

Log-on instead of lawyering up: Commonwealth funds new project to deal with divorce disputes digitally

The Commonwealth government has committed funds to the development of a ground-breaking digital project that would allow Australians to resolve family law legal disputes *online*.

The technology has the potential to cut legal bills, reduce pressures on family law courts, and ensure more separating couples have timely access to legal assistance and other support.

The Commonwealth is providing \$341,000 in seed funding to enable legal aid to investigate the potential design, scope and delivery of an Online Dispute Resolution service to assist separating couples.

Game-changing technology

“This scoping project explores Online Dispute Resolution technology that has the potential to be a game changing breakthrough for the many Australians whose lives are affected by family breakdowns,” says Dr Graham Hill, the Chair of National Legal Aid.

“I won’t beat around the bush: family breakdowns are invariably awful and so too are the legal disputes that often follow them.

“Too often, these disputes prove to be too expensive, too time-consuming, too painful and too adversarial for all parties. Too often, Australians are left wishing there was an alternative way to resolve these disputes.

Artificial Intelligence offers smart solutions

“The project would use Artificial Intelligence to deliver low-cost, user-friendly legal assistance to help separating couples identify their differences and work through them.

“In particular, it would help them resolve disputes over the care of children and the division of property.”

The project’s funding was allocated after talks between the Commonwealth and National Legal Aid, Australia’s peak legal assistance body. (NLA represents Australia’s legal aid commissions, the largest service-providers in the legal assistance sector. There are eight commissions – one in each State and Territory – and they collectively deliver more than 2.4m legal assistance services annually.)

Saving thousands of court hours

“I estimate that 20% of all family law disputes in Australia could, in the future, be resolved through Online Dispute Resolution,” says Dr Hill.

“This technology would save thousands of hours of court time. It empowers separating couples to work through their differences and reach agreement without spending tens-of-thousands of dollars on legal fees and years of their lives in protracted court battles. It reduces the cost and anguish experienced by separating couples and their families.

The missing middle

“Online Dispute Resolution can particularly help the *missing middle* – those Australians who are not poor enough to receive legal aid but not wealthy enough to afford a lawyer. It offers them guided assistance, clear information, and a platform to resolve their dispute in a fair and equitable way.

How it works

“This technology allows separating couples to engage in an informed online mediation that they can participate in from the privacy and security of their own homes – and at their own pace. It empowers people to identify their legal problem, explore their needs and consider their options. It can allow them to start a resolution procedure involving dialogue and negotiation with the other party – and help them systematically work through the areas in which they disagree. The technology can help to ensure legal processes are less adversarial and easier to navigate.

48,000 divorces annually

“There are [more than 48,000 divorces](#) annually in Australia. Artificial Intelligence and digital technology can eliminate lengthy, expensive, lawyered-up family law court conflicts. It can help people deal comprehensively with these disputes and encourage a mediated settlement rather than recourse to courts and lawyers. Agreements reached through cooperation are often more effective than decisions imposed by judges.

78% success rate

“This online service would build on our in-person services. Legal aid commissions conduct almost 8,000 face-to-face family mediation conferences each year across Australia to help parents reach agreement on the care of their kids. These face-to-face Family Dispute Resolution services are lawyer-assisted and have an impressive 78% settlement rate.



Online overseas

“Online Dispute Resolution technology is already operating in some countries to resolve legal issues relating to debt and consumer matters, landlord and tenant disagreements, family law problems, and employment disputes.

“Legal checks and balances still apply when using Online Dispute Resolution. In The Netherlands and Britain, Online Dispute Resolution helps parties arrive at an agreement that is then ratified by lawyers, or a court, to ensure it is legally valid and fair to both parties.

“Online Dispute Resolution does not leave people on their own. At many stages of the dispute resolution process, it provides information about services and professionals that can assist the parties to work through specific issues. It ensures they have ready access to, for example, mediators, lawyers, counsellors and other social services assistance.

A vital first step

“I commend the Commonwealth government for providing funding to enable legal aid to investigate the use of Online Dispute Resolution technology in family law matters. This seed funding allows us to take the first step - and it’s a vital step. We will identify the users of this potential technology and research their needs and their problems. We will examine the dispute resolution technology that is currently available, and we will consult relevant stakeholders.”

Graham Hill (pictured above) is available for interview. Media contact: Jeremy Boylen 0421 611 856

A signposted pathway, a smaller legal bill

The Online Dispute Resolution scoping project is being managed by SA's Legal Services Commission (AKA *legal aid*).

"Australians embrace digital change because it generally makes life easier or less expensive – and it can potentially do likewise in family law disputes," says Gabrielle Canny, the Director of the Legal Services Commission.

"Online Dispute Resolution provides a signposted, structured pathway for separating couples to resolve disputes themselves with practical online assistance.

"For example, the technology provides users with templates highlighting parenting agreements that have worked for other couples. Artificial Intelligence software can also assess previous family law court decisions to show couples how judges generally treat disputes that are similar to theirs.

"Technology, including so-called *robot lawyers*, is not designed to replace lawyers and cannot resolve all types of family law disagreements. But it can empower couples to reduce the areas of dispute. That can only be a good thing."

NLA Chair Dr Graham Hill is available for interview. Media contact: Jeremy Boylen M 0421 611 856