


DISPUTE AVOIDANCE

A family law perspective
Caitlin Jenkins

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Family Law Context

- o Statutory -Children
-Financial
- o Timing of choice of dispute resolution process

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History and definitions (1)

- o Matrimonial Causes Act 1973
- o 1970's: Conciliation
- o 1982: Solicitors Family Law Association
- o 1988: Family Mediators Association

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History and definitions (2)

- o FLA 1996-Information meetings
- o New Court Procedure-FDRs
- o Litigation boom.
- o 1998: Legal Aid MIAMS

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History and definitions (3)

- o 2003: Collaborative Law.
- o 2008: Parenting Information Programme.
- o 2009: Parenting After Parting Scheme.
- o April 2011: MIAMS in all cases.

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Summary

- o Family Mediation-Lawyer
-Non-Lawyer
- o Civil/Commercial mediation
- o FDRs
- o Private FDRs
- o PIP/PAPs

but no arbitration....yet....

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Future Themes (1)

- o Flexibility of process
- o Professionals working together:
 - Legal Services Act 2007
 - Right professional doing the right role within the process

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Future Themes (2)

- o Choosing the right option
- o Family Justice Review: Interim Report
- o Use of technology and the digital age:
 - Moneymadeclear.org.uk
 - Divorce.co.uk
 - Digital deal rooms

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Future Themes (3)

- o Arbitration

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QUESTIONS?

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thank you

T +44 (0)844 561 0011 www.mills-reeve.com
Offices: o Birmingham o Cambridge o Leeds o London o Manchester o Norwich

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