

Australian family lawyers conference: Time to go borrowing again?

David Hodson

The Australian family lawyers held their biannual conference in Perth, Western Australia, in late October. A quarter of the International Committee attended along with several other solicitors, barristers and judges from England. For those of us who are dual qualified, it was an incredible opportunity to bring ourselves quickly up-to-date with developments in Australian law and practice. For English practitioners, it provided excellent insights into possible future changes to English family law by observing what is happening in a similar but more radical and much more government funded family law jurisdiction.

However it left many of us from England wondering why we cannot have such good and well attended conferences here. There was much that could be adopted and borrowed from the Australian family lawyers conference is to improve our own professions' conferences.

The Australian conference is run by the Family Law Section of the Law Council which combines solicitors, barristers and judges. The consequence is that the conference was not limited to certain parts of the family law professions but embraced everyone involved in family law work. There were no discernible differences, no separate sessions and no preferences for any parts of the professions. Solicitors, barristers and judges were side by side, treated alike. Moreover mediators, forensic accountants, valuers and other professions ancillary to family law were much in attendance. It was truly a gathering of the Australian family law profession.

In England we are divided into conferences for solicitors run by the resolution, barristers run by the FLBA, mediators run by the UK College and no doubt judges run by the DCA and similar. Why have these divisions? They do not help. How much better it would be if the professionals met all together, to break down barriers, for more opportunity to share and work collaboratively. I suggest in England we move to a biannual pattern whereby one year there is a combined family law conference for all family law professionals and then in the following year have separate conferences. I suspect the combined conference would become the pattern but let us try this - perhaps starting in 2008?

There are about 2,300 members of the Family Law Section of the Law Council. Most are specialists and many are accredited. Of this number, 800 attended the conference; one third of the membership. Given that some had air flights lasting up to a day, taking account of time differences and connecting flights, and given that the conference lasted the greater part of a working week, this is an incredible commitment and incredible testimony to the importance of gathering together as a family law profession. The resolution has a membership of over 5000 yet has about 400 members fully attending its annual conferences, less than 10%. Why? It simply can't be the strength of our regional groups as each state of Australia has its own active family law section. It cannot be a our having many other seminars as the Australian market is also very active. Why is there such a discrepancy in the proportion of members attending their profession's conference?

The Australian conferences start on a Sunday late afternoon, allowing time for travel but also fundamentally allowing time with families on Saturday. There is generally a much better life/work balance than in England. The Sunday evening is a large reception which is simply brilliant for networking. The Monday morning session consists of a "State of the Nation" series of talks by the most senior members of the profession. This includes the Chief Justice, equivalent of our President, the Attorney General, the equivalent of our Lord Chancellor, the head of the Law Council on behalf of practitioners and similar. Each in turn summarises what has happened over the previous two years and comments on present changes and anticipated changes. Whilst of course there is a political

element, the talks are very candid, hugely insightful and a welcome overview. These talks are followed by a further session at which the administrators of the various family courts talk about management and procedure. Australian family law is highly case managed, incredibly more so than England, and the administration of the courts is of much greater importance. These State of the Nation addresses are very good but also show the significant commitment to the conference by those running the family law resolution system. I have little doubt that a combined conference in England would attract similar senior members of the Family Justice system to speak. It would be incredibly valuable.

The conference lasts until Thursday lunchtime. There were several key note addresses, and the primary keynote speaker was Baroness Hale of Richmond in an excellent address summarising developments in marriage relationship and divorce law over the past 50 years or so, looking at where England and Australia were similar and where they had diverged in their perceptions of fairness. Another keynote address was by Joan Kelly from the US on research on the impact on children of parental separation. There was a very lively debate on whether family lawyers have any future, which primarily showed that there is no change between the hemispheres! However alongside the plenary presentations were about 20 other seminars on a myriad of subjects, some black letter law, some procedural aspects, some skills based, some directed to particular professionals, some of general interest. There were some hard choices as to which of the parallel seminars to attend as they were so good but they were all very well attended. As far as teaching, training and equipping the profession are concerned, they are, frankly, in a different league to the four workshops customarily delivered on a Saturday afternoon at resolution conferences. We can do much better.

It seems to me inevitable that such a conference must have some impact on other professional training programmes. After all, many Australian solicitors obtain almost 2 years worth of continuing education points by simply attending this conference! But another crucial advantage is that these seminars and workshops are presented by the very best speakers in Australia and abroad. The delegates know this, being one crucial reason for attending. The papers presented, reproduced in one comprehensive book at the conference, are of the highest quality as well as being very practical. The conferences are professionally run by conference event organisers with superb IT facilities. We can do the same!

The fee for the conference is not cheap! It is after all a four-day conference. However the cost is significantly reduced by having a number of sponsors, graded according to the level of sponsorship, who receive excellent exposure and publicity throughout the conference. These include valuers, accountants, publishers, law firms and others. I believe that our professions' conferences could seek greater sponsorship with the exposure that would come from a larger combined family law conference.

A concern often raised by some practitioners in relation to the resolution and your conference is the cost including the cost of accommodation. Profits from legal aid work in Australia are as bad as they are in England. Yet by having a variety of conference hotels, according to pocket and taste, and by a reduction in the overall costs by sponsorship, I did not hear any complaints about cost from the Australian legal aid practitioners or younger members, of which there were a good number in attendance.

There were many in attendance from the host city. It might be thought this was natural given that they saved the cost of the air flight had the venue been elsewhere in Australia! But it is again in stark contrast to the resolution conference where for example last year in Bournemouth there was only one local member in attendance throughout the conference and a couple of local members made occasional visits. This might be an issue with Dorset alone but I doubt it. Are we so parochial in our travelling?

There were some aspects where England cannot try to compete. In 2004, the conference dinner was

held at Movie World on the Gold Coast, after the theme park had shut for the day, and family lawyers were given complimentary rides on Batman Returns with dancing in Scoopy Doo's Palace. In 2006 the dinner, on the Wednesday night, was held at the Perth Yacht Club on the shores of the River Swan, overseen by a replica of the America's Cup. Apart from location, and apart from a refreshingly complete absence of any need for "after dinner" speeches, it was very similar to our own. But on the Thursday morning, when many of us had staggered back to our hotel rooms in the early hours, there was almost a complete turn out for the Thursday morning seminars. The conference hall was packed for complex talks on CSA and arbitration. A complete contrast to the very low attendance on the Sunday morning, post dinner, session of the resolution conference - I cannot comment on the FLBA comparison! Why is this? This is not the place to contrast drinking habits or, more probably, recovery times but simply to record the stark fact.

There are many features of the conference which are distinctively Australian and distinctively based in the local profession and local culture. But there is a lot about these conferences, probably the best conferences run by a family law profession anywhere in the world, which we could adapt for the family law profession in England and Wales. Conferences for 2007 for the separate professions are already finalised. However is it too late now to prepare a combined family law conference on a larger scale for 2008? There is little doubt that the whole profession would benefit hugely.

David Hodson is an English and Australian solicitor and mediator. He presented a paper at the conference on "European family law as it affects the Australian family lawyer". He can be contacted on dh@davidhodson.com. This article reflects his personal views and does not represent any organisation or committee, whether known by its present name or better known by its past name!