

# National Conference 2023

## Workshop Information



### Workshop A:

Friday PM

#### CGT and divorce - out with the old and in with the new

*Speakers: Rebecca Fisher and Tim Gillett*

From 6 April 2023 there is a new rule book for CGT on divorce – the proposals are sweeping and significant.

In this workshop we will look at an overview on the new tax rules and provide an understanding of which rules apply to your client.

We will also discuss signposting your client for specialist tax advice and question whether there are still any tax traps on divorce?

### Workshop B:

Friday PM

#### An afternoon of debate co-hosted by 29 Bedford Row and 1 Kings Bench Walk

*Speakers: TBA*

29 Bedford Row and 1 Kings Bench Walk are delighted to co-host an afternoon of debate.

Three teams to test and tease arguments for and against three topical issues:

1. This house believes that financial remedy awards should be determined by a formula.
2. This house believes “common law” partners should have the right to bring financial claims on separation
3. This house believes that mediation should be compulsory for all those intending to issue Children Act proceedings.

### Workshop C:

Friday PM

#### How to work with resistance and influence people - a Motivational Interviewing Masterclass

*Speakers: Annmarie Carvalho*

Working with resistance from both our clients and other lawyers is the trickiest part of our job. Often, the temptation is to tackle such situations head on. But what if we could learn to deal with such situations in ways that are more subtle, more effective and better for our wellbeing?

In this interactive session, Annmarie will introduce you to psychological ideas from Motivational Interviewing which will change how you work with resistance and ambivalence. As well as learning how to use empathy, active listening and open questions, you'll also practice more advanced MI skills of eliciting clients' own positive motivations, encouraging 'change talk' rather than 'sustain' talk and planning and reality testing with clients in an MI-consistent way.

## **Workshop D:**

**Friday PM**

### **The Training & Learning Committee Debate: No order as to costs: an excuse to behave badly?**

*Speakers: Justin Warshaw KC, Elizabeth Darlington, Rebecca Carew-Pole KC and Duncan Brooks*

Hosted by the Training & Learning committee, this debate explores whether the "no order as to costs" rule militates against early settlement in financial remedy proceedings.

The costs rules recognise that marital breakdown is a misfortune affecting both parties. However, are the current rules fit for purpose?

Should a costs order reduce a financial award below a party's assessed needs (WC v HC [2022] EWFC 40)? Do "people who engage in litigation need to know that it has a cost" (WG v HG [2018] EWFC 84)? Has the time come to radically overhaul the costs regime beyond the mere re-introduction of Calderbank offers? If so, how?

## **Workshop E:**

**Friday PM**

### **Bridging the Gap – Legal & Non-Legal Member Collaboration**

*Speakers: Laura Rosefield, Katherine Harding, Sushma Kotecha, Tamsin Caine, Lesley Edelstein, Tom Nash*

Resolution's newly initiated Working Together Group, are running a panel style workshop, to discuss the when, where, who & how, legal & non-legal members can collaborate, working together to support a client's fullest of needs.

In this workshop we will explore how Lawyer, Mediator, Financial Planner, Supervisor & Divorce Coach, can bridge the gap and bring together a full support service, offering a combination of legal, financial, emotional, & practical resources all in one place.

## **Workshop F:**

**Saturday AM**

### **Practical Tips for junior lawyers in high conflict children cases**

*Speakers: Tammy Knox, Polly Dallyn, Anita Mehta, Nicola Logan*

The Chairs of East and West Sussex YRes, Nicola and Polly, have teamed up with Tammy, Chair of the Children Committee and Anita to present this interactive workshop providing practical tips for junior lawyers working on high conflict child matters. We will discuss proactive points to consider at the outset of a matter, and strategic steps before opening up the floor for questions based on challenges you may have faced when working on high conflict cases. It will be a safe space for junior lawyers (although all levels are welcome) to share concerns openly and ask any questions they have.

## **Workshop G:**

**Saturday AM**

### **Getting it right for children, How can we do things better? With FJYPB**

*Speakers: Claire Colbert and Maura McKibbin*

The Parenting After Parting Committee will facilitate a workshop with the FJYPB covering:-

1. Impact on children and preventative steps
2. Top tips for separated parents/lawyers that work with separating parents
3. Language and the impact that this has on outcomes when working with families.

## **Workshop H:**

**Saturday AM**

### **What do we know about ethnicity in the family justice system**

*Speakers: Beverley Barnett and Charlotte Edney, Nuffield Family Justice Observatory*

In 2022 the Nuffield Family Justice Observatory published the first comprehensive analysis of ethnicity using National administrative data. This demonstrated the presence of disproportionality and disparity in the presentation of Black and other minority groups in the system, raising questions as to how justice is experienced through a 'race' lens. We will review previously published data, share new data insights on what we know about the impact of ethnicity on key stages of a journey through court. The workshop will share activities around making justice equal, supporting an anti-racist family court and anti-racist practice.

## **Workshop I:**

**Saturday AM**

### **How can we work more sustainably?**

*Speakers: Melanie Bataillard-Samuel, Jo O'Sullivan, Christian Risoli*

As the world turns its attention to the increasingly urgent issue of climate change we want the legal profession to do so too. This is also something clients are increasingly see as an important factor in who they chose to represent them. We have come a long way adjusting to new ways of working in a post-covid era. As we continue to make those adjustments, opportunities are arising to improve the way we work.

At this workshop an Environmental Consultant will help provide ideas and support aimed both at how firms can be more sustainable and how we can take individual responsibility in how we work and practise to be more environmentally friendly too.

## **Workshop J:**

**Saturday AM**

### **How to Resolve Cases, including difficult cases Out of Court**

*Speakers: Tristan Harvey, Tamsin Caine, Adele Ballantyne, David Emmerson*

The workshop aims to run through the options that are available to a client when deciding to resolve the issues that arise on a relationship breakdown and how each may help a client. The panel will discuss how issues such as wellbeing, domestic abuse, disputed valuations, power imbalances, unwillingness to disclose and complexity can be addressed by the differing processes of dispute resolution and the benefits of involving other family issues practitioners. Also, what happens when you get stuck in discussions, whatever method is being used. How can you move resolution forward. How do we deal with colleagues who represent the other party who are struggling to be code compliant.

## **Workshop K:**

**Saturday AM**

### **Cohabitation – running a TOLATA claim from first meeting to final hearing**

*Speakers: Graeme Fraser; Samara Brackley, Simon Sugar, Sarah Marchant, Benjamin Pitman*

This workshop will take you through the lifetime of a cohabitation claim, focusing on how to make or defend an application under the Trusts of Land and Appointment of Trustees Act 1996. This will cover procedural points, the interaction with Schedule 1 of the Children Act 1989, accounting issues, orders for sale and some specific issues to consider in the current climate. The workshop will be case study based and led by solicitors and barristers to provide both points of view on how to prepare for each stage from being instructed by a client right up to the final hearing.

## **Workshop L:**

**Saturday AM**

### **A Practical Guide to Pensions on Divorce**

*Speakers: Sarah Hoskinson and James Copson*

This workshop will provide an overview of key practical points when dealing with pensions on divorce – disclosure, elements of procedure, when to get an expert.

We will also look at some case studies to review how to deal with cases in practice, the Pensions Advisory Group Report – upcoming PAG2 and Offsetting and Galbraith tables and what do they mean?

## **Workshop M:**

**Saturday PM**

### **Specialist Accreditation: how to obtain it and take your career to the next level**

*Speakers: Daniel Gornall, Louise Buttery*

Resolution's Specialist Accreditation is a mark of excellence for those working across various areas of family law.

This workshop will detail the journeys of both a Family Lawyer and Financial Adviser in their route to becoming Accredited Specialists and how they have used it to further their careers.

We will also discuss the benefits of collaborating with other professionals and the value it can add to clients going through separation and divorce.

Whether you are considering working towards Accredited status, or have already achieved it, this is a workshop not to miss.

## **Workshop N:**

**Saturday PM**

### **Non-legally binding marriages: National and international perspectives in practice**

*Speakers: Graeme Fraser, Nazia Rashid, Ms Khola Hassan*

Non-legally binding marriages have been a key issue for family law practitioners dealing with religious divorces, mainly between Muslim couples. This workshop aims to broaden understanding of this practice, and focus on how recent academic findings might intersect with family law in practice, and ways in which the impact of 'non-qualifying ceremony' status might be minimised. Nuffield Foundation funded research will be covered by leading academics. The interaction between non-legally binding marriages and cohabitation status for these couples will be explored. International lawyers will provide insight on how to prepare for obtaining shari'a divorces in the UK and abroad.

## **Workshop O:**

**Saturday PM**

### **What Mediators need to know about legal aid family mediation contracts**

*Speakers: Rebecca Hawkins and Claire Webb*

Common audit problems, returning clients, zoom versus face to face. Supervision, the PPC's role and how to manage it all, end of year reporting and the annual change of codes dance! Plus Q&A and general information on applying for and managing legal aid mediation contracts