

These include sections on the Good Practice Guides, including the excellent Guide on Correspondence (which I always make our trainees read!). In the “Standards and Complaints” section there is an excellent toolkit for dealing with complaints in our practices and a separate toolkit to provide us with support if someone makes a complaint about us to Resolution.

I for one would confess that I haven’t had a good look at the website in quite some time and had not appreciated the amount of information and support that is available to us all

and if there was one “take-away” from the conference, that was the one that was good value for me.

Finally, it was of interest to know that Resolution will shortly be launching a peer support scheme with the aim of assisting those members who have had a complaint made against them. It all goes to show the benefits of being a member of Resolution and what Resolution can do to help us.

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Beyond letter writing

Alex Davies Cripps



This innovative workshop looked at how the telephone, the cup of tea and the flipchart can move cases along faster and with less attrition than the war of letters

I’m always drawn to a seminar that promises to challenge the way things are and, in putting the traditional art of letter writing firmly in their sights, Mary Shaw of David Gray Solicitors and Georgie Hall from Prettys certainly delivered.

The unashamed premise of this fast-paced and gripping seminar was that negotiation by letter writing doesn’t work. Letters are blunt weapons in the war of words that lead to misunderstandings, increased fees and doorstep skirmishes in front of children. The sacred cow of the without prejudice letter, revered by generations of family lawyers, is about to be slain.

And not only correspondence – Mary and Georgie have developed their own ways of working that continually challenge the accepted norms in our profession. They say, for example, that just 30% of what a client hears in a first meeting with their family lawyer is retained. So, over two thirds of that commanding performance you give in those crucial hours is lost on your audience.

So, we should stop rambling on when clients glaze over and consider illustrating our point visually by drawing a picture instead. They have a number of examples in their repertoire. Explaining judicial discretion with goal posts and a corner flag is a stand out piece of legal exposition. Where was that in my LPC syllabus?

Consequently, first meetings can be longer and more thorough because the presentation should be a predominantly visual experience. By the end of the session there will be flip charts lining the walls and pictures over the table illustrating everything from divorce procedure to beneficial interests to next step options.

Having then signed up your client, rather than spending the next hour crafting the first letter missile with which to annihilate your opponent’s position in a pre-emptive correspondence strike, the suggestion is to agree a script for your first solicitors’ conversation and pick up the phone. Flatly refuse to engage in without prejudice correspondence and, if your opponent solicitor really won’t speak with you, write them a letter telling them why you’re not prepared to correspond by letter.

The irony is beautiful. If then they won’t recognise the rightness of your cause, issue court proceedings because at least that way you avoid the never-ending cycle of letter writing that drains clients of both money and patience.

“With more lawyers than ever before competing for their instruction, we must find communication tools that are more creative, deliver speedier settlements and cost less”

Round table meetings are encouraged, if not mandatory. Asking the team on the other side of the table what it is they want and what is important to them is the best way of finding a solution that will attract them. You must be ready to ask and answer questions, but it’s a faster route to finding the nub of a dispute. A more personal approach can deliver a faster solution at lower cost, so making your client a



happy client. You'd be forgiven for thinking that this all sounds like a collaborative model without the collaborative label.

But it doesn't stop there. Why not invite the solicitor on the other side over to your office for a cup of tea and draft documents together? Disclosure schedules, consent orders, prenuptial agreements – first drafts can be completed as soon as agreement is reached and circulated for thinking time before being signed off.

Mary and Georgie's reasoning is simple. Divorce numbers are reducing and clients are better educated about the law and less inclined to spend their savings on a war of attrition. They don't understand what we're saying anyway, so fewer and fewer people's first thought is to "lawyer-up" as soon as they separate. And with more lawyers than ever before competing for their instruction, we must

find communication tools that are more creative, deliver speedier settlements and cost less.

Of course, working in this way requires some ground rules to be agreed (one of the few uses Mary and Georgie find for letters). That's not as easy as it sounds, but it is crucial to stick to them and resist the temptation to revert to the old school and sharpen up your letter writing skills again.

Some will find this way more intuitive than others. But Mary and Georgie certainly lay down a gauntlet to family lawyers – a challenge to give their model a try in the interests of making our client experience more contemporary and keeping our businesses competitive. They might just have a point. The world is changing in front of us. And perhaps it's time we found new ways to change with it.

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Domestic abuse and the “Helen Titchner” client

Che Meakins Rayden Solicitors

The Archers-based workshop opened up a number of tricky areas of law, not least running family proceedings concurrently with a criminal investigation



Elizabeth Sulkin (LMK Law Solicitors) and Nicholas Longford (Rustons and Lloyd) delivered this powerful and challenging workshop. Our presenters opened by introducing the character of Helen Titchner from the acclaimed and long-standing BBC Radio 4 soap, and the now famous storyline of Helen's marriage to Rob, which culminated in a highly dramatic and harrowing breakdown.

Rather than relying solely on their synopsis, Elizabeth and Nicholas introduced Helen and the plot by playing audio clips from the programme. The effect of having a series of extracts played back-to-back from a story line covering several months, and which concluded in such devastating fashion, had a palpable effect on the delegates. Having been taken to the heart of the sinister relationship between Helen and Rob, the clips were switched off and we were back in the room.

The delegates were then asked to consider: “What would you do if Helen Titchner walked into your office”. On paper this may have seemed a fairly innocuous exercise. However, having now been given a real sense of our potential client, a woman truly disabled by Rob's coercive and abusive behaviour, the challenge now seemed daunting. We were asked to set aside what we knew of Helen and to treat

her as if she had just walked through the door with Rob's divorce petition in hand.

The initial meeting

Delegates were provided with the Resolution Domestic Abuse Screening toolkit (available on the website) and considered in groups how one would realistically identify that a client may have suffered or be suffering from domestic abuse, and how this would influence instructions.

Once identified, the challenge was then how this is addressed to ensure that the client recognises that they are a victim of abuse and how the solicitor can draw out the instructions necessary to assist Helen with her legal difficulties.

The greatest challenge came in working out how to assist Helen in talking coherently about the relationship with Rob. The delegates agreed that providing a reference point in Helen's past, such as simply asking about when the relationship started and then trying to drill down to when the relationship started to change/sour, could be a helpful approach. The importance of building a rapport with the