

REBUILDING RELATIONSHIPS

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WHERE'S the love?

The global economic crisis and a surge in post Christmas divorce consultations has pushed demand for family lawyers in Brisbane sky high.

But one Brisbane proponent of collaborate law is implementing new mediation strategies to avoid the family courts altogether. Clarissa Rayward, managing partner of Brisbane North Family Law Services (BNFLS), says a drastic increase in divorce rates signals a need to reduce the 'trauma and emotional distress' caused by family separation and dispute issues through alternative practices.

Rayward and her specialist associates are receiving a large number of requests for assistance from many families across the region wishing to avoid the usual 'conflict and tussle' which can accompany a family legal battle. She says demand has doubled for collaborative legal solutions, a concept introduced to Australia in 2006.

Using mediation strategies and advice from a team of counsellors, accountants and financial advisors to assist families with all aspects of separation, is deemed a better way of helping families through notoriously traumatic legal matters.

"The traditional court process used for family law cases is highly inappropriate; affecting spouses and particularly children, causing

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damaging and long-lasting emotional upset," says Rayward.

"Most cases can be handled in a much better way using a collaborative approach as an alternative to traditional court proceedings. When people use the traditional family court process, they are open to lengthy, challenging, tense and often expensive legal battles which usually result in no party feeling happy and ultimately inflicting suffering on the children.

"From a family perspective, this is incredibly damaging and will almost certainly have a very negative effect on the parties' relationship moving into the future, especially where they need to have ongoing communication about their children."

An increasing number of law firms are reporting a surge in requests for divorce consultations this month as families struggle with the strains of the global financial crisis and the stresses of the Christmas break.

Rayward says January marks the start of a steady increase in divorce enquiries because people usually 'hang on' until after the festive season to make the break.

"With the increase in divorce enquiries at this time of year comes a high amount of anxiety and stress – stress which needs to be handled delicately for the whole family's sake," says the altruistic 31-year-old.

Not yet a well known or common practice in Australia, collaborative law is gaining momentum overseas as it aims to create satisfactory outcomes emotionally, physically and financially for families as an alternative to court proceedings.

Rayward's main objective is to bring a sense of 'calm and rationality' to mediation between the opposing parties. She is passionate about her job due to her close interaction with people.

"It is upsetting to see clients spending large sums of money and still not achieving a result they are happy with," explains Rayward.

"I did a lot of legal aid work and it can be really harrowing. Watching clients suffer from depression and other emotional stresses as they move through the court process is difficult, and from a professional viewpoint, the court process can be all consuming and very draining."

Rayward regularly consults with Australian and international law experts in the area of collaborative law to keep abreast of developments within this emerging new practice and she also regularly provides legal aid consultations.

After attending high school in northern New South Wales at Alstonville, Rayward moved to Brisbane with the intention of becoming an



Cutting out the courts – collaborative lawyer Clarissa Rayward

interior designer, only to be drawn to an arts-law degree at the University of Queensland. She completed articles at Mark Bucknall Solicitors while completing her degree and was admitted in 2003.

Her first position with a litigation-based firm in Brisbane meant long hours and she consequently lost much of her passion for the profession due to arduous court proceedings. She decided to take a break from the legal profession, working in Ireland as the manager of the Irish Academy of Performing Arts for 18 months. She then returned to law in Brisbane with a fresh perspective and started to investigate alternative ways to practice family law through mediation and dispute resolution.

During a collaborative law conference on the Gold Coast, Rayward became inspired by the concept of resolving family issues outside of the courts. She then set the wheels in motion to launch her own specialised law practice, which she opened in June 2008.

BNFLS hosts free collaborative law seminars and the objective is to develop an onsite specialist centre including counsellors, accountants and financial advisors to assist families with all aspects of separation.

"I aim to provide a business that enables separating couples to work together to find resolution," says Rayward.

"Already we are attracting clients who wish to avoid litigating and as a result the number of our matters resulting in court proceedings is very low."

As for the future, Rayward's advice to clients is philosophical.

"Do unto others as you would wish done to you. Whilst it is natural to be angry and upset it is so important to try and remain calm and rational," she says.

With statistics indicating that around one in three marriages in Australia will end in divorce, Rayward's work has only just begun.

RT JUDGE
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MATTERS
RAYWARD