

FAMILY Flyer



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NEW PUBLIC SEMINAR SERIES

It's the start of a new year and our first Public Seminar Series is starting soon!

Our first Seminar Series for the year will provide you with the opportunity to get up-to-date information on Family Law in an easy-to-follow 1 hour seminar.

There are 2 Seminar topics being presented by Accredited Specialist, Michael Lynch, including "**Separation and Children**" and "**Separation and Property**". For only \$30 you will receive information valued at over \$500, as well as the opportunity to ask questions and there will be a **Special Offer** for all attendees.

The seminars will be held at different locations around Brisbane.

"Separation and Children"

- Holland Park – 6pm – Monday, 22 February, Holland Park Hotel, 945 Logan Road, Holland Park.

"Separation and Property"

- Grange – 6pm – Wednesday, 24 February, Brothers Grange Community Sports Club, 41 Agincourt Street, Grange.

To book – phone (07) 3221 4300 or email us at law@mlfl.com.au. Payment at the door.

PRACTICAL BACK TO SCHOOL ADVICE

For children of separated families the return back to school is an opportune time to make a plan for children's arrangements, if one is not already in place.

For many children the return to school will be the first school attendance since their parents have separated.

The beginning of the school year provides a good opportunity for separated parents to put together a practical parenting plan. Plans should include school drop-off and pick-up times, extracurricular activities and school holiday arrangements.

If you need assistance with preparing a parenting plan or a consent order please contact us on 3221 4300.

FIXED COST INITIAL APPOINTMENT GIVES CERTAINTY

With anything urgent or serious in your life you speak to an expert – Family Law is no different.

Having assisted over 7000 clients through separation, over almost 20 years, one thing is clear to us – getting Family Law advice early will minimise your stress and costs.

Navigating separation and the surrounding legal issues is stressful so any certainty you can get is a good thing. We have a fixed cost for our initial appointment of \$330 (including GST).



Our initial appointments are 1 hour. If a situation is more involved we will provide the extra time required, without any additional cost – the cost remains fixed. You obtain expert Family Law advice with certainty of cost.

If you are separated or looking at separation please contact us on (07) 3221 4300 for a fixed cost initial appointment.

COST OF COMPLYING WITH A SUBPOENA

In court cases parties may issue subpoenas to people who are not involved in the case to produce documents relevant to the case to the court. When a subpoena is issued to a third party that person may be put to trouble in searching for and gathering together the documents and providing them to the court.

People who are complying with a subpoena are entitled to be paid by the party who issued the subpoena an amount which is sufficient to meet the 'reasonable expenses' of complying with the subpoena. In a recent case, the court considered what would be reasonable 'recompensable expenses of complying with a subpoena'.

Facts: In a property settlement case, the husband issued a subpoena to produce documents to the wife's mother. The wife's mother objected to the production of all but 2 of the documents in the subpoena. The court ordered that the wife's mother only needed to provide a narrow collection of documents

After the decision the wife's mother asked the court to order that the husband pay her costs of compliance with the subpoena or alternatively, her legal costs in bringing the application to set aside the subpoena. The claimed expense was \$21,843.56 consisting of \$20,243.06 in legal fees and \$1,408.00 personal costs of responding to the subpoena and obtaining a report from her medical practitioner and accounting services.

Court Decision: The court found that the wife's mother failed to satisfy the court that the legal fees nor the personal expenditure were 'reasonable expenses in complying with a subpoena'.

With respect to the wife's mother's alternate claim, given the wife's mother was substantially successful in having the collection of documents to be produced narrowed, the court was persuaded that there were circumstances justifying the making of an order that the husband pay the wife's mother's legal costs for her objection to the subpoena. The court ordered the amount payable to the wife's mother was to be agreed between the parties or as assessed by a costs assessor

GLOSSARY

Here are some explanations of common Family Law terms:

- **Affidavit:** a written statement by a party or witness, it is the main way of presenting the facts by a person in court.
- **Consent Order:** an Order approving an agreement between parties in financial matters and/or parenting matters.
- **Contravention:** when a court finds a parent has not followed a court order, that parent has then breached (or contravened) the order.
- **Sealed copy:** a document that has been filed in the court and has a court seal (stamp) on it.
- **Service:** the process of sending or giving court documents to the other party in a case.
- **Subpoena:** a document issued by a court at the request of a party, requiring a person to produce documents and/or give evidence to the court.

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