

The Respectful Way to Manage Wills and Estates Disputes

Reduce conflict.

Keep the inheritance intact.

Maintain control of the outcome.

Aim to preserve family relationships.



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. Traditional court litigation is costly, stressful, and can destroy family relationships.

But there is a better way.



Collaborative practice provides a positive, respectful and supportive alternative to resolve disputes over inheritance. 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 at your own pace.

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 in an amicable way.

How does the process work?

The process starts by each family member (and the personal representative of the estate) speaking to a collaboratively trained lawyer and to a communications coach to discuss the process, assess suitability, and identify the issues that are important to each party.

If everyone agrees to use the collaborative process, then all family members and the professional team sign a collaborative contract (or a participation agreement), choosing to resolve the dispute without court litigation.

The professional team will then work with your family to arrange a series of meetings (face-to-face or virtual) to:

1. Agree on the issues to be resolved and understand each person's goals;
2. Gather the financial and other information needed so that informed decisions can be made;
3. Receive transparent legal and financial advice; and
4. Explore settlement options, facilitate resolutions and document agreements reached.



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, long lasting and meets everyone's needs into the future;
- Believe it is important to create healthy and more holistic solutions for you and your family; and
- 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?



Instead of engaging in a protracted conflict with costs risks and uncertain outcomes in an adversarial court process, Collaborative Practice resolves disputes by crafting solutions that you determine.

Collaborative Practice:

- Reduces conflict;
- Keeps the inheritance intact;
- Allows your family to control the outcome; and
- 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 includes lawyers, a financial neutral and a communication coach, 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.

- Share this brochure with your family members.
- Make an appointment to see a collaborative professional from those listed as wills and estates professionals on the AACP website www.collaborativeaustralia.com.au/wills-and-estates
- Encourage your family members to do the same.

The collaborative professionals you choose will then help you with next steps.

