

Phillips | Family Law Bulletin

Focussed legal representation gives fast results



In a legal system that can see clients litigating for 2 years, we recently succeeded in having a claim against our client dismissed entirely - and at the very first court event.

We invested in a tactical and focussed approach — early in the case. We focussed on a jurisdictional argument that may ordinarily be overlooked. We knew the argument was sound and that the case should be dismissed. However we recognised that the Judge would need to be convinced in order to make this difficult decision. So we engaged the best Counsel to assist in the advocacy on the day.

The Court was convinced. The claim against our client was dismissed. And (in a court where it is extremely unusual to get a costs order) he was even invited by the Court to consider making a claim for costs against the unsuccessful party. The client was extremely pleased and we refunded money to him that he anticipated having to spend on the litigation.

The value of initial investment in thorough, tactical and focussed legal representation cannot be underestimated.

[Sarah Bastian-Jordan, Senior Associate](#)



Case in Point - Relationship assets and future tax payable – “Crystal Ball gazing”?

In *Rodgers & Rodgers* [2016] FamCAFC 68, the Full Court considered the issue of whether it was appropriate to deduct the total future tax payable by a company owned by the husband and wife in determining the value of the parties’ net assets to then be divided between them as part of their final property settlement.

The parties’ assets comprised real property, chattels, an investment trust and a successful tourism business that was operated through a company/trust structure.

At the first hearing of the matter, the Trial Judge determined that the net value of the property of the parties (including their superannuation interests) was approximately \$4.9 million. However, the Trial Judge refused to

take into the total future tax payable by the company through which the parties' ran their business (a business which the husband was to retain as part of his final property settlement). The Trial Judge instead considered the fact that the husband would be responsible for the tax in determining if any adjustments needed to be made to the parties' respective property settlement entitlements to account for their 'needs' in the future and to ensure a fair settlement for each party. In doing so the Trial Judge stated that, "... *the business has been able to manage this payment to date. It is a matter I take into account in assessing any adjustment that may otherwise be made in the wife's favour*".

To read the full article, click [here](#)

Rebecca O'Brien, Associate



Training on the mindful way through stress

Recently the Phillips Family Law team were fortunate to have Cameron Aggs (M.Clin.Psych), who is one of Australia's leading mindfulness training specialists, visit our office to speak to us about the mindful way through stress.

The learnings from Cameron's workshop are relevant for all professionals dealing with stress and stressed clients to promote real-time stress reduction and better decision making.

Cameron's visit to our office came at a time when many of our team were particularly stressed and busy and within minutes of learning his "4-Breaths" technique, there was a renewed sense of calm around the office.

To read the full article, click [here](#)

Fiona Caulley, Senior Associate

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