on *The Continuing Search for Principles* in Relocation, which has been the topic of the moment since the case of *Re AR* in the summer, decided by the newly appointed Family Division Judge, Mr Justice Mostyn and widely reported in June: following this event the Centre was delighted that the FLBA chose to include Lord Justice Thorpe's conference paper in the summer issue of their own Newsletter, *Family Affairs*, and even more delighted that Lord Justice Thorpe (who had promised the paper to us for an article in issue 2 of the Centre's journal) agreed to this only on condition that the Centre did not object. In April Frances had also attended the International Bar Association's 4th World Woman Lawyer Conference in London, 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. Both Frances and Marilyn were invited guests at the annual FLBA Cumberland Lodge weekend, 7-9 May 2010, and Marilyn's paper, paper *Relocation - Where Are We Going?* was delivered on the Sunday morning and this important update duly recorded in the next issue of *Family Affairs*.

INAUGURAL CONFERENCE

THE 2010 CONFERENCE on the 3 Linked Topics of International Child Abduction, Forced Marriage and Relocation and the Global Perspectives: 30 June-2 July 2010

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 was more than vindicated at this important conference, which was seen as a ground breaking comprehensive gathering of specialist child lawyers, providing a rare opportunity for sharing worldwide work in these key areas. The "club" atmosphere, both of the working sessions and of the social events, and in particular in the break out discussions where Rapporteurs in the International Child Abduction, Forced Marriage Relocation break out panel sessions included The Hon Mary O'Dwyer, Family Court, New Zealand, the Hon John Faulks, Deputy Chief Justice of Australia and the Rt Hon Lady Justice Black and Lord Justice Munby of the Court of Appeal of England and Wales, the Hon Mr Justice Baker and the Hon Mr Justice Singer of the Family Division of the High Court and the Rt Hon Lord Justice Thorpe, Head of International Family Justice who gave a ground breaking paper on Relocation on the first day of the conference, following up his earlier article on the same topic in the first issue earlier in the year of our new on line journal.

It was of enormous value to the Centre and to the Conference to have such important contributions towards developing the series of resolutions which then emerged from these discussions, when a select group of leading English delegates led by Lord Justice Thorpe and Mr Justice Singer and some of those remaining after the conference (including Hon John Faulks and Hon Mary O'Dwyer) met on the Saturday morning following the conference Dinner at Lincolns Inn for a working breakfast at which the Conclusions (now to be found on the Centre's website) were drafted and polished.

We were particularly pleased at the level of sponsorship achieved for this inaugural conference, including that of Miles and Stockbridge from Maryland, USA, the firm which sponsored the Speakers' Reception on 29 June 2009, the night before the Conference: this was held on a sunny summer evening in the courtyard of The Women's Library, a Department of the University immediately adjacent to the Law School, of which the photographs are available on the conference website.

Social events at the conference were much enjoyed owing to the opportunity for relaxed networking in the evenings following each of the 3 days of working sessions.

29 BEDFORD ROW

On 30 June delegates went to 29 Bedford Row where international barrister, Clare Renton, had sponsored the welcome reception, and champagne and canapés ended a highly productive day before the party dispersed to hotels and private dinners. The highlight of this evening was the welcoming words of Philip Cayford QC, member of those Chambers and Editor of the FLBA's Newsletter *Family Affairs*, who was just coming to the theme of his opening speech in the Relocation case of *Payne v Payne*, a topic on which Lord Justice Thorpe had spoken in his conference paper, *The Continuing Search for Common Principles*, earlier in the day when Lord Justice Thorpe (who had not found in favour of Philip's client in that case) walked into the room, not surprisingly to a ripple of laughter, as guests speculated on whether, but for the entrance of Lord Justice Thorpe at that moment, Philip would have managed to reprise the whole of his arguments for the father in that case.

HOUSE OF COMMONS

On 1 July the delegates who had elected to do so assembled at the House of Commons Terrace for a reception sponsored by Lee Scott MP for more champagne and canapés, this time overlooking the Thames, and 4 Paper Buildings, on whose behalf Henry Setright QC welcomed the guests, referring to the stellar cast of those attending, on which he commented that "everyone who was anyone in international Family Law" was there. This reception was also attended by the Vice-Chancellor, Professor Malcolm Gillies, who gave a short address and, himself coming from Australia, was able to meet and discover common contacts with many of the Australian delegates.

LINCOLNS INN

On 2 July those delegates who had chosen this option assembled on the terrace of the Great Hall of Lincolns Inn for the reception before the conference Dinner, which was then held in the Great Hall where the speaker was Lord Justice Thorpe. This was a fitting final social occasion of the conference, starting with the outside reception where more champagne and canapés were consumed as the cascade of notes from a well positioned harp and a string quartet floated across the immaculate gardens, backed on this hot summer night by the sound of water flowing from the New Square fountain just beyond the end of the terrace. The musicians, from the Royal College of Music, also played in the Great Hall during dinner and we were particularly pleased to have this further student participation, endorsing our own principle of including our own LMU students in activities when we can.

OTHER EVENTS

Prior to the conference a number of private suppers were held to entertain the visiting international delegates, many of whom had arrived early, especially those whose long haul journeys were from the most distant parts of the world, and local hostels around the law school (including the new Roux bistro in Spitalfields Market, Marco Pierre White's brasserie in Middlesex Street and the refurbished listed building Great Eastern Hotel now under new ownership and management) and also at a branch of the French style brasserie chain Chez Gerard in Bloomsbury near a hotel used by several American delegates. These suppers were extremely useful in enabling Marilyn and Frances to catch up with work being done by international delegates in their home jurisdictions and to discuss further possible research collaborations.

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 and are encouraged to keep in touch in this way and to check regularly for forthcoming events.

THE JOURNAL OF FAMILY LAW AND PRACTICE

The first issue of the journal, Volume 1 Issue 1, in electronic form, was published on the Centre's website in May 2010.

As announced on the Website News Panel, the Editorial Board has been chaired during its first year by Professor Peter de Cruz of Liverpool John Moores University, and the membership has comprised 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. During the early autumn two more practitioners joined the Board, both well known Child Lawyers (Julia Thackray of Penningtons, Solicitors, and Clare Renton, of 29 Bedford Row) and, as we move in 2011 away from Child Law and into Family Property and Finance, the topics for the 2012 conference, the well known property lawyer, Professor Julian Farrant (Editor of *Emmet* on *Title*, and, *inter alia*, former Law Commissioner and Ombudsman for both Pensions and Insurance) has accepted an invitation to become Co-Chair with Professor de Cruz.

The editorial board met on 17 November 2010 to approve issues 2 and 3 of the journal's first Volume which follows and builds on the theme of the summer Conference, as these two issues contain themed articles based on the best of the conference papers, from both the academics and practitioners, including international judges, who contributed to the conference: issue 2 is devoted to Relocation and issue 3 to International Child Abduction. Issue 4, in the spring of 2011, will contain some of the Forced Marriage topics debated at the conference. These second, third and fourth issues of the Journal, and all future issues, will be found in the protected area of the website, which is open to the membership of the Centre (inaugurated at the conference – details on the website) and, in the case of the paperbank, conference delegates. All non-members will in future therefore need either to join the membership scheme (which is very good value at £60 p.a. or £15 for students) if they wish to read the journal, or to take out a separate journal subscription the amount of which has not been fixed: see website in due course. Meanwhile plans for commemorative hard copy editions of these commemorative issues are being researched: we are not at present sure of the demand for this as the Centre's international adherents mostly appear to prefer on line access.

These final 2 issues of 2010 will be the last on Child Law for a while as we move forward to consider Adult Relationships and Property within the Family at the 2012 conference.

RESEARCH IN NEW ZEALAND AND AUSTRALIA

During the winter of 2010 Marilyn had planned an extended research trip to New Zealand and Australia to work 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, and to meet with Professor Anne Graham, Director of the Centre for Children and Young People, School of Education, at Southern Cross University. That university has developed an interesting summer school from which the Centre has sought to learn. However, this trip has been cancelled for a variety of reasons and the summer school is now being developed remotely with Dr Taylor, so as to establish the Centre's own Summer School which is proposed for July 2011, where it will take place over 2 weeks at the Law School.

MEDIATION PROJECTS

Marilyn is now fully qualified as a mediator.

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) was 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 was on Restorative Justice, one of the specialist forms of mediation. She also participated in the sessions of the Family Section which is chaired by Anne-Marie Hutchinson, on one day in the mock Hague trial and on another in the resulting mediation in a child abduction case. She also delivered 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.

SEMINARS

The Centre's first outside event, the Seminar on Forced Marriage at 7 Bedford Row in April, was a great success and was attended by around a dozen students from the University. This event was a unique first for the Centre in that it had 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 had the opportunity to appreciate at the reception after the seminar the value of networking within the profession. The photographs from this seminar are to be found on the Centre's website, and the paper delivered by Anita Guha and Hanisha Patel, barristers at 7 Bedford Row, was included in issue 1 of the Centre's Journal, which is freely available on the website. More outreach events of this type are planned so as to give students a greater perspective on applied law in the profession and thus to enhance their employment prospects. There will be another seminar with 7 Bedford Row on 7 February 2011, this time on Marital Agreements: this will be chaired by Baroness Hale and speakers will include Mr Justice Mostyn who as Nicholas Mostyn QC was counsel for the husband in the recent appeal *Radmacher v Granatino*, decided by the supreme Court in October. Other seminars are planned in 2011, which will be announced on the website as details are completed.

Next issue: Spring Term 2011

Marilyn Freeman and Frances Burton (Co-Directors)
Room CS207, The Law School, 16 Goulston Street, London E1 7TP
Telephone 0207 320 1197

m.freeman@londonmet.ac.uk; frb@frburton.com; flp@londonmet.ac.uk.

Claire Keefe (Administrator)
Telephone 0207 320 4950

c.keefe@londonmet.ac.uk
www.londonmet.ac.uk/flp