

HUSBAND PAYS ALL OF WIFE'S LEGAL FEES

We originally represented the wife in relation to a divorce and a final Separation Agreement. One of the terms of that Agreement was that if either party breached the Agreement, and the other spouse had to spend money on a lawyer to enforce the Agreement, the other party would have to pay all of the legal fees of enforcement.

Our client came to us for help to enforce that Separation Agreement. The husband did not live up to his obligations under the Agreement and although effort was made to settle the matter outside of Court, the husband was not receptive and we had to make several Court Applications to enforce the Agreement. We were successful at Court and the husband was ultimately forced to live up to his end of the Agreement AND he had to pay all of our client's legal costs for making our client go to Court in the first place.



It is always important to live up to your agreements. But having everything in writing and a clause requiring the other side to pay your lawyer's costs can turn out to be a real saving in the event of a dispute.

FOCUS FOCUS FOCUS

Our client had lived with a woman for about 10 years in a common law relationship. When they separated, the woman claimed half the value of the property and spousal support. Matters quickly escalated into a lot of conflict.

Our client had originally retained a lawyer to defend the action. They had attended Court on several occasions, and the lawyers had conducted Questioning under oath of each of the parties. However, no progress was made and tensions were increasing. The client decided to switch lawyers.

We met with the client and developed a strategy from start to finish. The law in this area is very complicated, particularly around property rights for

common law couples. We explained the law to our client so that we could focus on each of the elements needed to prove his case.

We were initially met with significant resistance when the lawyer for the woman announced he did not care what the law said, it should be changed and he would take the matter all the way to the Supreme Court of Canada!

Despite the number of setbacks, we remained focused on our strategy and worked hard to have the matter resolved without going to Court. In the end, we negotiated a settlement where the woman received no property and a relatively modest lump sum spousal support amount.

Although family law disputes can take dips and turns unexpectedly, having a strategy and remaining focused will usually win the day!



Humour



A man complained about two unhappy marriages. His first wife divorced him and his second wife wouldn't.

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Jill went to the bank and applied for a loan. "I want a loan, I'm going to divorce my husband."

"Oh, we don't give loans for divorces" said the manager, "We make loans for appliances, automobiles, businesses, home improvements..."

Jill interrupted and said, "Well, this is certainly a 'Home Improvement'."

## BALBI L.A.W. (LEGAL ADVISORY WORKSHOP) SEMINARS

Recent Balbi L.A.W. (Legal Advisory Workshop) Seminars include the following:

**"New Year's Tune Up." Covers a number of topics. Hosted by Lonny Balbi with guest speaker Sheila Cameron.**

**"Domestic Violence." Hosted by Tera Yates.**

**"New Rules on Child Support Recalculation." Hosted by Ceri Chwieros & Angel Kerr.**

**"What the Heck do we do with Debt?" Hosted by Ceri Chwieros.**

**"Mediation/Arbitration: What is it? Is it right for me?" Hosted by Lonny Balbi, QC**



If you missed any of our recent seminars, we have posted these archived recordings on our web site at [www.familylaw-balbi.com](http://www.familylaw-balbi.com).

Go to the **Balbi L.A.W. Seminars** page to listen to any of the saved seminars.

Information about the Seminars, including dates, topics and call-in

numbers, is sent to you via email. If we don't have your email address and you'd like to be added to our distribution list, please forward your email address to [balbico@familylaw-balbi.com](mailto:balbico@familylaw-balbi.com), or call 403.269.7300.

## EXTERNAL RESOURCES

### Family Law Information Centre Family Justice Services

General Info: 403.297.6981  
Information can also be accessed through the internet under Court of Queen's Bench Calgary.



## ANNOUNCEMENTS

### New Lawyer

We wish to welcome the newest member of our firm, Lily Rabinovitch. Lily was part of the winning team for the Blackstone Debates final (a mooting and debating competition which hones formulation of argument). Lily also volunteers at the Calgary Immigrant Women's Association.

### Welcome Back!!

#### Jackie

We would like to welcome back Tera Yates' legal assistant, Jackie Fralick, who has been away on maternity leave. Congratulations to the new Mom!

#### Ronnie

You may not be aware of it, but Lonny's paralegal, Ronnie, was diagnosed with Lymphoma early this year and has been away undergoing chemotherapy. We are pleased to report that she is now in remission and has returned to the fold!

*To unsubscribe from our e-mail, please notify us at [balbico@familylaw-balbi.com](mailto:balbico@familylaw-balbi.com)*

## CAST & CREW



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