



BEST PRACTICE GUIDE FOR LEGAL REPRESENTATIVES AT LEGAL AID WA FAMILY DISPUTE RESOLUTION

This is a best practice guide for lawyers representing clients at a DR conference. It is important to ensure parties and their legal representatives come to DR conferences prepared to have respectful, child and future-focused discussions.

Preparing for a DR conference

Once all parties have agreed to participate in DR and screening/assessment has occurred, legal representatives will be allocated to those in receipt of a grant of aid. Thereafter, you will be contacted by a DR administrator ('DRManager'), via DRManager@legalaid.wa.gov.au, to discuss conference dates. During this scheduling period LAWA expects that legal representatives will attend to the following:

- Provide the DR Unit with required documents

It is a requirement that you provide the DRManager with current copies of violence restraining orders, or any protective bail orders in existence. Ongoing assessment and maximisation of client safety is paramount, for which these documents are required. Conferences will not be scheduled until this information (if in existence) is received.

In property matters, LAWA requests that the Screening Guide (Legal Representatives) and Summary Agreement, signed by both you and your client, are forwarded prior to scheduling. In signing this document your client confirms that they have complied with their duty of disclosure, relevant to negotiation of the issues in dispute resolution.

Please ensure that your client brings any supporting documents (such as bank and/or credit card statements, superannuation statements, property appraisals/valuations and evidence of income) to the conference. These documents are requested to make sure, as far as possible, that all parties make full and frank disclosure, and have the information they require to negotiate a financial settlement at the conference.

You are required to provide the DR Manager with the following completed documents:

- In children's matters - no less than 2 working days prior to the conference date:
 - Preparation Form, drafted by you on behalf of your client
 - Summary Agreement signed by your client and witnessed by you;
 - Screening Guide (Legal Representatives) for dispute resolution.
- In property matters – prior to scheduling:
 - Summary Agreement signed by your client and witnessed by you;
 - Screening Guide (Legal Representatives) for dispute resolution.
- In property matters – 2 working days prior to the conference date:
 - Preparation Form, drafted by you on behalf of your client (property and children's matters).

- **Correspond with the other party**

LAWA expects you to correspond with the other party to notify them of your involvement and to exchange disclosure (reports relating to a child in children's matters. Property matters, see above).

You are required to exchange, with the other party and the conference chairperson, your client's completed conference Preparation Form, to which a Minute of Orders Sought may be attached, no less than 2 working days prior to the conference commencing.

- **Have a discussion with your client prior to the conference date**

You must meet with your client prior to the conference date to take instructions and provide legal advice. It is important that your client is prepared for the conference and as such, LAWA recommends the following:

- Check your client knows the conference time, venue, format and safety plan (if there is one) Identify your client's needs and interests, including any safety concerns
- Explore the needs and interests of others involved in the dispute, including the other party, the ICL and the best interests of the child/ren.
- Reality test your client's proposals with reference to practical considerations.
- Explain the benefits of resolving their dispute at DR and encourage your client to explore various options for settlement.
- Describe the roles of all participants in the conference including:
 - The chairperson as facilitator
 - Each client's role as decision maker
 - Your role as 'supportive professional participant' (see further below); and
 - The ICL's role to act in the best interest of children (if applicable)
 - referrals to non-legal support centres if required.

Attending a DR conference with your client

You must attend at the conference in person with your client and remain with your client during the entire period for which the conference is scheduled. If you are in a remote location or there are particular safety issues, then DR staff may have arranged for you and your client to participate by way of video link up.

It is important that legal representatives facilitate their client's participation in the process and that clients own any agreement reached.

LAWA encourages legal representatives to be 'supportive professional participants'. This role is legal and non-legal and may involve:

- providing legal advice
- supporting your client to communicate their interests
- reality testing proposed agreements
- working with the chairperson to focus on the best interest of the child
- drafting or assisting the other lawyer to draft any agreement reached.