

I hope I may be permitted to address one point arising out of the Council's interim report, that taken in paragraph 10.13.

I recently retired from private practice as a solicitor and now offer a mediation service focussing on contentious trust and probate law, an area in which I practised for over 20 years. When in practice I was a fervent advocate of mediation as a method of ADR, one I found on the whole to be particularly successful.

Assuming compulsion in particular sectors is the way ahead (and I would suggest Type 2 compulsion), I think serious consideration might be given to including as one of those sectors contentious trust and probate disputes, and perhaps in particular cases brought under the 1975 Inheritance (Provision for Family and Dependants) Act. As the expert working group will know, emotions can run very high in such cases with one practical result being that principles will often trump the cost effectiveness of, and the emotional drain in, continuing the dispute in question. The appointment of a suitably qualified mediator is, I suggest, a means by which the parties can be assisted to reach an accord, one that can also help in maintaining relationships within the family.

I hope my comments will be considered helpful.

Yours faithfully

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