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Family Law [2019] Fam Law 721
The Financial Pilot Scheme needs a communication platform

When Sir James Munby became President in 2013 he was crystal clear in his message that he wanted a modernised Family Law Court system, which was envied worldwide. Few Presidents have since done more to match their words with actions. One of his last acts was the extended roll out of the Financial Court Pilot Scheme (*President's Circular: Financial Remedies Court Pilot Phase 2* – July 2018), which at last creates in nine regions, a specialised financial judge system of courts. The intention is for this initiative, along with the Family Court generally, to become fully digitised in due course. It is to be anticipated that the centralisation of such expertise will be its own driver for excellence and consistency of delivery – which is not only required in this area of law but others too. However, at this stage, the roll-out lacks any form of website communications; platform to inform, process and develop the Pilot Scheme and, crucially, to provide the public and the practitioners with a voice about this initiative. Of course, the court system has a limited purse and no doubt parallel digitisation with such developments as the Pilot Scheme, would no doubt have been intended, had there been ample funding available. However, in this situation, I suggest there is an opportunity for the professions themselves to do more.
Speaking as a practitioner with a long experience in family law, the author is not convinced the legal profession is yet adept at effectively getting over the message to the public about its crucial support role in the family court system. Any existing communication with the public invariably emanates from government departments on a public website where the profession is, if mentioned at all, often depicted, by implication, as a cost-builder and a system-taker and not a system-giver.

Taking the Financial Court Pilot Scheme as the most recent example – this initiative has, in fact, been a long time coming. There were several voices in the wilderness many years before, saying that such financial specialisation needed harnessing within the Court system.

The author's own humble contribution on this subject is on record at 'Judges and Ancillary Relief', [2000] Fam Law 577 and again 'Appealing from District Judges: Cause for Concern', [2008] Fam Law 675. Just dealing with personal experience, although confident many readers will have their own examples, it then took another few years for the last of these two articles to catch the creative eye of the rising Ernest Ryder J (as he was then) and for him to make personal contact with the author before, as a result of his efforts, the unique Northern Circuit initiative of the 'Money Judge' system came into being, whereby specialised ancillary relief practitioners, recently appointed to the Circuit Bench, were designated to undertake more complex first instance financial cases. It has, of course, taken yet another several years before once again a similar stream of ideas were promulgated nationally by HHJJ Hess, O'Dwyer and Joanna Miles in 2016 and by higher profile taken up by our former President.
The reality, however, in just this one example, is that these initiatives could have been well in place a number of years ago had there been a better form of communication developed within the financial family law profession and judiciary earlier and, dare it be said, had there been a public and professional platform encouraging feed back into the court system process. Good ideas are not the monopoly of those with official positions within the profession or with judicial appointments – the lay public are just as able of presenting ideas into what is not our family law system but theirs.

At practitioner level, there is a wealth of ideas just waiting to be tapped into based upon day-to-day court practice and the use of the court services. Nationally, no doubt, there have been years of regional meetings organised by the local judiciary under the auspices of court users committees, which have been attended, when available, by certain designated members of the local profession on a monthly or less frequent basis to highlight any problems being encountered. However, whilst experiences may differ, the effectiveness with which the detail of any decisions or local initiatives, from such meetings are then disseminated to the wider legal profession is far from consistent. If personal experience is anything to go by, such information is only left to word of mouth conversations in daily practice.

This is no way for a modern family law system to operate. For too long, the system we have all been part of has sought to prioritise and serve the judiciary and profession first and the public second. This is changing, but again too slowly. The Family Bar, Law Society and indeed the Court Service are no more than the public service they supply and the continued and improving level of their value-added contribution is their only guarantee to a future in their current form.

In this context, is the author suggests that the FLBA and the Law Society could themselves take the initiative to deploy their own existing website facilities to provide a joint communications platform which could, in parallel with the current Pilot Scheme initiative, provide the public with a single go-to-point of access to information, on a nationwide and/or local basis, about the current pilot scheme, its aims and goals, together with general assistance information regarding court locations and possibly advice regarding the making of applications and accessing of legal services with a directory of local solicitors and barristers chambers providing services in this area of law. The site crucially could request feedback from the public – with suggestions for improvement of the services supplied – the best of which could be posted for general consumption.

At a second level, there should be a sign-in access for practitioners to have an open forum for feedback to and dialogue with the financial remedy judicial teams both regionally and nationally and for the latter to be able to post information on such a site relevant to the pilot scheme developments and announcements and Practice Guidelines.

This pro-active step if supported and delivered by the professions would give the public a much needed voice in the direction being taken in a modern Family Court system and the Financial Remedy Court system, in particular. It is appreciated that government funding will be limited, but the professions through their present websites, at least, have an existing framework for development of such a model, which could in this way be of mutual benefit to all court system users – in practice or otherwise.

A truly modern court system needs to welcome and draw upon any constructive suggestion for improvement and efficiency, wherever it comes from. This is an area where, it is suggested, the FLBA and The Law Society can be leaders in the establishment of such an initiative.

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