

22 May 2015



Family Law Arbitration in Scotland: Seminar and Mock Arbitration

The New Club, Edinburgh – 26th May 2015 at 6pm

You will probably be aware that while the use of arbitration to resolve family law disputes in Scotland has long been contemplated, it was only with the implementation of the *Arbitration (Scotland) Act 2010* that a viable framework was created within which arbitration can take place. Until then the absence of a proper structure, an appeal process or a means of enforcement of awards rendered arbitration essentially ineffective.



Lesley Gordon

Following the implementation of the 2010 Act, the **Family Law Arbitration Group Scotland** (FLAGS) was formed and the Group then formulated a bespoke set of Scottish Arbitration Rules to be used in family law cases where a FLAGS trained arbitrator was to be instructed.

All four of the authors of this letter, **Scott Cochrane**, **Lesley Gordon**, **Rachael Kelsey** and **Alasdair Loudon** subsequently underwent training and are family law arbitrators with FLAGS.

Arbitration can be used to resolve almost all disputes of a family law nature in Scotland. In many situations a single contentious element in a case, such as identification of the relevant date, can be a matter suitable for referral to arbitration. In other cases, the entire subject matter of the dispute, such as that of financial provision on divorce or the relocation of a child, can be referred.

While the use of arbitration in contentious situations has been a little slow to get off the ground, with many solicitors apparently reluctant to desert the familiar territory of the courts, we all firmly believe that arbitration represents, at least to some extent, a panacea for the problems which are now arising in the continued use of the courts to resolve family law disputes now that court closures and the centralisation of the system of justice are starting to have a real impact.

The use of arbitration has many advantages notably the ability to choose a family law specialist as the arbitrator; the use of a quick, more flexible and tailored approach to an individual case; a resultant saving in legal costs; greater scope for confidentiality; and, perhaps most importantly in the current climate, the opportunity to have matters dealt with in the locality in which the parties reside.

All four of us are strongly committed to the use of arbitration in family law cases. We envisage doing so in such a way that with the use of structured and focused approach to each individual case, your clients will benefit in terms of the quality of justice, convenience and savings of cost.

We will be holding a Seminar and Mock Arbitration at the New Club, 86 Princes Street, Edinburgh, on Tuesday, 26th May 2015 from 6pm to 8pm and we hope that you will be able to join us then. We will explain the mechanics of family law arbitration in Scotland and conduct a brief mock arbitration to give you a flavour of how it will work in practice. Refreshments will be available.

We will have an opportunity to have an open and frank discussion about the use of arbitration and answer any queries you might have about how to go about the introduction of arbitration to your practice.

It will be appreciated if you could email or phone Alasdair Loudon to advise us whether you are able to accept this invitation and we look forward to seeing you at the New Club on 26th May.

Yours sincerely,

Alasdair Loudon
Lesley Gordon
Rachael Kelsey
Scott F Cochrane

Family Law Arbitration Group Scotland May 22, 2015