

Website resources for the family lawyer and client (2005)

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I wrote an article with the above (but undated!) title three years ago. An increasing number of family law professionals were at last making use of the resources on the web. Many clients were doing their homework on the web before they saw their lawyer or in parallel with legal presentation. A list of web addresses or links was not enough; lawyers and clients needed some comment and description hence the article. I am told it was much used, including in the soft version with its hyper links. It is at (2002) Fam Law 765 and www.davidhodson.com.

For much of the intervening period I have worked in Sydney. Australia is much further ahead of England in web usage in daily life e.g. internet banking, bill payments, tax returns, public information, court forms and procedures and much more. The web resources in family law are very good, and some lead the world.

Having now returned to England, it is clear that good progress in use of the web in family law has occurred especially in government or public funded organisations but there is much which can be done. Given the ability and resources are here in England to do much more with the web, and at least as much as Australia, one has to ask if there is now a wider issue in England of attitude or e-commitment or even a perceived lack of need for web resources by those running some organisations. Family law professionals and clients who make extensive use of the web for many aspects of their lives do not always get the help they could expect from family law web resources. Nevertheless England has some sites, including some aimed at children and teenagers, which are among the best in the world.

My initial article concluded that family law came late to the web and was still well behind other areas of the law. It was being urged to grow up fast by the younger members of the profession and by clients demanding better access and information. Some sites were good, some very good and some quite hopeless. So what is the present state of play? What can be improved and where should we feel proud of what we are doing? The following can only be a personal view.

Legal Resources

Resources still start for lawyers with e-libraries. These have improved massively in the past few years. The leading ones are LexisNexis (www.lexisnexis.co.uk) with the Butterworths titles, Jordans (www.familylaw.co.uk) with the niche Family Law titles, FLR cases and many court forms, Justis (www.justis.com) with FLR and WLR and other cases and a full set of statutes, Lawtel (www.lawtel.com) with all the Sweet and Maxwell materials and an incredible amount of useful, up to date information and Westlaw (www.westlaw.com). Each have a massive amount of information and materials, some sites being totally family law orientated and some being general sites with family law materials. Some have regular e-newsletters of updates. The sites are easy to use and avoids worrying about books scattered (and lost just when needed) around an office. All offer trial periods so each practice and practitioner can decide what is best. For myself, I could not now contemplate practising without online access to the Jordans new service, preferably with the Butterworths site as well if I could persuade my senior partner to fund both! Both are brilliant sites and a marvellous resource. We now have a totally divided profession; those who go first, and almost only, to the e libraries and those who still use things which come from trees!

A new and top quality service which has new cases, up to the minute developments, articles and other resources with CPD courses and a free weekly e-mail bulletin is Family Law Week (www.familylawweek.co.uk) which is aimed at those who are comfortable with e-resources and prefer their news to arrive on their desktop via computer rather than in plastic envelopes.

A good, free place for judgements is the British and Irish Legal Information Institute (www.bailii.org) which has judgements of Court of Appeal and a few High Court cases. An excellent site (with worldwide links) and one worth reading every so often for reported family cases. The Office of Public Sector Information (incorp HM Stationary Office) site (www.opsi.gov.uk) has the full text of all public Acts of Parliament from 1988 to all new Acts within 24 hours of hard copy publication. A very good resource, but beware that it does not incorporate any later parliamentary amendments.

The Court Service (www.hm-courts-service.gov.uk) provides information on daily court lists for the Family Division and PRFD, some recent practice directions and excellent information in relation to court fees for family proceedings. It provides addresses, phone and fax numbers and maps for the courts. One can download many family Court forms. It has also a pilot online forms service where forms can be completed and submitted online, a service a few of us have been asking for in family law for many years. However the pilot courts are civil only, so can we try this very soon please in the family jurisdiction? It is very suitable to our work and answers the needs of both professionals and the intelligent litigant in person who is familiar with IT. Very good though the site is and a vast improvement over the past three years, it does not have explanations of family law procedure (with flow charts of time table and linked forms) nor user friendly information of what to expect at court. It can still learn a lot from the Australian Family Court web site (www.familycourt.gov.au), probably the best in the world.

Professional Organisations

Member organisations should help members. Some sites do. The Solicitors Family Law Association, now rebadged as resolution, (www.resolution.co.uk) is the leading family lawyers association in the world, famously having changed the whole culture by its conciliatory Code of Practice in 1982. The site lists members but there could be more information about them. It has the ground breaking Code but not their Guides to Good Practice which is an omission. It has details of local groups. Crucially it has really excellent fact sheets for members of the public and lawyers, which are very helpful. Perhaps they could be clearer with some flow charts but this is a small point. A very good site. In contrast, the Law Society (www.lawsociety.org.uk) is disappointing on family law. Despite my complaint in my article three years ago, it still does not have the Law Society Protocol online - the standards governing the way all solicitors should practice family law. If online, it could then be downloaded to use in court documents, letters to clients etc. There is a list of Panel members but no family law information to lawyers and clients and little on what work it is itself doing.

The Family Law Bar Association (www.flba.co.uk) has an extremely competent site with details of their lectures and some excellent lecture notes, details of recent practice developments, their regional groups and their commitment to the ethnic minorities. Their members should be proud of the site.

Then there are mediators, who arrived even later to the web. The UK College of Family Mediators (www.ukcfm.co.uk) which is as close as possible to a UK regulatory body lists mediator members by area, although this only highlights how few mediators belong to it. There are mediators in other organisations but the English public is nowhere given an online list of all mediators, legal aid and private, across the country ascribing to minimum standards. Little wonder mediation still struggles. The site no longer has the mediation Form E nor its Codes of Best Practice. There is only a small amount of information about mediation itself, and not attractively presented. Could not all mediation organisations co-fund a site, linked to their own, which sells mediation itself to a still sceptical public and legal profession, rather than highlight differences in the particular brands or models?

An informative site is the Association of Child Abuse Lawyers (www.childabuselawyers.com) who strive for higher standards in this difficult area of work, from lawyers, experts and others. They show their commendable Code of practice but as with some other sites, they no longer have some vital information immediately available, which used to include information to explain to survivors of child abuse what to

expect and seek when visiting a lawyer, how it will feel and the personal impact of the court process. This is a real pity.

The Family Rights Group (www.frg.org.uk) provides independent advice, information and advocacy to families involved with social services about the care and protection of their children. Its site gives valuable help including about Family Group Conferencing.

The Association of Lawyers for Children (www.alc.org.uk) supports lawyers working in cases concerning children. The site is committed to its members. Rather than have its own fact sheets and perhaps duplicate what is elsewhere, it has excellent links to related organisations.

I have observed that in the past three years a number of member organisations now put more information in "member only" sections. Apart from the fact I can never remember usernames etc to gain access, it makes non members wonder what is going on behind! There may sometimes be a need but is there any reason for not having more openness?

Children and Families

One of the chief changes I noticed after two years abroad has been the widespread expectation that there will be much greater contact and parental involvement for fathers. Families Need Fathers (www.fnf.org.uk) has been the primary organisation over the years supporting their cause. The organisation does excellent work, pastorally and in providing guidance on rights and entitlements, with the site providing information sheets, local support gatherings etc. It is a site to which many clients can be well referred.

On child abduction, three sites are outstanding. The Official Solicitor (www.offsol.demon.co.uk) has one of the top sites, describing his work, including amongst those under a disability, Court of Protection, children in litigation, medical consent and sterilisation and of course child abduction. On this, there are very good explanatory details and a questionnaire which must be completed by parents to be given to central authorities and other officials. It links naturally to Re-Unite (www.reunite.org) which site is simply excellent. It has practical steps for parents fearing their child has been abducted, details of preventive action, who to contact, what to do about passports and with strong but pragmatic words to those about to abduct or having abducted. A model for how a family law site should be. The guru of data on child abduction is William Hilton of Santa Clara, California, who years ago entered mythology as having every worldwide reported child abduction case on his site (www.hiltonhouse.com). It is invaluable and worth browsing.

A brilliant and very colourful site is Carelaw for children in care (www.carelaw.org.uk). It is incredibly packed with information, in simple terms that children and young people will want, and a lot more than any solicitor could be expected to carry as day to day knowledge. An equally good site is the NCH (www.itsnotyourfault.org) which has similar top quality child directed information with the central message of the web address! These sites typify the way client orientated sites, especially for children and teenagers, should be.

The best site dealing with domestic violence is Refuge (www.refuge.org.uk) with details of their 24 hour hotline and emergency steps to take, as well as information on how to minimise danger and an exposure of the myths of domestic abuse. I have a vision of free internet terminals available in shops and public places, and this site is one to which access for all members of society is crucial. Part of abuse can be the control of information of rights and remedies, and we must make such web access very available. The site realistically covers the issue of what abusers must do to change and refers to Respect (www.respect.uk.net) which works with perpetrators of violence. Domestic abuse affects children badly and (www.thehideout.org.uk) is a first rate child orientated site for children and young people who witness abuse at home.

A top site is Divorce Aid (www.divorceaid.co.uk) which has many excellent fact sheets on aspects of family breakdown; legal, financial, children and holistic. An incredible resource which deserves even more praise as it is run as a voluntary enterprise. Many organisations with available funds should try and emanate this web commitment, the standard of presentation and the ease of use.

The Legal Services Commission (www.clsdirect.org.uk) has a good area listing much sought information but then links to other sites. It explains the work of the Community Legal Services Fund. Legal aid, as it used to be known, has been replaced by a whole series of partnership providers of assistance in various forms, from conventional lawyers to other organisations as diverse as motoring organisations. The site lists their partners and what each organisation can do. It has a basic calculator for entitlement to legal aid.

CAFCASS (www.cafcass.gov.uk) may have had troubles at birth but they have grown quickly with an immense and very user friendly site, specifically with areas directed to children, teenagers and parents and containing a very useful information for the public.

Much work now has international issues. The leading organisation is the International Academy of Matrimonial Lawyers (www.iaml.org) which has a list of its approx 300 peer elected members across the world. This is the best place to start to find an international lawyer abroad if one has no other contacts.

Finance

Much finance work involves complex calculations. The CSA (www.csa.gov.uk) has details of its work and, unlike three years ago, a self calculator. It spells out the 2003 changes and publishes the enforcement guides. A good site, getting better, in helping the public.

The Land Registry (www.landreg.gov.uk) informs clearly about its work. There is now online data about properties for a minimal fee.

Checking on the sort of housing proposed as suitable accommodation can be found (www.upmystreet.co.uk) in a disarming way which highlights age and wealth of local residents and average prices. One site (www.findaproperty.com) allows one to search for properties in different areas and get an idea of what is on the market and for how much and also includes rental information, so very helpful in preparing for trial. There are many similar sites, mostly paid for by local advertisers. Car prices can be checked at Parkers (www.parkers.co.uk).

Many practitioners build up their own favourites of web resources with financial information and rates. The electronic version of "At A Glance" is available from the FLBA site.

Equal Partners (www.equalpartners.co.uk) is a very go-ahead financial services practice in London whose site contains a massive amount of valuable information on financial products, a glossary of terms and explanations, best deals for loans, ISAs, deposits and calculations of investments, school fees policies and returns on lump sums. There are others of this kind but this is a very comprehensive yet simply written site for lawyers and clients.

Companies House (www.companieshouse.co.uk) says one of its duties is to make information about companies' records available to the public. This has not yet got to the web availability. There may be good reasons in law not to have available online but it is a pity it is not there yet.

Others

The European Union site (www.europa.eu.int) can be difficult to navigate but has the Brussels conventions if one can find them. The Hague Conventions are also available (www.hcch.net)

I have not included lawyer's own sites as the size of article prevents this. Some are very good with lots of excellent, clearly presented information, some are good and inform about the firm but others remain no more than e brochures.

Finding details online of a law firm can be done via a search engine but I prefer the site of Delia Venables (www.venables.co.uk) who has over many years helped teach and guide many of us on web use for legal services and whose site contains a list of most law firms as well as a number of other resources. Her regular e newsletter is compulsory reading for any lawyer interested in the use of web resources.

Portals with fact sheets and information but primarily acting as referrals for lawyers, who have probably paid for the links, are (www.lawontheweb.co.uk) (www.divorce-online.co.uk) and (www.family-solicitors.co.uk). Some offer comprehensive divorce purchase kits including forms, draft orders and agreements but have met condemnation from some media and a few divorce lawyers. However what is wrong simply in making forms available to the public? Our skill must lie in using the forms and precedents at the right time in the right way and to maximum advantage of the clients. If all we have is an ability to fill in forms, let me retire to dive off the Barrier Reef now!!!

The Web has taught us what in fact we are needed for as family lawyers. It is not information. That is freely available. It is not calculations. They are to be found everywhere. It is not DIY help whether quasi counselling or helping to cope personally or for children. It is not remote and generalised advice via e-mail.

The web has in fact freed us up to do what has always been our chief role. To gain experience of people and relationships and to understand the law in both its narrow and wider operation and so to bring our clients through the most traumatic period in their lives, with fair outcomes, intact self respect and functional children and with minimum of stress and costs. The resources for us and our clients are there on the web. It just now needs us to be better family lawyers. This is what we really are needed for and best able to do. And to do our job very well, we need to use the web resources.

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