



Barristers' Chambers

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## The Pilot Scheme and Dialogue

1. One of the former President's 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 9 regions, a specialised financial judge system of courts. The intention is this initiative along with the Family Court generally becomes fully digitised in due course. The centralisation of such expertise, it is hoped, will be its own driver for excellence and consistency of delivery – which is not only required in this area of law but others too.
2. The roll out, however, lacks an effective avenue for dialogue in the form of a website communications platform to inform and develop the Pilot Scheme and, essentially, to provide the public and the practitioners within it with a voice.
3. Of course, the Court system has a limited purse and in this communication platform void I suggest there is an opportunity for the professions themselves to do more.
4. Speaking as a practitioner with at least a long experience in family law – I am 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 and its ideas for improvement. Even now it remains less than transparent over issues such as its fee structures, accessibility and public scrutiny. This is not assisted by any information provided by Government departments on a public platform where not infrequently the profession is, if mentioned at all, often depicted by implication as a cost builder to be avoided and a system taker and not a system giver.
5. As the latest example, the Financial Court Pilot Scheme initiative has, in fact, been a long time coming. There were several voices in the wilderness many years before that such financial specialisation needed harnessing within the Court system.
6. Just one of these was my own humble contribution on this subject, which 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. It then took another few years for the last of these two pieces to catch the eye of the rising Ernest Ryder J (as he was then) and for him to make personal contact 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.



7. Yet another several years elapsed before once again a similar stream of ideas were promoted nationally by HHJJ Hess, O'Dwyer and Joanna Miles in 2016 and by higher profile taken up by our former President.

8. These initiatives could have been well in place a number of years ago had there been a better form of communication developed within the family law financial 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.

9. Good ideas are not the monopoly alone 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.

10. At practitioner level, there is a wealth of ideas waiting to be tapped into based on 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 are attended, when available, by certain designated members of the local profession on a monthly or less frequent basis to highlight any problems being encountered. With varying degrees of effectiveness, the detail of any decisions or local initiatives from such meetings should then be disseminated to the wider legal profession but – and if personal experience is anything to go by - such information is only then left to word of mouth conversations in daily practice.

11. None of this is a way for a modern family law system to operate. Let's face it - 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. Any change of this mentality is still too slow. In truth, the professional bodies of The Family Bar Association, 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.

12. It is suggested that the FLBA and the Law Society could themselves take a more constructive role in deploying their own existing website facilities to provide a joint communications platform which at this time can in parallel with the current Pilot Scheme initiative present nationally and locally the public with access to information concerning the current pilot scheme, its aims and goals together with general assistance information of court locations and possibly advice as to making applications and accessing legal services with a directory of local solicitors and barristers chambers providing services in this area of law.

13. Essentially too such a website could request feedback from the public of suggestions for improvement of the services engaged - the best of which could be posted for general consumption.



14. 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.

15. This pro-active step, if supported and delivered in this way by the professions, would give the public a much needed voice in the direction being taken in a modern Family Court system. It would also be a message by the professions that we actively want to improve and give back into a Court System we too depend upon.

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