



**QUEENSLAND
ASSOCIATION OF
COLLABORATIVE
PRACTITIONERS**

THE RESPECTFUL RESOLUTION PROCESS

**The respectful way to
manage
wills and estate disputes**



- ➔ **Reduce conflict**
- ➔ **Keep the inheritance intact**
- ➔ **Maintain control**
- ➔ **Aim to preserve family relationships**

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What is collaborative practice?

Grieving the loss of a loved one while facing a dispute over their estate can be a devastating process for everyone involved. How well you handle the dispute will impact on how well you and your family cope and adjust in the future.

Collaborative practice provides a positive, respectful and supportive alternative to resolve your issues.

Unlike litigation, collaborative practice focuses on working together to resolve estate law disputes without going to court.

The collaborative process offers a way to resolve differences with dignity, respect and privacy.

Whether you are the personal representative (executor or administrator) with the responsibility of protecting the estate, or someone involved in making a claim against the estate, the process can be used to resolve most estate disputes. The process can also be used by a will maker wishing to take preventative steps, by resolving potential future disputes with beneficiaries at the time a will and other succession plans are being formulated.



How does the process work?

In collaborative practice, you, your family members and the will maker or the personal representative for the estate each meet with their respective collaboratively-trained lawyer to discuss the process and identify the issues that are important to each party.

If everyone agrees to use the collaborative process, they and their respective lawyers each sign a collaborative contract (or a participation agreement), which requires everyone involved to:

- Behave in a respectful manner towards each other.
- Be open and transparent and exchange complete financial information.
- Maintain absolute confidentiality throughout the process enabling each person to frankly express their needs and concerns.
- Focus on each family member's interests and needs to avoid legal positioning.

Through a series of face-to-face meetings between you, your family members, the will maker or the personal representative for the estate, the lawyers for each party will offer legal advice and facilitate other professionals (accountants, financial advisers, mediators, psychologists and counsellors) to provide any necessary advice and support to reach an agreement tailored to the needs of everyone involved.

Is my **case** suitable?



Collaborative practice may be an appropriate option for you if you and your family:

- Wish to work together and reach solutions that avoid emotional trauma to everyone involved.
- Are committed to reaching an agreement that is durable and long lasting.
- Believe it is important to create healthy and more holistic solutions for you and your family.
- Understand and embrace the necessity to make full and frank disclosure about financial issues so that everyone can make informed decisions about the estate and their future.

How is collaborative practice different?

Collaborative practice resolves disputes (or potential disputes) by crafting solutions that you determine.

Collaborative practice:

- ➔ **Reduces conflict.**
- ➔ **Keeps the inheritance intact.**
- ➔ **Maintains control.**
- ➔ **Aims to preserve family relationships.**

The collaborative process differs from conventional practices of mediation or going to court in many ways:

- Your differences are resolved with respect, dignity and privacy.
- You and your collaborative team sign an agreement to be respectful, open and honest, and not go to court.
- You and your family decide what is best for you by working together with your respective collaborative lawyers and other professionals.
- You are supported by a team which can include legal, financial and psychological professionals who ensure your agreement is fair for you and your family.

What's the next step?

If you think collaborative practice might be right for you, the next step is to find a trained collaborative professional in your area.

- ➔ Go to '*find a collaborative professional*' at qacp.org.au.
- ➔ Make an appointment to see a collaborative professional.
- ➔ Send this brochure electronically to your family member through the website.
- ➔ Encourage your family member to do the same.



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for collaborative law professionals.**

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