

Article One: Through the Looking Glass

The family justice system is made up [of many conflicting interests](#), like most sectors but it is also home to some pretty unhelpful neuroses, which tend to grip its inhabitants and which in turn impact on the efficiency of the system. These hang ups come in many different guises but perhaps none so damaging as the perceptions professionals and members of the public have in relation to the fields that make up the family justice system. And these assumptions are inherent within the system, too.

At law school (certainly in my day), Family Law was always viewed as the less attractive sister of its dashing masculine sibling, Corporate Law. At bar school and law school, for most law students, family law was by and large not a profession you chose, [but one you fell into](#) if you didn't catch the corporate beau's attention and usually after failing to flirt successfully with taxation, immigration and environmental law. Very little time was dedicated to the study of family law and it was seen as a flim-flam; light on law and therefore less challenging. In this way, less kudos was attached to it and the best legal brains at law school fought it out to play in the corporate arena. The same stigma was also attached to criminal law, which is not an insignificant aside as many of our current family judges themselves emanated from the criminal justice system (and all that that entails for the way family law is processed, but that is another article for another day). So what did that mean for the family justice system? Well, the stigma ensured and we believe, still does, that some of the finest legal brains wouldn't even consider family law as a career option. That's not to say there aren't some brilliant legal minds in the field, but they are few and far between, whereas other sectors appear to have a much greater pool of talent at their disposal. What we are left with, in effect, is a very disenchanting bunch.

Yet, if the attraction of working within a field of law always lay with the allure of making money, there would be no point in writing this article. A much ignored and yet often highly motivating factor lies with the notion of kudos. Some fields, like human rights, carry a much better kudos rating than family law and arguably even corporate law, although most human rights lawyers make very little money (and we suspect even less than most family lawyers, excluding the London set). [Human Rights lawyers are revered](#), viewed as the last of the noble advocates and even if you go to a friend's dinner party and sit next to a newly qualified one, it is most likely that upon discovery of that fact, most people would be filled with a sense of admiration. So why not family lawyers? Like Human Rights lawyers, their remit is supposed to involve defending their client's best interests in the face of, often, severe adversity, protecting the rights of children who have at times been badly neglected or abducted to a foreign country to remove that child from the arms of a loving parent and inevitably, they must endure an overabundance of emotion which can range in crippling intensity, all whilst trying to keep a clear head.

And whilst precedent in family law can be a complex affair, with judges often disagreeing on interpretations of varying cases, the true complexity of family law lies not in its current legislation, but in the hugely diverse nature of its operation. Culture, medicine, psychiatry, finance, sociology and child welfare are just some of the many areas the family justice system works with, requiring a keen intellect to be able to work these disciplines together to get a sense of each family's needs and to get a sense of the best available information at any given time. Despite its dishevelled appearance, the family justice system holds clues to our evolution as human beings and most

importantly, to our future as a family orientated species. It could, given the right incentives, be a hot bed for cutting edge conversation and ground breaking discoveries.

But what of the many sectors that make up the system? Social work too, suffers terribly with a poor reputation, which continues to devolve as standards drop further and the margin for error seems to increase at a rate that defies reason. We could blame a lack of resources on this shocking breakdown, but that would be to ignore the root cause of the crisis. Once again, as with lawyers, social workers do not carry a high kudos rating. Some of this is to do with the training involved; it is not terribly rigorous and in an area where you might be dealing with some highly complex scenarios, that's just asking for trouble. It is not the social workers themselves in the first instance, but the knowledge and the level of research they are given to do their job that allows what should be a very well thought of profession to come off as lacking in the kudos department. So we have to go back to the universities here and the colleges offering social work training and ask them why the training is not more comprehensive, why their selection criteria isn't tougher and [ultimately why they are not doing more to enhance the reputation of social workers](#). In an era where social media allows almost everyone to have a voice and to access the voice of others (and to do so virtually free of cost), there is no excuse.

Family law judges too, are not immune from the [Kudos conundrum](#) and with many hailing from the criminal sector, there is a tendency to treat families like hostages rather than delicate structures, which is what they are. This lack of finesse in the handling process also damages the system's entire kudos rating and so all that is left is an angry public and thousands of limping family units who never get the kind of help they really need.

There are of course so many more fields that could be added to illustrate the lacklustre approach within the family justice system but the conflict is there for all to see. How can the system love the families that go before it, if it does not know how to love itself?

Perhaps as a first step, the system might benefit from the following:

- Reviewing the materials used in family law and social work courses, to ensure the content has practical value and is intensive, rigorous and reflective of what's really going on, on the ground
- Ensuring the selection process at every level focuses on encouraging individuals who display the necessary characteristics for undertaking such special work
- Targeting individuals within the justice system (lawyers, social workers, judges etc) who are positively pioneering family law and policy and bring them together to lead on reshaping the system (through policy, process, legislation and perhaps even course materials as above)
- Raising the profile of family work through, for example, new media, by exposing its relevance to everyday life and thereby demystifying the system
- Finding enough courage to fully open the doors of the family courts whilst protecting the vulnerable children and individuals in the system, so that its methodology can be properly tested and revised where necessary.

Family law and policy are areas that are seldom regarded as fun, but there are elements to the work which really are and to highlight those areas, we feel, would certainly raise the kudos of the system if done in tandem with the heavier aspects of the sector. People want to believe in a system that

protects and progresses. The family justice system is in the unique position that should it choose to seize the moment, would be able to achieve that, quite comfortably.

Kudos then, as a kick start. What do you think?