

Divorce system 'a throwback to trial by battle, says senior judge

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The present system of divorce is 'out of date and grossly ineffective', a throwback to trial by battle, said Mr Justice Coleridge speaking at the launch of the Central London Collaborative Forum last night.

Coleridge J described the process as only a little more progressive than the Spanish Inquisition in front of the gathering of leading divorce practitioners from London's largest and best known solicitors' firms who organised the event to mark their endorsement of the collaborative law process for big money divorces.

The collaborative process is, they say, just as appropriate when dealing with wealthy couples as any other: one of their number has recently concluded a case involving an international couple with assets over £35 million.

Collaborative law first came to this country from the US some four years ago. It has been enthusiastically taken up by divorce specialists, who have recognised that the search for agreed solutions to otherwise contentious issues can produce an agreed settlement without the rancour and aggression that often poison post-divorce relationships with consequent harmful effects on the children.

Over 850 solicitors have now been trained in mediation techniques and, according to Jane Simpson, head of family law at Manches, there are many more on the waiting list.

The integration into the process of experts in related fields – pensions specialists, family consultants and financial advisers, for example – means that couples, and their children, can be helped to deal with both the emotional and financial fall-out of divorce.

The pledge of the couple and their lawyers not to litigate but to cooperate allows the focus to concentrate on what is important to them rather than the court process.

Collaborative law has changed the face of divorce in the US and CLCF lawyers are optimistic that it will succeed here as well. Although there will always be couples who will be satisfied with nothing less than their day in the divorce court, lawyers and judges in the UK are working hard to find real and effective alternatives.