



# Family Matters

THE NEWSLETTER OF BERRY FAMILY LAW: WINTER 2019



**We are proud to introduce you to our longest serving “team”.**

Michael Lipshutz and Leanne Portelli have worked as a very efficient team since 2007.

During that time Michael has become a grandfather (a number of times) and Leanne has been married and had a baby girl. Michael regards Leanne as indispensable and was very glad to have her return to work after her maternity leave. Leanne puts up with Michael’s jokes!

Leanne joined the firm after attending university and has grown in her knowledge of family law over the past 12 years, such that Michael regards her as the first port of call for his clients.



Berry Family Law

Melbourne 552 Lonsdale Street, Melbourne Tel: (03) 9397 2488 Fax: (03) 9600 1419  
Williamstown 162 Ferguson Street Williamstown 3016 Tel: (03) 9397 2488 Fax: (03) 9399 9006  
Email [admin@berryfamilylaw.com.au](mailto:admin@berryfamilylaw.com.au) Web site [www.berryfamilylaw.com.au](http://www.berryfamilylaw.com.au)

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## A dozen thoughts on controlling legal fees

- 1 If you are providing us with documents, copy or print the documents yourself. Otherwise you will incur charges for copying and/or printing the documents.
- 2 If you collate the documents into order it will save your lawyer's time and your money.
- 3 While we are happy to receive emails and correspondence from you, avoid sending us voluminous amounts of emails or documents attached to emails as you will incur charges for us printing the documents. You will save money by printing the documents yourself and sending them by mail to our office, or bringing them in when you next visit.
- 4 Each attendance by our professional staff is charged in 6 minute units. If you want to discuss something, plan first and then make a list of what you want to discuss, rather than contacting us every time you think of something. One attendance, rather than numerous attendances is less expensive for you.
- 5 The more time you spend with one of our professional staff the more your costs will be. If you can be brief and succinct it will be less expensive for you. Do your homework before we meet.
- 6 Don't be afraid of issuing Court proceedings. Very often it is less expensive to issue Court proceedings and progress your legal matter rather than going back and forth to the other side. It is very often less expensive to just issue Court proceedings. If the other side is not co-operative they will be forced through the Court system to do things promptly.
- 7 Ethically we are required to respond to a reasonable request made by the other side. No lawyer, unless they cease acting for you, can ignore correspondence from the other side. So even though you may feel that you do not wish to respond to the other side, we are ethically required to at least acknowledge their correspondence and inform them that we are awaiting further instructions.
- 8 If there is more than one party to the action (rather than just your partner) your costs may increase. There is now an additional party to correspond with.
- 9 Most of the significant costs are incurred when a matter moves to a final hearing. Before that step is reached, we do whatever we reasonably can to settle your matter, only on your instructions and where the outcome is within a fair range.
- 10 If the other party is not co-operative, delays or is obstructionist, this can increase your costs. If however, the other party is reasonable, then we can usually settle the matter quickly and with reasonable costs being incurred.
- 11 There are some legal firms that are very difficult to deal with, some are combative, unreasonable or their firm's culture is to "fight every point". If your partner consults one of these firms, then your costs will increase.
- 12 Listen carefully to the advice we can provide. Our preference is to resolve your matter as soon as possible. We know our clients are happy when they settle quickly. Happy clients are good clients.

## The things to do if you have just separated

- Consider contacting your bank or financial institution by facsimile or email to stop joint funds from being removed or liabilities increased.
- Look at your Will and consider if it is still appropriate. If you do not have a Will consider having one drafted.
- Ensure any Powers of Attorney are revoked and have appropriate ones drafted.
- Consider whether your nominated death beneficiary for your superannuation entitlements is appropriate.
- Photocopy all of your and your ex's financial documents and put them in a secure location (this should not be in your home or motor vehicle).
- Contact the Child Support Agency and find out how much is to be paid or is payable.
- Do title searches on your properties. If your home is in your ex's name or it is held as tenants in common ensure that you place caveats over the properties. If your property is held jointly consider severing the joint tenancy.
- If there has been family violence in the relationship seek an Intervention Order.
- Start a diary which keeps track of time with the children and any adverse behaviour of your ex.

**Most importantly, seek advice from an experienced Family Lawyer.**

**Peter Berry** Consultant

**James Turnbull** Partner LL.B ASLIV B App Sc Accredited Family Law Specialist

**Sanaz Naimi Roshan** B.Sc LL.B Accredited Family Law Specialist

**Lisa Collier** BA LL.B (Hons) Accredited Family Law Specialist

**Arna Bingham** B.Bus LL.B GDLP Accredited Family Law Specialist

**Andrew Johnston** BA LL.B LP Accredited Family Law Specialist

**Michael Lipshutz** OAM LL.B AIAMA

**Bernadette Johnston** BA LL.B Special Counsel

**David Hanlon** LL.B

**Valerie Yiannikopoulos** BA LL.B GDLP

**Jessica Black** BA LL.B GDLP

**Ernie Woolf** LL.B (Hons) Consultant

**Radu Catrina** BA (Hons) LL.B GDLP

**Ema Stefanovic**

