

# Keeping civil in relationship breakdowns

The breakdown of a long term relationship – especially when there are children – can unleash a firestorm of emotions that may lead to destructive behaviours and outcomes.

Among these are punitive actions over custody issues that can damage the children of the relationship.

A settlement process that is unnecessarily drawn out can also wipe out communal assets.

Seeking quality legal advice early on in a relationship breakdown can be a significant step to minimising or avoiding both those outcomes, according to Nabil Wahhab, an accredited specialist in family law at Sydney's York Law.

"We strive to resolve our clients' matters quickly and cost effectively," he says. "We understand the emotional and financial stress that separation causes and are committed to resolving cases as soon as practicable so that our clients can move on with their lives."

"York Law's approach to clients' separation is to provide holistic advice and a path. We do this by getting to know the client and their estate planning needs."

"A financial settlement is one that strives to protect and enhance a client's estate plan. A financial settlement is not about 'cutting the cake'. The focus is on 'how to cut the cake' so as to cause least collateral damage."

Wahhab has practised in family law for almost 20 years and his extensive experience includes having acted in cases involving intractable conflict, and those involving sexual abuse. He advises and represents clients on complex financial matters involving trusts and companies.



Family law specialists strive to help clients resolve matters quickly, cost-effectively and with a minimum of distress. Photo: Shutterstock

That can mean partnering with other professionals – notably a client's financial adviser, estate planning expert, accountant and commercial lawyers – to work out a solution geared to maximising a client's financial position after relationship or marriage breakdown.

"Those advisers are integral to and form part of the solution," Wahhab says. "We look for solutions outside the box; to minimise our clients' emotional and financial stress that separation and marriage breakdown brings."

A trained mediator, he is on the panel of

Independent Children's Lawyers, which represents children in Family Law matters, and is a member of the Family Law section of the Law Council of Australia.

He is keenly aware that not all parties may feel equal in negotiations and may feel intimidated in the face of the other party's greater grasp of financial or other key matters. "Our duty of care is to make this information more easily accessible to clients and act in their best interests to use this information to their best advantage in negotiations," he says.

"Where clients feel in a 'lesser' position

because they have not, say, been in control of the finances or know a lot about them or have been physically controlled or abused, they may not feel capable of standing up for themselves to get a fair outcome. We are there to help guide the process."

"Another key part of our role is to manage expectations. Some people go into the negotiation with unrealistic ideas of what is do-able within the scope of the law."

"We are able to guide these expectations so they don't make claims that will never be realised and end in disappointment or disaster for all concerned."

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