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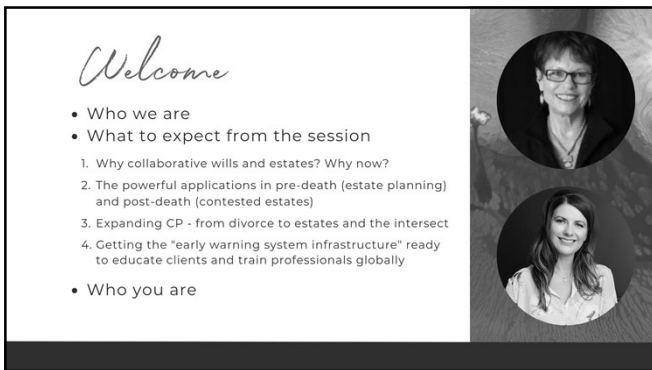
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WHAT SHIFTS NEED TO BE MADE TO APPLY COLLABORATIVE PRACTICE TO TRUSTS & ESTATES?



- Model?
- Clients?
- Financial?
- Mental health?
- Lawyers?
- Other experts?

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*Unlocking taboos*

- Cultural and religious differences when facing death & inheritance
- Unwillingness to talk about death and money
- Procrastination to get affairs in order
- Choice to ignore the potential conflict
- Impact of grief on family members



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*Collaborative wills & estates*

- Can keep long term family relationships in tact
- Can minimise the cost impact on the inheritance
- Can bring a bigger purpose to practice for professionals



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*Wills*  
Pre-death context (estate planning phase as a "preventative" measure)

*Estates*  
Post-death context (disputed estates - further provision applications)

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*What does the team look like?*

The importance of having a multi-disciplinary team when doing multi-party estates work

Selecting the team - mutual neutral or individual - consider timing (at outset / along the way / for a specific task)

What is the role of:

- The mental health professional?
- The financial adviser?
- The lawyer?

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*Other experts*

Consider use of the following:

- Willmaker's accountant
- Support for elder/s
- Specialist valuer (e.g. for businesses or antiques)
- Specialist realtors (e.g. to advise on optimal selling times, mortgage structuring etc)
- Forensic accountants
- Business consultants
- Specialist opinions (e.g. barrister / applicable expert)
- Expert Mediator

Consider timing (e.g. at outset/along the way/for a specific task)

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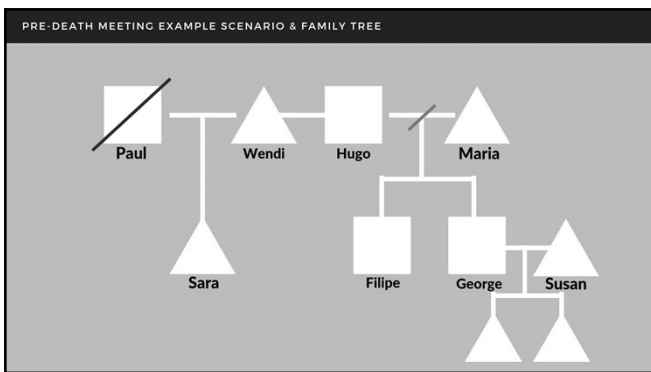
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*Post-death disputes*

- post death make up of the CP team
- how to address different interests without making the team unwieldy
- a post death case example

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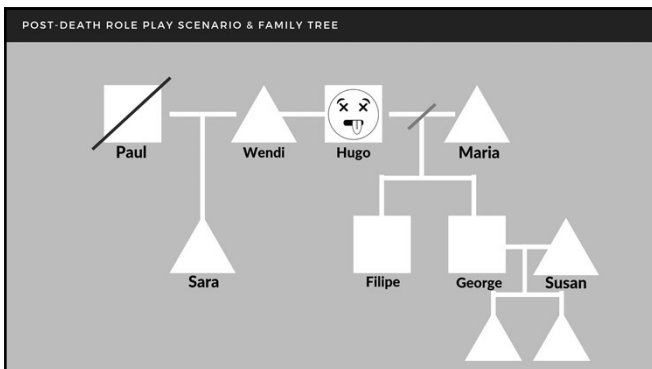
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**EARLY WARNING SYSTEM INFRASTRUCTURE**

**CLIENT EDUCATION**

**MODEL AGREEMENT DEVELOPMENT FOR EACH JURISDICTION**

**TRAINING IN MULTI-PARTY COLLABORATIVE PRACTICE AND MEDIATION**

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## Client Education

create content for your jurisdiction to educate clients about the ways in which they can keep their battle (or anticipated battle) out of court:

- Books
- Brochures
- Articles
- Blogs
- Podcasts
- Media
- Educational seminars
- Social media
- Linked In



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## Your Dispute Resolution Menu

Kitchen Table	Mediation	Collaborative Practice	Lawyer Based Negotiation	Litigation
<p><b>7% SUCCESS</b></p> <p>Very quick if parties agree</p> <p><b>Entirely client driven</b></p> <ul style="list-style-type: none"> <li>• If agreement reached, should be formalised</li> </ul>	<p><b>85% SUCCESS</b></p> <p>Usually 1 day but late-stage in court proceeding</p> <p><b>Client &amp;/or Professionally Driven Interest Based &amp;/or Positional Bargaining</b></p> <ul style="list-style-type: none"> <li>• Often 1 mediation event</li> <li>• Potential pressure on clients to make quick decisions</li> <li>• Can create win/lose outcomes</li> <li>• May be under threat of litigation</li> </ul>	<p><b>88-96% SUCCESS</b></p> <p>3 - 6 months</p> <p><b>Client Driven Interest Based</b></p> <ul style="list-style-type: none"> <li>• A series of meetings 3-6 months</li> <li>• Pace set by clients</li> <li>• Information openly gathered and exchanged</li> <li>• No threat of litigation</li> <li>• Involvement of non-legal professionals</li> <li>• Focus on 'win/win' outcomes</li> </ul>	<p><b>7% SUCCESS</b></p> <p>Variable time frame</p> <p><b>Lawyer Driven Positional Bargaining</b></p> <ul style="list-style-type: none"> <li>• Clients removed from process</li> <li>• Focus on win/lose outcomes</li> <li>• No predictable end to negotiations</li> <li>• Often a precursor to mediation or litigation</li> </ul>	<p><b>WIN/LOSE SUCCESS</b></p> <p>Can take years</p> <p><b>Lawyer/Court Driven Win/Lose</b></p> <ul style="list-style-type: none"> <li>• Fees are very high</li> <li>• Creates opponents</li> <li>• Emotional toll</li> <li>• Negative effect on family relationships</li> <li>• Long time frames</li> </ul>
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### 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:

- 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](#)
- ☐ 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.

**QUEENSLAND ASSOCIATION OF COLLABORATIVE PRACTITIONERS**  
Queensland's leading association for collaborative law professionals.

**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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