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Press Release

LSC proposes introduction of collaborative law from 2010

The Legal Services Commission (LSC) has launched a four-week consultation on the Family Specification for work taking place from 1st October 2010, which includes an option to add collaborative law to the range of work open to family legal aid practitioners.

It follows last week's publication by the LSC of the Family Fees from 2010 consultation response, which set out the payment schemes that will apply for solicitors and barristers carrying out family legal aid work from October 2010. The new four-week consultation on the Family Specification sets out how the family fees will be brought into effect.

Collaborative law is a process in which a divorcing couple and their lawyers agree not to go to court, but instead to work as a team to find solutions aimed at benefiting both parties and enabling them to move forward, thereby avoiding the potential acrimony and upheaval of a court case. It has previously been available to private paying couples for over five years, but not for those eligible for legal aid.

Hugh Barrett, Executive Director for Commissioning, Legal Services Commission, said, "Collaborative law is an alternative way to help couples in dispute avoid court and reach agreement at an earlier stage. Agreements reached through consensus have a better chance of lasting than those imposed by the courts and are also cheaper and resolved much more quickly."

Minister for Legal Aid Lord Bach added, "The breakdown of a family is an extremely distressing time for all involved, particularly children, which is why I am determined that courts should be the last resort. Sadly that is currently not the case, with only one in five legal aid clients experiencing a family dispute opting for the benefits that mediation can bring.

"A collaborative family law approach allows separating couples and their lawyers to sit down together to reach an agreement face to face in a much quicker, less traumatic process, that can provide a more satisfactory conclusion for all involved."

Family law association Resolution, which has championed the extension of collaborative law to families who qualify for legal aid, also welcomed the proposal.

David Emmerson, Chair of the organisation's Legal Aid Committee, commented, "We are delighted that the Government has seen fit to allow separating families eligible for legal aid to use collaborative law.

"This will give all families access to the same range of options when faced with divorce and means that more couples will be able to avoid the acrimony of a full blown court case - which in turn will help reduce the number of cases taking up expensive court time and will avoid stressful court delays."

ENDS

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Notes to editors

- To access the consultation document, please click here:
- Resolution is a group of over 5500 family lawyers in England and Wales. Established 25 years ago, it promotes a non-confrontational, constructive approach to resolving family disputes.
- To find out more, visit www.resolution.org.uk