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Your Editorial (IT, Wed 31st December 2003) welcomes the long overdue changes to the “In Camera” ban on discussing or reporting any element of secret Family Law hearings, by anyone outside of the court.

Surely the more important question we should be asking is “Does effective democracy require a quality justice system and if so, what steps need to be taken to assure Quality and fairness in the judicial process to the satisfaction of the public ?”

Chief Justice Keane has stated (Supreme Court 2nd April 1998) that **“The most benign climate for the growth of corruption and abuse of powers, whether by the judiciary or members of the legal profession, is one of secrecy”**.

The mistaken belief that it is children and families that are protected by this secrecy must be exposed. In our small communities, gossip, being both faster and more pervasive than Broadband communication, while being unaccountable to challenge or truth and uncontrolled by “In Camera” rules causes untold damage to families. This damage can only be redressed by the proper reporting and disclosure of the actual evidence and the facts in a case.

There are two indisputable facts about the present secret family Courts:-

Firstly, there are no accurate records, written or taped, of what is said by any person in a family law court.

Secondly, members of the Dail or any professional body cannot be privy to, consider, or discuss the contents of a family law hearing.

Consequently, the information available to our TD’s, when considering proposed changes to this legislation, is limited to anecdotal evidence and/or personal experience.

As a support group promoting shared parenting and joint custody for over a decade, Parental Equality have heard from thousands of callers to our confidential helpline, citing numerous examples of judicial and professional misconduct, discrimination against lay litigants and fathers, and of the production of incorrect, incomplete and inaccurate courts orders.

The insights gained by Parental Equality into the reality of family courts represent the personal testimonies of essential stakeholders in the judicial process; the end-users. These are the only participants who do not get paid for being in court. In fact they are the only ones who pay. Paradoxically there is a toxic incentive

for every other participant in court hearings including judges, solicitors, barristers, administrators, social and mental health professionals etc, where sustained litigation and continuing acrimony leads inevitably to the generation of larger fees or earnings for themselves.

Despite responding to continuous pressure to end the unjustifiable secrecy of the family courts the Minister for Justice has, so far, failed to engage with Parental Equality in identifying the changes which will produce a better quality of justice and long term fairness to all parties in a family dispute. The proposed changes, as reported in the media , appear to address only surface issues.

In order to ensure Real Change towards an effective, accountable, and just process, it is the necessary, as a minimum, to include the following elements to modifications to the “In Camera” legislation:

- 1) All family Law hearings must be digitally and accurately recorded, with copies immediately made available to all relevant parties.
- 2) A transparent, independent, complaints procedure (implemented by publicly elected and accountable personnel), must be established to deal quickly and thoroughly with complaints of substandard performance or unethical behaviour by any judges, legal representatives, administrators and other professionals who participate in court hearings.
- 3) The legislation must apply retrospectively, in order to allow past injustices to be challenged and corrected.
- 4) Legislation must be introduced to correct the intolerable injustice where lay litigants, who represent themselves successfully and who prevail against the might and closed shop of the legal profession, are disbarred from being awarded their costs. This blatant anti-competitive practice does not serve the cause of justice or fair play.

Sincerely
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