

PRESS RELEASE
ONE SMALL STEP FOR FAMILY LAW
ONE GIANT LEAP FOR COLLABORATIVE OUTCOMES

With the concept of collaborative practice becoming more popular in this country, the Australian Law Council of Australia has recognised the need to provide some standards for practitioners under which the process can operate in a more effective manner. Overseas, the process is nothing new, having been actively used in America for around 20 years.

Draft Guidelines were distributed in May 2010 and Practice Standards for Lawyers are due to be launched nationally on 24 March 2011.

A collaborative practitioner acts to assist participants to reach their decision and provide advice where required in a way that supports the process. The Practice Standards are intended to govern the relationship of collaborative practitioners with the participants in the collaborative process, their professional colleagues, Courts and the general public so that everyone will benefit.

The release of these Guidelines is welcomed by Clarissa Rayward, Director of Brisbane Family Law Centre (BFLC), a firm favouring the “collaborative” approach in which both parties and their solicitors engage in negotiation with a view to resolution, avoiding the Courts in the process and saving all parties as much stress as possible.

There are many areas in Australia where the collaborative process can be used



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a SPECIALIST FAMILY LAW FIRM focusing on collaborative law, mediation and out of Court dispute resolution

including issues involving families, commercial business, the workplace and so on. Specialist professionals are involved in the process from various areas including legal, financial and psychological experts and the Standards stress that these professionals should undergo training in collaborative practice.

The Practice Standards provide practitioners with a description of collaborative practice and set out firm guidelines for them in relation to how the process should work in an ethical and impartial manner, respecting the confidentiality of the participants and assisting everyone to manage the progress of the dispute and conflict resolution to ultimately reach a decision in keeping with the collaborative method.

BFLC has found that this method enables couples to successfully resolve their divorce through a collaborative process, benefitting themselves, their children and their family as a whole. Further, both parties and their collaborative divorce lawyers agree that, should the negotiations not work out and the couple decide to litigate, the lawyers must resign from the case. This motivates everybody to work out a settlement that satisfies all parties. BFLC actively involves other neutral professionals, such as financial advisors and/or counsellors, and in fact has experts in these fields available on-site at their Albion offices.

“The hope is to keep everyone communicating”, points out Ms Rayward, “which is the best outcome for all, especially when children are involved”.

“As the Court system becomes more and more congested this innovative and more financially viable option is going to become more and more popular”, Ms Rayward said. “As collaborative law becomes more common and widely recognised I am positive that couples who are faced with the breakdown of their marriage will find it the more appealing option and maybe their first required point of call”.

A recent client of BFLC who chose this method to successfully resolve a complex property settlement involving many businesses and investments had only good things to say about collaborative law.

“By using the collaborative law approach for my settlement with my ex-wife it enabled all of us, as a team to work through the settlement with relative ease in knowing that both my ex-wife and I were working towards a common goal of reaching an amicable settlement. Brisbane Family Law Centre acted not only as my legal team but offered quality advice and real world solutions to what could have been a costly and lengthy divorce if a more traditional settlement approach had been decided upon.”

The process has been described as a kinder, gentler way to divorce and uses a “round table” concept so that everyone is seen as equal. It can be seen as an investment in the family’s future – saving them time, money and emotional impact and it is hoped that collaborative law will be embraced by the wider community as the best option in family law.

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For further information contact Brisbane Family Law Centre on info@bflc.com.au or 3862 1955.