

BALBI

& COMPANY

LEGAL CENTRE

Family Law

Lawyers

NEWSLETTER

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HANDLING EMOTIONS BY BEING SMART

Often one of the biggest hurdles to a financial settlement in a divorce is a lack of trust between a former husband and wife. These emotions can undermine settlement negotiations and may mean that a logical or even generous settlement offer will be rejected.



In a recent case, the wife claimed our client had significant hidden assets. He provided his full financial disclosure and identified how he paid for all their assets, but the wife was still unwilling to accept this and would not settle. She continued her accusations both legally and to him personally. It came to the stage that the next step was a trial: even though the entirety of property to settle was under \$60,000. Although our client was anxious to settle, our plan was to put the onus on the wife. We waited: would she spend the money and take the time and risk to push it to trial, while many assets continued to depreciate? After a suitable time, we then re-started the

settlement negotiations with a "Formal Offer of Settlement". With a Formal Offer, if the matter proceeds to Court and if the Court's award is the same or beats that offer, the unsuccessful party has to pay "double costs". This can have expensive consequences and is a good way to kick start negotiations. This strategy was successful and the parties were able to resolve the matter with a few more tweaks, and without a trial. It is also a good reminder that the emotional impact of separation has to be addressed for the most cost effective and best settlement to be reached.

RELOCATION ALLOWED IN RECORD TIME

We recently represented a mother who wished to relocate with her child across the country. Relocation is one of the most difficult areas of family law because of the tremendous impact it has on everyone involved, and it is also a difficult area of the law. Put simply, what is in the best interests of the child will prevail.



Because it is such a difficult issue, negotiation in relocation cases is not often successful and although we tried, this case proved insurmountable. We suggested a binding Judicial Dispute Resolution with a Court of Queen's Bench Judge ("JDR") and the other side agreed. Because attending a binding JDR is voluntary, we were fortunate enough to have a lawyer on the other side recognize its benefits as well.

One of the main advantages to a JDR is that you are able to choose your Judge. In this case, we were fortunate enough to be in a position to choose a very experienced Judge with a family law background, and we were successful in our application. Our client was allowed to relocate just over one month after the JDR was held, and just after four months of retaining our services.

Although the Judge ultimately had to make the decision about the relocation, the same Judge also helped us consent to ongoing child support and draft a comprehensive Parenting Order for the next three years.



HUMOUR



Did you hear they just released a new Barbie doll called "Divorced Barbie"? It comes with half of Ken's things and spousal support.

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Have you heard about the lawyers' word processor? No matter what font you select, everything comes out in fine print.

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

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

**"I've Lost my Job What Now?" Hosted by Ceri Chwieros.**

**"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

### **Alberta Government Resolution Services (Formerly Family Justice Services)**

The *Parenting After Separation* (PAS) Course is now offered online as an eCourse. You can register at the following website: [albertacourts.ab.ca](http://albertacourts.ab.ca). There is no cost to complete this eCourse.

The *Court of Queen's Bench of Alberta* is located at 601 – 5<sup>th</sup> St. SW, Calgary, and can be reached at 403.297.7538. Information can also be accessed through the internet under [albertacourts.ca](http://albertacourts.ca).



## ANNOUNCEMENTS

### **Check Out Our New Website!!**

We are excited to announce the upcoming launch of our new website later this month.

You will find our new look in the same great place... [familylaw-balbi.com](http://familylaw-balbi.com)

Our new design is pleasing to look at and easy to navigate. Find quick and easy answers to your questions, like How can we help you? and Where do I start?

The website has great new features, including a Client Portal and News and Updates page.

Also, get to know us better with our new lawyer profiles and our client commitment segment. Keep an eye out later this month for our new look!



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

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