

## **INTERVIEW, JANUARY 2009: Suzanne Kingston, Dawsons LLP**

Suzanne Kingston is head of the Family Law department at [Dawsons](#) LLP, specialising in family work and has extensive experience in financial matters as well as specialised children cases. A consummate lecturer, she has also written several articles and is frequently sought out by the press for her progressive and incisive opinion.

As well as being an accredited Resolution Mediator, Suzanne has also helped to pioneer the Collaborative Law Movement in England.

### **How did you come to work as a family law solicitor?**

I trained as a solicitor and knew that I wanted to do family law from the outset. I got a family law seat and asked if I could qualify into the family law department which I did. I have therefore been doing family law work for 22 years.

### **Your work has been very varied, from writing articles for the BBC and online journals on the impact of new precedents in private family law to your involvement with the Law Society Family Law Panel; what in your opinion are the ingredients which make for good legislation?**

I think it is important when considering new legislation for the law makers to take soundings from a wide variety of people who are able to provide their views and opinions.

### **You are also involved with the Children Panel; can you tell us about the Panel and the kind of work it does?**

The children panel was formed to provide specialist solicitors for family law cases involving difficult children issues. The Solicitors on the panel have to pass an accreditation scheme and are then able to provide advice and assistance not only in relation to private law family matters but also public law family matters. This means that Solicitors will be able to assist in disputes between two private individuals in relation to their children eg mother and father but also where social services are involved and local authority cases. In those sorts of cases, children themselves are often represented by a guardian and the solicitor gives the child's view to the Court.

### **Mediation is something that you have dedicated a great deal of time to within your practice as well as the use of Collaborative Law to assist your clients: what are the differences between the two?**

Mediation is where the mediator acts as a neutral facilitator assisting the couple in reaching an agreement in relation to their cases whereas in the collaborative law process both clients have their collaborative lawyer with them at meetings and the case is conducted by way of a series of four-way meetings with both clients and both lawyers present. Further, in the collaborative law process, the clients and the solicitors sign a Participation Agreement which contains a disqualification clause. This means that if the collaborative process breaks down then the collaborative lawyers are no longer able to act on behalf of the clients and the client must choose new solicitors.

**In relation to Collaborative Law, as a phenomenon that had its birth in America in 1990 and was then subsequently exported to England around 2003, can you observe any differences between the two countries' approaches and is there more room for improvement in England's practice of Collaborative Law?**

In many ways the English practice of collaborative law has come on in leaps and bounds and is extremely sophisticated. There are probably two major differences between the collaborative law practice in the States and in England and Wales. In the States, more use is made of third party neutral professionals eg: independent financial advisers, accountants, valuers come into the process to help and also more clients are referred to divorce coaches (family consultants) to assist them in relation to any therapeutic issues they may have. At the moment these two features of collaborative practice are less common in England and Wales.

**With what may conceivably be viewed as a now three pronged practice of private family law (mediation, collaboration and the dreaded adversarial process) are the three prongs in reality mutually exclusive or can they work efficiently in tandem?**

Normally, at the outset, the Solicitor spends some considerable time going through process options with the clients and choosing which is the appropriate process for that particular client. However, it is possible to use the different approaches together and so they are not mutually exclusive.

**The world of family law legislation is a fast expanding one and is constantly trying to keep up with the speedy evolutionary nature of the practice of that law, which seems to be moving away from the court room: would the family justice system benefit from a more streamlined set of rules and regulations and if so what would you suggest as a way to move forward?**

Perhaps the one thing that could change in English family law is for there to be discretion in terms of financial outcomes so that people approach their financial disputes with more certainty. At the moment, there are a number of competing cases dealing with different aspects of a financial dispute which mean that it is sometimes difficult to advise a client at the outset as to the most likely outcome of their financial dispute. Further, I think some consideration should be given to the forcibility of pre-nuptial agreements so that England and Wales would be put into the same position as many other jurisdictions around the world.

**The practice of Family Law requires not only an in-depth knowledge of the legal process but also, a keen understanding of the human condition: can you think of a moment when you felt pleasantly surprised or overawed by a client's compassion?**

On several occasions. I have been truly impressed by a client's ability to be selfless and to see the situation from the other party's point of view. That is why I am still doing this work after 22 years!

**What advice would you give someone today who was contemplating getting married?**  
Think about getting a pre nuptial agreement!

**If there was one thing you could change about the Family Justice System what would it be?**

I would say there are a few developments I would like to see which I have already mentioned, namely discretion in terms of financial outcomes and some consideration should be given to the forcibility of pre-nuptial agreements so that England and Wales would be put into the same position as many other jurisdictions around the world.