

Book review

***Transparency in the Family Courts:
Publicity and Privacy in Practice***

Bloomsbury Publishing, 22 February 2024, £85, ISBN 9781526525789

Bloomsbury Publishing have brought out a very timely second edition of *Transparency in the Family Courts*. The authors are Dr Julie Doughty, a senior lecturer in the School of Law and Politics at Cardiff University, who previously worked in private practice and undertook her PhD thesis on the functioning of the family court; Paul Magrath, a barrister and Head of Product Development and Online Content at the Incorporated Council of Law Reporting for England & Wales; and Lucy Reed KC, who is a practising family barrister with St John's Chambers, and chair of the Transparency Project. Apart from her academic and advocacy skills, Lucy is known for her blogging under the guise of Pink Tape and a frequent contributor to Twitter (now X). The authors have pulled together their respective talents, skills, and experiences to create the most comprehensive and up-to-date guide to transparency in the family courts.

The book plots the inevitable, if at times glacial movement towards greater openness and transparency in the Family Court. In addition, it comes out some six years after the first and what a lot has changed in the intervening years.

The book is useful for judges and practitioners as well as journalists, bloggers and even members of the public who have a keen interest in the subject. It is written in plain and simple terms but also has the benefit of detail and sophisticated commentary. The book is careful to set out the benefits of greater openness in the Family Court, taking into account the development of blogging and the context in which social media is often the vehicle for promoting and informing the profession and the wider public of what goes on in the private setting of most family law proceedings.

Importantly, the book contains all the key legislation, statutory instruments and reported cases on the subject. They themselves are a valuable resource brought together in one place. Of great use is a series of case studies in the appendix which provide a very different array of worked examples and scenarios, and how they might be dealt with. They are extremely useful. A further appendix deals with templates for court orders.

The introductory chapter pulls together the history and key milestones in the development of transparency and openness within family proceedings. It is in itself an interesting read just to understand how and where we are today. **Chapter 2** deals with the extent of privacy and

family proceedings and **Chapter 3** deals with the current restriction and permissions that are required for reporting such proceedings. It deals with the nature of restrictions, how this is policed, and how changes can be made to ease the current restraints. **Chapter 4** deals with the mechanics and purpose of publishing and reporting court hearings. This to a large extent focuses on the more formal matters such as case reporting in the traditional style, but that in itself has its own complexities as far as transparency and publication are concerned. These are dealt with comprehensively. **Chapter 5** is a twirl around the influence, effect and purpose of the internet and social media. Again, an interesting chapter in itself and one that I am sure will inform many. **Chapter 6** is relatively short and deals with enforcement. **Chapter 7** deals with how other courts deal with these issues, some of which cross over, such as the criminal courts, coroners courts, and civil courts. The book finishes (save for the appendices) on a visionary chapter of the way ahead. It is quite clear that the present position is only a stepping stone along the way for greater transparency.

The most obvious point in this book is that, for most sensible people embarking on the sad and unfortunate reality of a relationship breakdown and dealing with their children and finances, the family courts are probably not the best process by which to resolve any issues. The idea that one's personal circumstances – not just financial but aspects of their lives and their children's lives – stand to be reported in public (albeit on an apparently anonymised basis) will almost inevitably be a source of concern and anxiety. There are many ways now of resolving private law family disputes concerning children and finances that do not involve the courts. The development of greater transparency in the family courts must only highlight the benefits of mediation, collaborative practice, arbitration and private evaluation indications.

It is clear that a lot of thought and hard work has gone into the preparation of this book and its chapters blend very nicely together to give a comprehensive book on the subject.

David Emmerson, Anthony Gold Solicitors LLP
dae@anthonygold.co.uk

