

**BALBI
& COMPANY
LEGAL CENTRE
Barristers, Solicitors
Notaries/Mediators**

NEWSLETTER

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SMALL WIN IS A BIG WIN TOO

We represent a diverse range of clients in Family Law matters. We like to report our successes, whether big or small. A recent case explains one of our smaller victories, but an important one just the same for our client.

We represented a 71-year-old woman who was divorcing her husband after 49 years of marriage. Each of the husband and wife received incomes from the Canada Pension Plan, Old Age Security and a private pension. The husband took the position that some of his private pension was exempt (as it was contributed to prior to the marriage) and therefore, he did not want to share that portion of his pension. We took the position that after a 49-year marriage, the pension income should be divided equally between the spouses.

At Court, the Judge agreed with our position and ordered an equal division of all income. Furthermore, the

Judge ordered that the husband pay costs to the wife because of the reasonable offer of settlement made by the wife prior to the Court hearing.

Although the actual dollars awarded were not that large, the victory to our client made a big difference in her standard of living. Pensioners need protection too.



LONNY AS ARBITRATOR

Lonny Balbi recently completed the University of Calgary Arbitration Certification Course. He is now a qualified arbitrator. Together with his mediation training, these two areas help clients resolve matters on a cost-effective basis.

Mediation is a voluntary process where parties to a dispute attend before a mediator and the mediator helps the parties negotiate a settlement. However, sometimes settlement cannot be achieved. In those cases, the parties may agree to having an arbitration conducted whereby the arbitrator will provide the parties with a binding decision. This is similar to a Court process, but is generally available at less cost and is much faster than the Court process.

If you are interested in learning more about mediation or arbitration, please call Lonny at 269-7300.

WELCOME TO CERI

We are pleased to welcome Ceri (pronounced Kerrie) Harden on board as our newest associate lawyer. Ceri received her BA Degree (with distinction) and her Law Degree from the University of Alberta in 1997. She loves the practice of Family Law and is excited to join the firm. Ceri will be happy to answer all of your questions in this area. Welcome aboard!

SAVING FACE

One very important aspect in any negotiation is to understand the other side's viewpoint and acknowledging their concerns. Sometimes, people get stuck in a certain position and if they change that position, they will be embarrassed. It is important to understand their position and help them "save face".

We were recently involved with a four-way settlement negotiation where we represented the husband who was seeking joint custody of his daughter. His wife insisted on sole custody.

After negotiating the matter for some time, we realized that the wife needed to have the word "sole" custody otherwise she felt that she was an inadequate parent. We then agreed to sole custody, but we gave those words a definition which really amounted to joint custody. This solution allowed the wife to save face but it

gave our client substantial parental rights.

Understanding the subtle aspects of negotiation helps us settle matters in an effective way for our clients.

→→ FREE STUFF!!! ←←

Articles: Divorce Magazine, Spring 2000 Issue:

1. *Second Time Lucky (Some tips to help ensure a long and happy "second time around" marriage).*

2. *The Myths and Realities of Marriage Contracts (A look at the top ten myths - and then the realities - about marriage contracts in Canada).*

For free copies of articles:
☎ 269-7300



CAST & CREW

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