

Wednesday, 23 May 2007 Thursday, 24 May 2007

# family law masterclass

8:15

**Conference Registration** 

8:30

Welcome and Opening from the Chair

MEET YOUR CHAIR

#### BRISBANE:

Morning program: Sue Purdon, Partner, Hopgood Ganim Lawyers has been practising in family law for over 20 years and was the first Australian woman lawyer to be made a Fellow of the International Academy of Matrimonial Lawyers at the invitation of the Academy. A leader in the field of non-court dispute resolution, she was appointed by the Federal Attorney-General to the Family Law Council of Australia in 2004. The Council advises the Attorney-General on matters relating to family law. Sue chaired the Council's committee that recently prepared a report on collaborative law in Australia. Throughout her career, Sue has served on numerous committees of the QLS including the Family Law Committee, the Family Law Specialist Accreditation Committee, the Alternative Dispute Resolution Committee and the Equalising Opportunities in the Law Committee. She has also served on a number of Queensland statutory government Boards and is a current member of the practitioner's panel of the Legal Practice Tribunal of Qld. Afternoon program: Warwick Jones, Partner, Jones Mitchell Lawyers is the founding and current Senior partner of Jones Mitchell Lawyers, Gold Coast, the largest firm in Queensland to specialise exclusively in family law, including both matrimonial and de facto relationship cases. He is an Accredited Family Law Specialist and specialises in large and complex property and financial cases as well as some children's matters including difficult residence matters, relocation, Hague Convention and some bioethical issues. Warwick has undertaken numerous training courses in mediation and is a QLS and LCA Accredited Mediator and Arbitrator; he is firmly committed to the pursuit of Alternate Dispute Resolution (ADR) wherever appropriate in his matters. Warwick is a current member of the QLS Family Law Committee and the QLS Family Law Specialist Accreditation Committee, the Gold Coast Representative for the Queensland Family Law Practitioners Association, an Associate Instructor in Alternate Dispute Resolution (Mediation) at Bond University and a member of the QLS Mediation Development Committee. Warwick is the Author/Co-ordinator of The Australian Family Law Index published by the QLS.

#### SYDNEY:

Lorraine Lopich, Partner, Lopich Lawyers, Secretary, Collaborative Professionals (NSW) Inc and Member, National Centre of Collaborative Law is a multi-skilled lawyer, mediator and arbitrator with 14 years' experience in family law, workplace relations and general commercial law. She is currently a director of Mediation and Dispute Resolutions Australia Pty Limited and Collaborative Lawyers Pty Limited and a sessional mediator for Relationships Australia (NSW). She is the project officer for the Illawarra and Shoalhaven Family Pathways Network to develop a collaborative interdisciplinary network of family service providers to provide an integrated and coordinated service to separating families in transition. Lorraine has been a co-trainer in many collaborative practice courses including those conducted by international trainer Marion Korn.

8:40

#### **KEYNOTE ADDRESS**

### Embracing Collaborative Law as an Alternative, Client Needs-Focussed Model for Family Law Practice

What is Collaborative Law (CL) and what is its value to Australian family law practice? Internationally renowned CL expert and theoretician of the CL movement, Pauline Tesler, will provide an explanation of the concept and introduce the key elements of this latest divorce dispute resolution model to be rising to prominence in Australian family law practice.

- Explore new understandings of the ways in which collaborative practice differs from other forms of dispute resolution
- Find out how it is uniquely suited to meet the spectrum of needs faced by divorcing couples and families
- Learn the evolving views of the importance of 'evidence-based' practice that begins with focusing on what clients actually experience during a divorce

BRISBANE and SYDNEY: Pauline Tesler, Family Law Specialist and expert Collaborative Law practitioner, Tesler, Sandmann & Fishman (San Francisco, United States) 9:2!

#### PANEL DISCUSSION

# Collaborative Law Panel Discussion and Open Forum: The Australian CL Experience and What the Future Holds

The panel members will give an overview of the current state of play in CL in Australia and will provide local and interstate perspectives on their experience of practising collaboratively in family law. Following the panel discussion, delegates will have the opportunity to ask questions and discuss the Australian and international CL experience with Pauline Tesler and the other panellists.

BRISBANE FACILITATOR: Cassandra Pullos, Partner, Adamson Bernays Kyle & Jones (QLD); Founding Member, Queensland Collaborative Law BRISBANE PANELLISTS:

Sue Purdon, Partner, Hopgood Ganim (OLD)
Lorraine Lopich, Partner, Lopich Lawyers (NSW)
Brad Corby, Managing Director, Divorce Solutions Pty Ltd (QLD)

Julie Dobinson, Partner, Dobinson Davey (ACT); Founding Member, Canberra

Collaborative Law Practice Group SYDNEY FACILITATOR: Lorraine Lopich, Partner, Lopich Lawyers (NSW) SYDNEY PANELLISTS:

John Pollard, Special Counsel, Watts McCray (NSW); President, Collaborative Law Professionals (NSW) Inc

Jane Houston, Principal, Houston Lawyers (NSW) Nigel Nicholls, Partner, Stuart Fowler & Partners (NSW)

Phillip Davey, Partner, Dobinson Davey (ACT); Founding Member, Canberra Collaborative Law Practice Group; President, National Centre of Collaborative Law Cassandra Pullos, Partner, Adamson Bernays Kyle & Jones (QLD); Founding Member, Queensland Collaborative Law

10:00

## The Changing Face of De Facto Property Law in Australia

This session will examine the move toward federal de facto property laws for heterosexual couples as well as reviewing the legal position for same sex couples. Topics covered will include:

- A summary of the changes and an explanation of how federal de facto property laws are expected to operate
- What effect will the new laws have on existing cohabitation and separation agreements?
- What differences will remain between de facto and married couples?
- Resulting tips for advising your clients in preparation for/in response to the provisions coming into effect
- What is the position for same sex de facto couples?
- Issues that commonly arise when advising on financial agreements what are the differences for married and de facto couples?
- · Dealing with superannuation for de facto couples

BRISBANE: Bruce Doyle, Partner, Family Law Doyle Keyworth and Harris; Accredited Family Law Specialist

SYDNEY: Paul Boers, Solicitor, Atkinson Vinden Heazlewoods; Accredited Family Law Specialist

10.40

## **Morning Tea**

11.00

# Assessing the Impact of the Shared Parental Responsibility (SPR) Legislation in Operation

How has the SPR legislation affected family law practice in the 10 months since its introduction? This session will consider the practical effect of the provisions in operation and highlight issues or anomalies that have arisen to date.

- A review of decisions made since the 2006 amendments is shared care becoming more common?
- How is the rebuttable presumption of "joint parental responsibility" in the Family Law Amendment (Shared Parental Responsibility) Act 2006 being interpreted?
- Is Cowling dead? Interim parenting decisions in light of Goode v Goode [2006]
- Reviewing the requirement for counselling prior to parenting orders being made (as of July 2007)
- Outlining the role and application of Parenting Plans
- Examining the operation of Family Relationship Centres
- Considering the hidden financial impact of the SPR legislation BRISBANE: Kathryn McMillan SC, Barrister, Queensland Bar

SYDNEY: Neil Jackson, Barrister, NSW Bar

12.00

# The Changing Role of the Legal Practitioner in Children's Cases

In today's changing family law and litigation landscape, practitioners often face the question of how to stay relevant in a world of mandatory non-lawyer mediation. This session will examine some vexing issues confronting family law practitioners such as:

- Is it possible to reconcile being family dispute practitioners and litigators?
- Have the Children's Cases Program (CCP) and Less Adversarial Hearing process changed the way we practice or should they? To what extent is the CCP being effectively utilised?
- How do we integrate with the courts and community-based family dispute resolution and what role will be left for us if we don't?
- Is it vital to embrace less adversarial dispute resolution in daily practice and, if so, what are some tips for doing this?

BRISBANE: Pippa Colman, Principal, Pippa Colman Associates;

Accredited Family Law Specialist

SYDNEY: Joe Harman, Partner, Harman & Co

12.45

### **Networking Lunch for Speakers and Delegates**

1.30

### **Cross-border Movement of Children and Relocation Cases**

- Examining the impact of the Shared Parental Responsibility legislation on bringing and defending relocation cases
- Tips for advising clients in pre-proceeding stages before the matter turns litigious
- · Reviewing the types of evidence useful in relocation applications
- Tips for conducting relocation application proceedings including considerations for choosing the appropriate forum
- · Examining recent child relocation cases

BRISBANE: Pamela McGhee, Barrister, Queensland Bar

SYDNEY: Dr Tom Altobelli, Federal Magistrate, Federal Magistrates Court

2.15

# Reforms to the Child Support Scheme – Progress to Date and What Lies Ahead

The Child Support Legislation Amendment (Reform of the Child Support Scheme – New Formula and Other Measures) Bill 2006 heralds many changes that will impact on family law practitioners. Some procedural and other changes have recently been implemented while others come into effect in the near future. This session will provide:

- · An overview and timeline of past and future changes
- A review of Stage 2 of the reforms (commenced 1 January 2007) including independent reviews, paternity disputes and extension of time to apply for child support
- A forecast of the future preparing for the Stage 3 reforms (commencing 1 July 2008) including the new child support formula and flexible arrangements
- Tips for bringing claims and defending objections under the new regime including appealing child support decisions to the Social Security Appeals Tribunal

BRISBANE: Greg Shoebridge, Partner, Simonidis Shoebridge Lawyers; Accredited Family Law Specialist

SYDNEY: Associate Professor Geoff Monahan, Faculty of Law, University of Technology Sydney

3.00

Afternoon Tea

3.15

#### MINI-WORKSHOP

# Dealing with Property Disputes Involving Interests in Trusts and Companies

Using a hypothetical case study for reference, this workshop will focus on the practical aspects of running property matters where the parties have interests in trusts and companies. The case study will focus on minority interests and rights attaching to various shares classes as well as issues of control in discretionary family trusts where extended family have an interest. Participants will be guided through how to prepare these matters to effectively identify the relevant assets, advise the client and liaise with the relevant experts. The presentation will cover:

- Common division of business operations into holding, trading and investment entities
- Identifying the proprietary interest attributable to the Husband and Wife in companies and trusts and considering quarantees, liabilities and duties
- Obtaining access to information and discovery by minority shareholders or nonexecutive directors and by beneficiaries
- Recognising warning signs of the presence of undisclosed assets
- · Restraining dispositions to trusts and companies
- Using forensic accountants effectively to track down assets and taking steps to avoid wastage or disposal of assets

BRISBANE: Sarah Minnery, Associate, Hartley Healy Family Law Specialists Joseph Box, Director — Litigation and Forensic Consulting Division, Grant Thornton Chartered Accountants

SYDNEY: Ian Serisier, Special Counsel, Swaab Attorneys

4.30

# Super, Property and Business Valuations: Experts and their Evidence

Valuations depend on the quality and accuracy of the information taken into account together with the assumptions and contingencies applied to arrive at a value in monetary terms. In relationship property disputes the practitioner may be required to challenge the valuation. During this session, experts experienced in litigated relationship property disputes will provide:

- Tips on when to seek a valuation
- An overview of the methodology used by experts to value superannuation, real estate and businesses
- An explanation as to how experts working from the same fact scenario can arrive at different results
- Practical insight and tips on where and how to challenge an expert's valuation BRISBANE: Brian McDonald, Director, Pilot Partners

Geoff Sinclair, Partner, Barry & Nilson

Paul Grennan FAPI FDI, Director, Herron Todd White (Brisbane Residential) Pty Ltd SYDNEY: Michael Wright, Director, Aspect Valuations

Trevor Vella, Director, Trevor Vella & Co. Pty Ltd Suzanne Delbridge-Bailey, Partner, Forsythes

5.20

Closing Remarks from the Chair

5 20

**Close of Conference** 

## **Collaborative Law Supporting Sponsors:**









**BRISBANE** 21–22 May 2007 **SYDNEY** 25–26 May 2007

# collaborative law training with Pauline Tesler

Make the paradigm shift from conventional to collaborative practitioner

### About the training program

Using a combination of presentations, interactive role plays, video demonstrations, question-and-answer discussion periods and other learning modalities, internationally acclaimed Collaborative Law expert Pauline Tesler will provide a powerful introduction to collaborative practice for lawyers new to this conflict resolution method. Her highly-acclaimed training system integrates concepts and understandings from psychology and sociology as well as therapeutic jurisprudence to challenge lawyers' unexamined assumptions about how to work effectively, constructively and ethically with divorcing families

This two-day training program will address a broad range of topics, including:

- Divorce grief and recovery cycle
- Disconnect between the emotional realities of conflict resolution for distressed clients and the demands of legal negotiations and decision-making
- Reasons why conventional litigation-matrix legal representation so rarely meets the full spectrum of needs presented by divorcing clients
- Ways in which the collaborative legal process can provide better legal counsel for many divorcing couples
- Particular needs of children in divorce and how collaborative practice addresses them
- · How to work with the law in support of client-centered conflict resolution
- · An introduction to strategic planning for a vibrant collaborative practice

Participants in this two-day training will learn the nuts and bolts of how a collaborative divorce moves from the early 'opening moves' stage, through the mid-game, to the end-game in a structured and contained process to clients.

Delegates will learn the key principles and skills which are essential for successful collaborative lawyering. The focus will be highly practical and will include tips for setting up your own practice group/network of collaborative law professionals and tips for developing and marketing your collaborative law practice to clients.

This training will be of a level and duration that will allow practitioners who have undertaken it to meet the International Academy of Collaborative Professionals (IACP) minimum standards for Collaborative Practitioners.

To cater for the different levels of experience in collaborative law practice among program participants, delegates may be streamed in the workshop/role play component of the training program according to the number of real-life cases they have resolved using collaborative law methodology.

BRISBANE & SYDNEY: Pauline Tesler, Family Law Specialist and expert Collaborative Law practitioner, Tesler, Sandmann & Fishman (San Francisco, United States)

Pauline Tesler is considered by many to be the foremost trainer in the collaborative practice movement. She authored the first book for lawyers on collaborative law, published in 2000 by the American Bar Association – a book which many refer to as 'the bible' – entitled *Collaborative Law.* In 2006, her highly praised book for general readers, *Collaborative Divorce* (co-authored with psychologist Peggy Thompson) was published by Harper Collins in New York.

Ms Tesler's work led the American Bar Association to award to her and Stu Webb (founder of the collaborative law movement) jointly, the first "Lawyer as Problem Solver" award. Ms Tesler has trained thousands of lawyers as well as hundreds of mental health and financial professionals in North America and Europe in how to make the paradigm shift from conventional to collaborative practitioner. Many of those she has trained have become leaders in the international collaborative movement in North America and Europe.

#### Who should attend?

ABOUT YOUR FACILITATOR

This training program is suitable for lawyers who are newcomers to collaborative law. In addition, lawyers who have attended trainings with trainers other than Ms Tesler can expect to deepen their understanding of collaborative practice and their skills as practitioners, as well as to reinvigorate their enthusiasm for this work. Non-legal professionals, such as accountants and social workers, who have an interest in collaborative practice may also find the training of interest and benefit.

## **Collaborative Law Training Testimonials**

"Collaborative law is the most exciting thing I've heard about in family law since I started practising. I was just about ready to 'hang it up' and do mediation full time, but the prospect of collaborative lawyering has breathed new life into my enthusiasm for being a family lawyer. I think we're on the verge of a revolution, and I, for one, plan to man the barricades "

**Norma Trusch**, Past President of International Academy of Collaborative Professionals and co-founder of Texas Collaborative Law Council

"Thank you so much for the wonderful presentation and training which you made to our fledgling Boston council. Everyone was thrilled with the materials you provided, the experience you shared and the wisdom you imparted."

Rita Pollak, Current President of International Academy of Collaborative Professionals and co-founder of Massachusetts Collaborative Law Council

"Anyone who has ever been involved with divorce under our current system knows that it damages families. Those of us who work with families in conflict have a responsibility to help them find a better way. The divorce team training has provided the best framework I have ever received to help make a difference. I have been a collaborative attorney for many years, operating mostly on the fringe. I am hopeful that this training will help me take that next serious step towards a full commitment to practice collaboratively."

Ron Ousky, President-elect of International Academy of Collaborative Professionals and co-founder of Collaborative Law Institute of Minnesota

"Pauline Tesler is a remarkable woman and trainer, bringing the whole of her heart and soul into her work. Very inspirational!"

Helen Howard, Leading collaborative practice trainer with Resolution (formerly, Solicitors Family Law Association), London, England

For more participant comments about Ms Tesler's trainings, see her website www.teslercollaboration.com.

## **Collaborative Law Training Program Sponsors:**

**BRISBANE** 



**SYDNFY** 



## **Family Law Masterclass Testimonials**

"The topics were relevant and interesting and generally presented by extremely knowledgeable and engaging presenters" Danielle Booth, SJP Law

"Very useful"
Pippa Colman, Pippa Colman and Associates

"Informative, practical and professional" Leon Filewood, Shannon Donaldson Province Lawyers

## Our publications in the Family Law area include:

**Australian Journal of Family Law**, Altobelli, T. (editor).



**Australian Family Law**, Chisholm, R., Serisier, I. & Hauptmann, M.

# Australian Family Law

This journal provides a leading forum for the discussion of important issues in contemporary family law such as mediation, property settlement, de facto relationships and domestic violence. The emphasis of the journal is on the practice and development of the law, however a broad interdisciplinary approach is encouraged. This is reflected in the composition of the contributors who include members of the judiciary, legal practitioners, academics, psychologists and behavioural scientists.

An essential, practical and time-saving tool, this four volume work contains all the information necessary to prepare a family law case and is a one-stop shop for federal legislation relating to family law. This publication also provides guidance on how recent changes will affect day-to-day family law practice.

For more information on these products, please call Customer Relations on 1800 772 772 or visit www.lexisnexis.com.au

### LexisNexis is please to announce a special limited offer on the following family law publications:

Family Law in Australia 6th Edition, Monahan, G. & Young, L.

This well-established book, first published in 1972, is now in its sixth edition and features a new authoring team, a modernised format and substantial updating of the subject matter. This edition continues to identify the underlying principles of family law by examining the historical, social and legal background to the present law that affects relationships and parenting in Australian society today. Family law is constantly evolving, and the text places an emphasis on critical evaluation, as well as paying close attention to the pattern of past and future reforms.

Publication date: May 2006 Standard Price - \$125 inc GST

Special Offer for Conference Delegates - \$110 inc GST



Family Law in Australia – Principles and Practice (Casebook), Altobelli, T.

This authoritative publication compiled by leading family law expert Dr Tom Altobelli provides both a sociological and legal analysis of all the major areas of family law. Statistics and reading materials sourced from disciplines such as sociology and psychology are skilfully placed throughout the text, providing a well-rounded, inter-disciplinary consideration of the relevant principles and issues.



Standard Price - \$109 inc GST Special Offer for Conference Delegates - \$98.10 inc GST

To take advantage of this special limited offer, please complete the relevant section of the registration form on the registration page.

For details of sponsorship and exhibition opportunities associated with this program, please contact Angela Kurtz on (07) 3335 0093 or angela.kurtz@lexisnexis.com.au.

# family law masterclass and collaborative law training

### ABOUT THE PRESENTERS

Four easy ways to register

Paul Boers, Solicitor, Atkinson Vinden Heazlewoods is an Accredited Family Law Specialist and an Accredited Mediator (IAMA). He has practiced in family law for over 16 years in the private profession and in the public sector, and previously served as a Registrar of the Family Court of Australia. He is a director of the Inner City Legal Centre at Darlinghurst and, in 2006, was awarded a Law and Justice Foundation Award for his work with Community Legal

Pippa Colman, Principal, Pippa Colman & Associates has worked in all areas of family and de facto relationship law since her admission in 1979 and is an Accredited Family Law Specialist. She has been a mediator since 1991 and teaches and coaches in mediation in Australia and Asia. Pippa is the managing director of the consulting business Red Day Coaching.

Bruce Doyle, Partner, Family Law Doyle Keyworth and Harris has been practising in family law and de facto relationships since 1983 in Queensland and the Northern Territory. He is an Accredited Family Law Specialist and has considerable experience of, and interest in, the different de facto property laws in Australia. He is a former president of the Family Law Practitioners Association of Queensland and a former executive member of the Family Law Section of the Law Council of Australia. He acted as the first president of Queensland's Children Services Tribunal. He currently holds an appointment as a Senior Case Officer with the Child Support Agency.

Jane Houston, Principal, Houston Lawyers was admitted as a solicitor in NSW in 1989. A former Deputy Registrar of the Family Court, Sydney Registry, she has always had a keen interest in the role of alternative dispute resolution in family law matters. Jane's focus in private practice is now on mediation and collaborative practice in family law.

Cassandra Pullos, Partner, Adamson Bernays Kyle & Jones Lawyers is an Accredited Family Law Specialist and QLS Accredited Mediator and has been practising family law for 22 years. She is a Founding Member and current Chair of Queensland Collaborative Law, an organisation established to promote Collaborative Law in Queensland and to support and train lawyers in its practice.

Profiles of the remaining presenters are available on our website at www.lexisnexis.com.au/aus/conferences

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#### WHO SHOULD ATTEND THIS EVENT?

- Family Law Solicitors
- Family Law Barristers
- Community Legal Centre Lawyers
- Government Lawyers
- Collaborative Lawyers
- Alternate Dispute Resolution Practitioners

#### CONFERENCE DATES AND VENUES

Sydney Conference 24-26 May 2007 **Brisbane Conference** 21-23 May 2007 Marriott Hotel Dockside 515 Queen St The Balcony Level Brisbane QLD 4000 Cockle Bay Wharf Ph. 07 3303 8000 Ph. 02 9261 3777 Fax. 07 3303 8088 Fax. 02 9261 4777 www.marriott.com.au www.docksidevenue.com.au

#### **PROGRAM CHANGES**

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

#### CANCELLATION

Your registration will be confirmed in writing when full payment is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing by 23 April 2007. If we receive written notification between 24 April and 7 May 2007 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 7 May 2007. You may nominate a replacement, however no refund will be issued.

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| , ,   |                          | □ 0 cases □ 1-5 cases □ 5+ cases   |  |  |
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| ☐ Family Law Masterclass                          | \$ 850 + GST = \$ 935    | same time, from the same firm/organisation receive a \$###.00 discount off the total registration fe |  |  |
| Collaborative Law 2 Day Training                  | \$1650 + GST = \$1815    | 2. Register a team of 4 for the Family Law Masterclass & Collaborative Law Training at the same time |  |  |
| ☐ Masterclass + Collaborative Law 2 Day Training  | 2200 + GST = 2420        | from the same firm/organisation and receive a free pass for the 5th delegate.                        |  |  |
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| ☐ Masterclass + Collaborative Law 2 Day Training  | \$2500 + GST = \$2750    | Masterclass priced at \$270 + GST = \$297  |  |  |
|   |                          | (NB: Resources are not available for the 2 Day Collaborative Law training)                           |  |  |
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| Date of admission                                 | ,                        | Family Law in Australia by Monahan, G. & Young, L. (ISBN 9780409319903) priced at \$110.00 in        |  |  |
| Family Law Masterclass                            | \$ 750 + GST = \$ 825    | GST (normally \$125.00 inc GST)  |  |  |
| Collaborative Law 2 Day Training                  | \$1450 + GST = \$1595    | ☐ Family Law in Australia – Principles and Practice by Altobelli, T. (ISBN 9780409317589) priced at  |  |  |
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| Position  | first name | surname |  |  |
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| Email   |            |         |  |  |
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|   |            |         |  |  |
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| Telenhone   |            |         |  |  |