

BUILDING INTEGRATION ACROSS THE FAMILY LAW SYSTEM
Keynote Address to the Inaugural Family Law System Conference
Canberra, 19-20 February 2009

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In their recently published family law textbook, Belinda Fehlberg and Juliet Behrens suggest the modern family law system is characterized by ‘fragmentation’.¹ In addition to being multi-disciplinary, the present system is multi-layered, has multiple entry points and pathways, and provides clients with an array of different agencies, services and professionals. One of the challenges of this complexity is how to foster effective working relationships between the different professional sectors.

The aim of this paper is to explore ways of addressing this challenge by drawing on the outcomes of a recent study of inter-professional relationships I conducted with Professor Hilary Astor from the Sydney Law School and Professor Ann Sanson from Melbourne University’s Paediatrics Department.² The study looked at the ways in which the two main professional groups in the system – family lawyers and family dispute resolution practitioners – manage and regard their inter-professional relationships.³ The paper describes the key features of the successful collaborative relationships surveyed in the study, identifies some areas of challenge that appear to be inhibiting collaboration between the two professions, and suggests some ways of enhancing collaboration based on the project’s findings.

Before turning to those issues, the next section provides a brief outline of why and how the study was conducted.

1. The Research Project

The idea for the study was generated by the proposal to introduce the *Family Law Amendment (Shared Parental Responsibility) Act 2006* (Cth), which encourages, and in some cases requires, parents to make a ‘genuine effort’ to resolve their conflict

¹ Belinda Fehlberg and Juliet Behrens, *Australian Family Law: The Contemporary Context* (Oxford University Press: South Melbourne, 2008), Chapter 1.2.

² See Helen Rhoades, Hilary Astor, Ann Sanson, and Meredith O’Connor, *Enhancing Inter-Professional Relationships in a Changing Family Law System: Final Report* (The University of Melbourne, May 2008), <http://www.law.unimelb.edu.au/files/Inter-ProfessionalRelationshipsStudyFinalReport.pdf>

³ The research was jointly funded by the Australian Research Council and the Australian Government Attorney General’s Department.

through an alternative dispute resolution process before applying for court orders.⁴ It was clear when this reform was first mooted that its dispute resolution changes would require family lawyers and (what were then known as) Primary Dispute Resolution practitioners to work together to a greater extent than had previously been the case. A number of previous studies had shown that inter-professional relationships conducted within legal settings are often beset by professional tensions.⁵ At the same time, we were aware that successful working relationships between family lawyers and dispute resolution practitioners were a feature of a number of dispute resolution programs operating in the sector.

In light of this information, our project set out to gain an understanding of how practitioners from these two professions are currently managing their inter-professional relationships and what makes for good collaborative relationships. The research involved a sequential design of two studies. The first study focused on a select sample of dispute resolution programs which had reputedly successful working relationships with the legal profession, with a view to gaining information about the key characteristics of these relationships and what made them work. The second study surveyed a broader range of inter-professional relationships to test the understanding of successful collaboration revealed in Stage 1 and to gauge the extent to which such relationships were reflective of the wider family law community.

Study 1 took place in early 2006, before the passage of the *Shared Parental Responsibility Act* but at a time when its introduction was imminent. It involved in-depth semi-structured interviews with a sample of 59 practitioners. The sample included 29 dispute resolution practitioners from four well-known programs located in the system, and 30 family lawyers who had an established and reputedly good working relationship with one (or more) of these services. The four services were selected in order to capture a range of service types, with varying proximities to the formal justice system and different client bases. The four dispute resolution programs were:

- Relationships Australia's Family Mediation Service in Victoria (RAV);
- Uniting Care Unifam's 'Keeping Contact' Program, which operates in Sydney and Parramatta (*Keeping Contact*);
- Victoria Legal Aid's Roundtable Dispute Management Program (RDM); and
- The Family Court of Australia's Mediation Section (as it was then known) operating in the Melbourne registry, with a focus on Magellan cases.

The interviews explored the issues identified in the earlier research of inter-professional relationships, with the aim of eliciting information about facilitators and inhibitors of successful collaboration between the two professions. The questions were designed to examine participants' knowledge, attitudes and beliefs about the role

⁴ Family Law Act 1975 (Cth), s.60I(1). Families are exempted from the requirement to attempt family dispute resolution before seeking court orders where there is a history or risk of family violence or child abuse: s.60I(9).

⁵ See for example, Jonathan Dickens, 'Risks and Responsibilities: The Role of the Local Authority Lawyer in Child Care Cases' (2004) 16 *Child and Family Law Quarterly* 17.

and function of their own profession and that of the ‘other’ profession, as well as aspects of their inter-professional relationships.

Study 2 took place in early 2007, six months after the introduction of the *Shared Parental Responsibility Act* and the establishment of the first wave of Family Relationship Centres. It used an on-line questionnaire to survey a broader range of inter-professional relationships of varying quality and levels of establishment about their attitudes towards the other profession and their satisfaction with their inter-professional relationships. A total of 134 family dispute resolution practitioners and 322 family lawyers completed the questionnaire, reflecting the relative population distribution of each profession, with participants drawn from a diverse range of geographic locations. The sample included dispute resolution practitioners from community-based organizations, Legal Aid Commission services and Family Relationship Centres, and solicitors in private practice (including sole practitioners and solicitors working in both small and large law firms), and Legal Aid and community-based family lawyers.

2. The Key Features of Successful Collaborative Relationships

The research indicates that many family lawyers and family dispute resolution practitioners enjoy highly satisfactory working relationships with members of the ‘other’ profession, but that there are also significant misunderstandings and tensions between the two groups, particularly where practitioners have limited contact with the other profession. The key features of the successful collaborative relationships surveyed in the project were:

- A complementary services approach;
- A shared understanding of each profession’s roles, responsibilities and ways of working;
- Trust in the other profession’s intake, screening and referral practices in cases involving family violence; and
- The extension of professional courtesies and respect.

A Complementary Services Outlook

The defining characteristic of the positive collaborations in Study 1 was a complementary services approach to the working relationship, in which practitioners saw themselves and the other profession as contributing different but equally valuable skills and expertise to the dispute resolution process. For example, family lawyers with good collaborative relationships spoke about referring clients to dispute resolution practitioners for their facilitation skills, expert input regarding children, communication building skills and ability to help clients manage their conflict, while dispute resolution practitioners referred clients to legal practitioners for their advocacy role, particularly for vulnerable clients, and to ensure clients received legal advice about their options and entitlements before finalising agreements.

These practitioners regarded the other profession’s role as adding value to their own work by meeting client needs they were unable to offer themselves, and spoke with

high regard of the other's ability to meet client needs that they were unable to fulfill themselves and in a way that supported their own role. For example, solicitors viewed the dispute resolution practitioner's involvement as allowing them to fulfill their obligation act on their client's instructions while, at the same time, ensuring the client would be assisted to focus on their child's needs. As one such practitioner noted in relation to the dispute resolution profession's expert input regarding children's post-separation needs,

'[It] assists me in doing my job, and that way I am fulfilling my obligation to act on my client's instructions, but I know that I'm just a cog in this greater process that is ensuring that the child's needs are being considered.'

In turn, family dispute resolution practitioners spoke about the value to their work of the legal profession's advocacy role and legal expertise to ensure the protection of clients' legal entitlements and interests, which their own obligation of neutrality prevented them from doing. Dispute resolution professionals also appreciated solicitors' capacity to challenge their client's behaviour, which, had they done so themselves, might have compromised their neutrality.

As these descriptions suggest, these practitioners did not see their roles as being incompatible with the work of the other profession, or regard themselves as the sole or more important experts in resolving family disputes. Rather, their responses conveyed a sense of working together as a 'partnership' of complementary service providers, and displayed a high degree of appreciation for the other profession's skills and area of expertise.

A Shared Understanding of Roles, Responsibilities and Work Practices

A second important feature of the good collaborative relationships surveyed in Study 1 was a mutual understanding of the two professions' respective roles, responsibilities, and ways of working with family law clients. Four issues stood out here.

The first concerned **the family lawyer's client advocacy role**. As noted above, dispute resolution practitioners who enjoyed successful collaborative relationships with family law solicitors valued their advocacy role for clients, and regarded it as an important complement to their own work, particularly for 'less powerful' clients and women who have experienced abuse or violence. This did not mean that they were not sometimes critical of the *practice* of this role by some legal practitioners. However, practitioners who worked closely with family lawyers understood and appreciated the benefits and safeguards of this role for clients, and distinguished between 'good' and 'bad' advocacy practices rather than seeing advocacy itself as problematic. This stood in contrast to the criticisms made by some other dispute resolution practitioners who regarded the partisan nature of client advocacy as inherently problematic (discussed further in the next section). Like the lawyers who were surveyed in Study 1, dispute resolution professionals who worked closely with legal practitioners understood 'good' advocacy practice as involving an obligation to 'reality test' the client's proposals, and to refrain from behaviour that might exacerbate the dispute.

The corollary of this was a clear understanding by lawyers of **the family dispute resolution practitioner's obligation of impartiality**, or 'independence' as it is now described in the *Family Law Act*.⁶ Two aspects of this concept of impartiality were emphasized by dispute resolution participants. The first involved an obligation to be unaligned with either party to the dispute. Dispute resolution practitioners stressed the importance of this position in ensuring the parties' trust in the process. The second aspect of impartiality raised by dispute resolution professionals concerned an obligation to be disinterested in the outcome of the parties' dispute. However, the interviews revealed a divergence of practice on this issue, and the extent to which dispute resolution practitioners were prepared or reluctant to intervene to help shape the outcome of the dispute varied from program to program. Some practitioners, for example, tempered their comments about impartiality with descriptions of vetoing arrangements they believed were not safe for children and/or challenging men about their behaviour. As one practitioner from the *Keeping Contact* program noted:

'You have to know where to draw the line and say, you know, that "I don't think you're a safe enough parent to parent your child at the moment. I don't think it's ok for you to have contact".'

In contrast, other family dispute resolution practitioners positioned themselves as experts in relation to their knowledge of child development but were careful to abstain from challenging the parents' agreement. These practitioners tended to describe their responsibilities as being to 'empower' parents to make their own decisions, and to monitor the *process* for safety, rather than question the appropriateness of the outcome. As one such participant explained:

'Well, it's not our role that the best interests of the child are met, it's our role to work in a child focused way, that enables parents to take on and make decisions that are in the child's best interest.'

Where lawyers enjoyed good collaborative relationships with dispute resolution practitioners, they generally also had a good understanding of the way in which the particular program(s) they used approached this aspect of impartiality, and trusted their practices in this regard.

A further feature of the successful collaborations in Study 1 was an understanding by family dispute resolution practitioners of **the differences between the two professions' responsibilities to children**. For the majority of dispute resolution practitioners in our study, the child was nominated as their primary or overriding responsibility. In contrast, family lawyers tended to describe a number of simultaneous professional responsibilities, including duties to the court and to the client and a 'best practice' responsibility to be child focused when acting for parents, but with no direct responsibility to the child unless acting as an Independent Children's Lawyer. As the child's 'best interests' are the paramount concern for the courts when deciding parenting orders,⁷ family lawyers are required to disclose any material relevant to the child's welfare whether or not it is in their client's interests.⁸ The Family Law Council's *Best Practice Guidelines* also encourage legal practitioners

⁶ Family Law Act 1975 (Cth) s.10F(b).

⁷ Family Law Act 1975 (Cth) s.60CA.

⁸ *Clarkson v Clarkson* (1972) 19 FLR 112.

to adopt child focused practices, such as alerting clients to the benefits for children of parental cooperation.⁹ However, a lawyer has a professional responsibility when working with (adult) clients to provide accurate legal advice about their rights and obligations, and to ‘advance and protect the client’s interests to the best of the practitioner’s skill and diligence’.¹⁰

The most common technique relied on by family lawyers in our study to balance these sometimes competing responsibilities involved a process of ‘reality testing’ the client’s instructions in terms of their fit with the child’s ‘best interests’. Consistent with this obligation, legal practitioners described challenging proposals that were out of synch with the relevant legislative and case law principles and ‘realigning’ the client’s expectations. Participants also spoke of challenging parents to consider the proposals from their child’s perspective, including thinking through their implications for the child’s day to day life. One family lawyer described this approach this way:

Most parents will walk in and say ‘I want this’ and they come at it from the wrong way around. So you sort of get them around to, ‘Given that [your children] should know both parents, and given that they go to school, and given that they’ve got these friends, given that they’ve got these activities, how are we going to make all that work?’.

Where well-developed inter-professional relationships existed, dispute resolution practitioners had a good understanding of this ‘balancing act’ of professional responsibilities which lawyers face, as the following quote from one participant in Study 2 illustrates:

‘In my experience the majority of family lawyers focus the client’s attention on the best interests of the children...the most effective family lawyer will balance all three responsibilities whilst advising clients’.

Practitioners who enjoyed good collaborative relationships were also aware of the ‘reality testing’ practices lawyers’ engaged in. For example, one dispute resolution practitioner in Study 1 noted:

‘I know when they have done that because the client has said to me, “Oh, my lawyer, you know, talked to me about shared parenting and whether it was really possible in this case, and asked me to think about that”. So I can tell the lawyer has done more than just listen and accept their client’s instructions.’

Finally, having a clear understanding of **the nature and goals of the particular dispute resolution program** before referring clients is an important part of successful collaboration. There is a wide variety of family dispute resolution models operating in the sector, and agencies have shaped programs to meet the needs of their target population. Two examples from our Study 1 sample illustrate this diversity. Victoria Legal Aid’s *Roundtable Dispute Management* program offers clients a 3-4 hour conference in which their legal representatives are present to support them, there is an

⁹ Family Law Council and Family Law Section of the Law Council of Australia, *Best Practice Guidelines for Lawyers doing Family Law Work* (2004), Part 6 [1.4].

¹⁰ Law Council of Australia, *Model Rules of Professional Conduct and Practice* (March 2002), Rule 12.

intensive preparation phase prior to the conference, and the aim of the process is to achieve a workable parenting agreement. In contrast, Unifam's *Keeping Contact* program works with court-referred clients over much longer time frames, sometimes up to a year, and aims to achieve behavioural change. Family lawyers who enjoyed successful working relationships with dispute resolution practitioners had a good understanding of the service they used and how it worked with family law clients, and made referrals, and prepared their clients, accordingly.

Trust of Referral and Intake Practices in Family Violence Cases

The research indicates that trust in the 'other' profession's screening and referral practices in cases involving family violence is important to practitioners from both professions. The data also support Andrew Bickerdike's observation that cases involving violence are 'common business' for family dispute resolution programs.¹¹ Where practitioners had good working relationships, the level of trust was high: family lawyers praised the 'exhaustive' intake processes of the particular program with which they dealt and trusted them to screen and work sensitively with women and men who were assessed as capable of negotiating, and family dispute resolution practitioners trusted the ability of the legal practitioners they worked with to refer appropriate cases for a mediation assessment.

Extending Professional Courtesies and Respect

Finally, the research indicates that extending professional courtesies and respect to members of the 'other' profession is important to successful collaboration. Practitioners from both groups regarded timely feedback about clients (subject to confidentiality requirements) as a critical issue, noting the scope for clients to misrepresent advice given by the other profession in the absence of direct communication between practitioners.

Another issue that arose focused on the importance of practitioners observing the boundaries of their own professional roles, and not moving outside their area of competence. For example, some lawyers complained about family dispute resolution practitioners who had apparently given clients misleading advice about legal entitlements, such as incorrect information about superannuation interests. As noted earlier, the most successful collaborative relationships were characterised by a clear division of expertise. Lastly, participants spoke about the importance of professional courtesies, such as returning phone calls promptly and personably.

3. Challenges to Collaboration

To summarise, the research suggests the centrality of a complementary services approach to successful collaboration, in which practitioners from both groups value and respect the expertise and skills of the other profession, and the importance of a

¹¹ Andrew Bickerdike, 'Implications for Family Dispute Resolution Practice: Response from Relationships Australia (Victoria) to the *Allegations of Family Violence and Child Abuse in Family Law Children's Proceedings* report' (2007) 77 *Family Matters* 20 at 20. Of the Stage 2 sample, 33.6% of family dispute resolution practitioners identified 0-25% of their cases as involving family violence, 35.9% estimated that 26-50% involved violence, 22.9% indicated that 51-75% of cases had a family violence issue, and 7.6% estimated that 76-100% of cases involved family violence.

shared understanding of each profession's roles, responsibilities and ways of working, as well as trust in the other profession's assessment and referral practices in cases involving family violence. However, as indicated earlier, the study's Stage 2 data indicate that while many practitioners enjoy good working relationships, collaborations of the kind surveyed in Stage 1 are not the norm, and a number of challenges to successful inter-professional relationships currently exist.

By contrast with the Study 2 sample, just under half (45.6%) of the respondents to the Stage 2 questionnaire indicated that a complementary services approach was 'very much' their experience of working with the other profession, with a small number of practitioners suggesting that the services provided by the two professions were fundamentally incompatible – for example, describing dispute resolution practitioners as 'peacemakers' and lawyers as 'guns for hire'.

The data also suggest there is substantial misunderstanding of the legal profession's client advocacy role among practitioners working in the dispute resolution sector, with the Study 2 data suggesting widespread dissatisfaction among family dispute resolution practitioners with the partisan nature of family lawyers' client advocacy role. However, the data also suggest that some (although not all) family dispute resolution practitioners who offered critiques of partisanship did not have a clear understanding of the lawyer's client advocacy role. In particular, some practitioners conflated 'advocacy' with 'adversarialism', suggesting that the representation of a single party to a dispute was inherently adversarial or inevitably exacerbated conflict.

In a related issue, there appears to be a misconception among some dispute resolution professionals about the nature of the family lawyer's responsibilities to children, with a large number of Stage 2 responses reflecting criticism of lawyers for 'failing' to prioritise the child's interests. Alongside this, many dispute resolution practitioners were critical of the law governing children's best interests, which they regarded as narrow and ideological by comparison with the nuanced research based understandings of children's post-separation needs that informed their own work with family law clients. Some participants were critical of legal practitioners for failing to challenge clients whose proposals for their children were supported by the law but were not conducive to the child's well-being in the circumstances. In other words, the study suggests that some dispute resolution practitioners may not appreciate the lawyer's responsibility to base their advice on the law, and the limits of their ability to incorporate social science understandings of children's needs into their advice when it is not supported by the law.

In addition to these misconceptions about legal practice, the data suggest that some family lawyers are uncertain or confused about the practice requirements associated with the family dispute resolution practitioner's obligation of impartiality, particularly regarding the extent to which dispute resolution professionals are permitted to intervene to shape arrangements. As one legal practitioner observed:

'I don't actually know what responsibility they assume for the content of the outcome. In other words, if they see something being agreed that alarms them, I don't know if they feel an obligation to intervene.'

Some lawyers also appear to have little detailed knowledge about how their local dispute resolution programs work. Whereas the legal practitioners who were

interviewed about the *Keeping Contact* program in Stage 1 were well aware of its therapeutic orientation and transformative behavioural change goals, some lawyers noted that sections of the legal profession had a confused expectation of the program, as the following participant explained:

‘I think there’s a real expectation, partially from the court, but certainly from the legal profession, that Keeping Contact will work as some means of gradually introduced monitored or supervised contact - which I’m conscious just isn’t what they do.’

The data also indicate a significant level of mutual mistrust when it comes to referral and intake of cases involving suspected family violence. Dispute resolution practitioners in particular are concerned that family lawyers are not adequately trained to identify violence as an issue for clients, and there was some indication in the Study 2 data that this is a valid concern. Finally, the research revealed complaints about discourteous conduct and practitioners overstepping their role boundaries. For example, a number of solicitors complained that mediators had sometimes given clients misleading advice about their legal entitlements, while there were complaints by dispute resolution practitioners about ‘hierarchical attitudes’ among lawyers who treat the work of mediation services as secondary or a ‘supplement’ to that of the legal profession.

4. Enhancing Collaborative Relationships

An important factor affecting the creation of effective working relationships was the amount and nature of direct contact between the two groups. Negative attitudes often reflected perceptions rather than actual experience of working with the other profession, and tended to be associated with limited inter-professional contact. For example, some family dispute resolution practitioners in Study 2 acknowledged that their knowledge of and attitude towards the legal profession was the product of clients’ stories, rather than direct interactions with solicitors.

However, the Study 2 analysis revealed that direct contact is not of itself sufficient to change attitudes, and may reinforce rather than challenge negative stereotypes. For example, several practitioners complained about attending a cross-professional development conference where the attitude of one of the speakers had simply confirmed their preconceptions of the other profession.

Looking to the Study 1 sample, two forms of contact stood out as being influential in forming and supporting successful collaboration.

The first of these was working together as a team on individual cases. The success of this form of contact was well illustrated by the RDM participants in Study 1 and was reinforced by the Study 2 data, where practitioners who identified themselves as working as a team with members of the other profession were the most satisfied of the sample with their inter-professional relationships. As one Study 2 participant described this approach,

‘...we are a team, with our various skills working together to help these people develop a really good plan for their children.’

The second form of contact involved regular locally-based information sharing and joint professional development activities. The success of this approach was illustrated by the participants associated with RAV in Study 1. Although practitioners from the two professions have little direct contact with one another on individual cases, as a result of their monthly information sharing meetings, they had managed to develop extremely effective working relationships. The interviews with RAV dispute resolution practitioners and family lawyers who used its mediation service revealed a detailed knowledge of how the other profession works with clients, including the policy constraints affecting their work, and a great trust in the practices of the other group. Participants' descriptions of the RAV meetings highlighted a number of features that had worked to build this trust, including the space to air concerns about the other profession's practices and the honesty and willingness to address problems. Practitioners also valued the social aspect of these meetings, which they suggested had helped to build a sense of camaraderie. As one RAV family dispute resolution practitioner explained, an important benefit of the meetings was that,

‘...we get to hear what is going on for lawyers, so we get an understanding of what they're presented with, and they of us. So that's really good learning, and it removes that barrier of 'us and them'. A lot of people fear the legal profession because they feel a bit intimidated by it, but you know, I think it's good that we do get to understand the legal profession, and what issues they're grappling with.’

One element of the RAV meetings which practitioners perceived to be central to their success in generating positive inter-professional relationships was the spirit of inclusiveness in which they were run by RAV. As one family lawyer described this:

‘They are really articulate and informative and free with their information in the context of the group, and they have a very trusting and open attitude towards the lawyers in the group, and I think they make us feel utterly welcome and spoilt and it's a very positive environment and I've had no contact with a mediator, in a general sense, which has left me feeling cold or sort of critical.’

5. Suggestions for Improving Inter-professional Relationships

For many practitioners, inter-professional contact appears to be very limited, often confined to the giving and receiving of referrals. The characteristics of successful inter-professional relationships revealed in our study suggest the importance of practitioners perceiving both professions as providing valuable complementary skills and expertise to the dispute resolution process, and understanding and respecting each others' roles. Family dispute resolution programs appropriately provide diverse services, and it is important that family lawyers have a good knowledge of the aims and approach of the particular service(s) to which they refer clients, so that clients are properly prepared to participate and know what to expect. Trust in each others' intake, screening and referral practices is also important, as is respect for role boundaries and the extension of professional courtesies.

The data suggest a number of ways to progress respectful inter-professional collaborations. These include:

- The provision of education for family dispute resolution practitioners in the multiple professional roles and responsibilities required of family lawyers, particularly regarding the importance of the family lawyers' client advocacy role for family law clients;
- The provision of education for family lawyers about the nature and approaches of their local family dispute resolution programs;
- Consideration of ways to facilitate regular joint meetings for family dispute resolution practitioners and family lawyers for information-sharing purposes;
- Development of a model of structured feedback for practitioners from each profession that is consistent with each profession's confidentiality obligations and the nature of the dispute resolution service; and
- Enhanced training for practitioners in family violence, appropriate referral and the ways in which family dispute resolution agencies deal with violence.

It seems to us that information about family dispute resolution programs has to be provided at a local level. If conducted solely on a national basis, it risks conveying an expectation of a particular model. It is important that the current diversity of programs is supported, and if family lawyers are going to be able to engage in genuine triage and client preparation, they need to know what their local services provide.

Our study also suggests that a key point of tension for family dispute resolution practitioners is the legal approach to children's post-separation interests that currently informs solicitors' advice to clients. Many of the dispute resolution practitioners in our study regarded the law as undermining their work with families by presenting parents with an unduly narrow understanding of appropriate parenting arrangements, creating unrealistic expectations which they were required to manage. The study therefore indicates that measures designed to improve the service system need to also consider the content of advice provided to parties and the extent to which there is a disconnect between the respective knowledge bases of the two professions regarding children's well-being that is working against effective collaboration.

Finally, trust in the referral and intake of cases involving family violence is central to good working relationships between the two professions. Our data support the Attorney General's recently reported comments that all professionals in the family law system – from judges to lawyers to family dispute resolution practitioners – need to be 'able to identify and respond to evidence of domestic violence',¹² and suggest that family violence training should be a competency requirement for family lawyers as well as dispute resolution practitioners.

¹² Ruth Pollard and Carol Nader, 'Mediation laws failing victims, say experts', *The Age*, 25 November 2008.