

IAFL Studentship Report 2017

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For the past five years, the International Academy of Family Lawyers (IAFL) has been offering fully funded studentships to those studying law in premier colleges all over the world. This studentship provides law students with a chance to look beyond their textbooks and appreciate the realities of being an international family lawyer.

This year IAFL organized their very first studentship in India. I was extremely ecstatic to be conferred this once-in-a lifetime opportunity to learn from the very best in the field of international family law. Owing to the international character of the organization, I was given a choice to pursue my studentship in a vast array of countries. I eventually decided on France as it operates under a civil law system and is a signatory to numerous Hague conventions including The Hague Convention 1980 on the Civil Aspects of International Child Abduction.

I received the opportunity to be hosted by Ms. Véronique Chauveau (partner, Véronique Chauveau and Associés, Paris), a prominent name in the field of international family law. Her work in the field of international child abduction was extremely inspiring as my paper for the studentship endeavored to answer whether India should accede to The Hague Convention 1980 on the Civil Aspects of International Child Abduction.

At Véronique Chauveau and Associés, I was able to join a team of young and dynamic lawyers whose varied life experiences and stories helped shape my journey in Paris. The anecdotes of the lawyers about various cases were really insightful and enlightening. I was able to read and study the firm's international case files. The cases dealt with array of issues from international child abductions to divorces transcending national boundaries. Through these case files as well as long discussions with lawyers at the firm, I was able to understand the steps of building a case, interpreting the laws of different countries and acting in the best interest of the client.

I was also able to appreciate the recognition of a foreign divorce decree in France. The firm was dealing with a case in which the grounds on which a foreign court had granted divorce were being challenged in the French court.

I also researched the surrogacy laws in India, which included the current scenario and the analysis of the proposed bill on surrogacy. The bill has been introduced in the Lok Sabha (House of People) and if, passed would be the first legislation regulating the practice of surrogacy in India. Since surrogacy in France is banned in toto, it was riveting to learn about the process of establishment of parentage in France of children born to French parents through surrogacy abroad. I also researched on Muslim matrimonial laws as applicable in and interpreted in India. The research included the divorce laws, jurisdictional issues, the legalities and formalities of marriage.

Ms. Chauveau also organized two memorable visits to the Tribunal de Grande Instance. While shadowing Ms. Maes, a trainee at the firm, I was able to observe the process of filing of papers for cases in the administrative department of the court. On my second visit to the court, I had the chance to observe criminal proceedings and follow arguments in the court. Since my previous internship under an Additional Sessions Judge in India had familiarized me with the criminal proceedings in India, this visit to the court enabled me to realize the differences in the procedural as well substantive laws between the two countries' criminal justice systems.

After an eventful learning experience in Paris, I spend the weekend at Ms. Chauveau's beautiful country home. It was a relaxing and rejuvenating stay away from the hustle and bustle of Paris. At the house, I spend time picking berries from the garden, reading, taking long walks and watching movies. Ms. Chauveau, a wonderful cook, gave me a jar of fresh, homemade apricot marmalade. I was also able to visit the magnificent Louvre museum. I finally checked viewing the Mona Lisa in person off my bucket list.

As I had learnt German in school, Ms. Chauveau connected me to her friend, colleague and IAFL fellow Dr. Kerstin Niethammer-Jürgens, a leading family lawyer based in Potsdam, Germany. Dr. Kerstin Niethammer-Jürgens and her husband Dr. Thomas Jürgens (lawyer, labour and medical laws) graciously accepted to host me for the remainder of my studentship. They are partners at Jürgens Rechtsanwaltsgesellschaft mbH, a firm specializing in German and International family law, labour and medical laws based in Potsdam, Germany.

After my very first interaction with Dr. Niethammer-Jürgens, she had a conference call with a client. Since the conversation was in German, I was able to decipher a part of it. After her call, she explained the case, its background and her work on it. At Jürgens Rechtsanwaltsgesellschaft mbH, I was able to read cases dealing with international child abduction cases. I also read case files dealing with a divorce involving huge assets (over millions of dollars). The extensive documentation in the case files helped me understand the principles and considerations used in dividing the assets under the German Civil Code. The case also dealt with a marriage agreement, which though valid under German Law, was not enforced by a Court in a common law country.

I researched on a case dealing with dissolution of marriage between a German and an Indian spouse. My research dealt with whether a petition of divorce could be filed in an Indian court, whether Indian courts would recognize a German divorce decree and what parameters the German divorce decree would have to meet to be enforced by Indian courts.

Whilst at the firm, I also accompanied Dr. Thomas Jürgens to the Arbeitsgerichte (court of first instance for labour disputes). This was my first time observing labour law proceedings. It was noteworthy that the bench was formed of one judge and two lay members, each representing the side of employer and employee. In court, a genuine effort was made to ensure that an amicable settlement could be reached between the two parties.

I also enjoyed interacting with Dr. Niethammer-Jürgens and discussing her work in international family law. I was in complete awe to know that she was involved in drafting the civil code of Kosovo. I am also now the proud owner of a signed copy of her book, 'Internationales Familienrecht in der anwaltlichen Praxis' (a parting gift from Dr. Neithammer- Jürgens).

As this was first visit to Germany, I took out time to explore Berlin. I visited many notable places including the Reichstag, the Brandenburger Tor, the Holocaust Memorial, Potsdamer Platz, Checkpoint Charlie and the Berliner Dome.

I truly enjoyed my studentship and its memories would forever be cherished. These first-hand experiences in the field of international family law were invaluable as not many lawyers in India specialize in it. Pursuant to my studentship, I was able to experience the legal systems of two civil law countries, work cultures of two different law firms and life in two different European cities.

Since my course structure at college majorly deals with the common law system of India and United Kingdom, an understanding of the civil legal system helped further my knowledge of private international law. The changing variables in the field of international family law were particularly fascinating to me as there is no fixed solution to any case and no two cases are same in their entirety. The global exposure coupled with interactions with some of the leading names in the field of international family law has not only helped compliment my studies in college but would also help in my overall career growth. Belonging to a country, where marriage is generally considered a sacrament and divorce a family affair, this studentship helped me discover that family law is a viable and exciting career option.

I hope that IAFL continues to offer studentships to students in India, as this experience is irreplaceable and would inspire more young lawyers on the cusp of making one of the most important decisions in their life to practice family law.

I would like to thank IAFL, Ms. Joy Feinberg, Ms. Pinky Anand, Dr. Prof. Usha Tandon (professor-in-charge, Campus Law Centre) for organizing and coordinating the studentship. Most of all, I would like to thank Ms. Véronique Chauveau, Dr. Kerstin Niethammer-Jürgens and Dr. Thomas Jürgens for opening their homes and offices to me and making my studentship a truly fulfilling experience.

