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SETTING THE STANDARD

## Cutting legal aid will undermine the whole family law system

Legal aid for many family cases will be cut under proposals currently being put forward by the government.

Family law is bearing the brunt of attempts to reduce the £2bn legal aid budget, being asked for savings of close to £500m. Child contact and residence cases will be excluded. Only child protection and domestic violence cases will be helped.

The President of the Family Division, Sir Nicholas Wall, has pointed out that cutting legal aid in family work will increase delays in the family courts. Without lawyers, parties will struggle to prepare and present their cases. They lack knowledge of which arguments the court needs to hear, and experience in making those arguments succinctly.

Delays are also likely to be worsened by an increased number of cases. Although the government is keen to encourage mediation, evidence suggests that mediation is effective in only a limited number of cases. Many people will continue to need to go to court after or instead of mediation, with or without a lawyer.

At present, lawyers reduce the number of family cases that go to court in two ways. First, they help to negotiate the vast majority of cases before the parties go near a court so that agreement is reached. For example, only 10 per cent of disputes over children's residence or contact are taken to court. Second, family lawyers are able to manage their clients' expectations, helping them to see what the court can and cannot do.

In the longer term, the risks of cutting family legal aid are even starker. There is at present an established expertise in family law, including barristers and solicitors at all stages of their careers. Without legal aid, many of these lawyers will have to turn to other areas of work. This will be especially true of those early in their careers. Consequently, it will not be long before there is no body of experience able to represent vulnerable adults and children involved in cases of divorce, parenting disputes, or alleged child abuse.

**Dr Robert George is senior law tutor at Jesus College, Oxford**

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