

The Brief

Not your average legal Magazine. We talk Innovation. We breathe Strategy. We give a damn about Humanity.

JUNE 2025 ISSUE 01



Practice. Support. Connect.
The Family Law Education Network Way

ALSO IN THIS ISSUE:

FROM UNDERPAYMENT RISKS AND LEGAL FUNDING INNOVATION TO AI, MARKETING, MOTHERHOOD, AND CAREER PIVOTS—THIS EDITION EXPLORES THE REAL STORIES, STRATEGIES AND SHIFTS SHAPING THE FUTURE OF FAMILY LAW IN AUSTRALIA AND BEYOND.

“We are not here to do
things the way they have
always been done.”



The Brief

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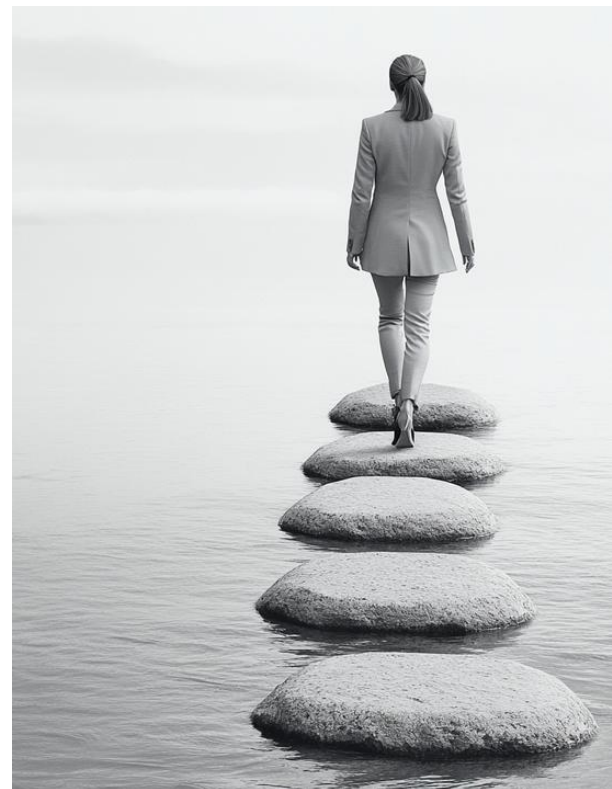
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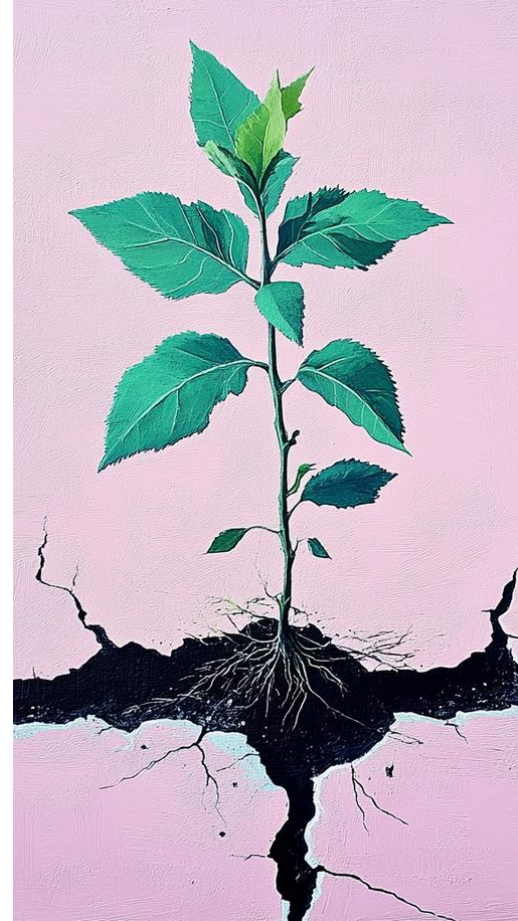
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From The Editor

EDITOR-IN-CHIEF

Welcome to the very first edition of The Brief, a publication for lawyers who think deeply, work strategically, and still care fiercely about people.

The legal profession is changing, slowly in some ways, rapidly in others. We're being asked to be more than just technically excellent. We're being called to lead, to adapt, to innovate, and to stay human while doing it. But between deadlines, court dates, and the weight of other people's lives, it's easy to forget we're allowed to evolve, too.

That's where The Brief comes in. This magazine is a space for bold ideas and real conversations. It's for those of us who want to practice smarter, lead better, and live more fully.

Inside, you'll find reflections from the frontline of law, explorations of strategy that serve both your clients and your wellbeing, and innovations that are more than just shiny objects; they're tools for real change, as well as stories that will intrigue you, inspire you and challenge you.

But The Brief isn't just about information. It's about connection. It's about community. And it's about challenging the outdated idea that being a lawyer means leaving your values, vulnerability, or creativity at the door.

This profession can be heavy. It can be demanding. But it can also be purposeful, progressive, and deeply rewarding, if we let it be.

So consider this your permission slip to rethink the rules, to make space for meaning, and to reconnect with the reason you chose this path in the first place.

Welcome to The Brief.

The future of law starts here.

Warmly,
Amanda Little
CEO, Family Law Education Network

Amanda Little



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Jenna Downy
LEAP Family Law



CEO of the Family Law Education Network, passionate about creating a better legal community through connection and reform.

Amanda Little
Family Law Education Network



PRACTICE. SUPPORT. CONNECT.

*The Family Law Education
Network Way*

By Victoria Moss
Photography by Family Law Education Network

In 2021, amid the pressures of the second COVID-19 lockdown and an overhaul of the Family Law system via the Federal Circuit and Family Court's new Central Practice Direction, one lawyer was receiving an unusual number of calls. Amanda Little, Managing Director of ALA Law, found herself fielding questions not just from clients, but from fellow practitioners. The profession was overwhelmed managing changes in their day to day lives and practice, lost in the reforms, and asking the same thing: "Are you across this?"

Rather than one-on-one discussions, Amanda did what she has become known for – she innovated. She created a central hub of support, a repository of legal knowledge, wellness advocacy, community connection and professional development. And so, the Family Law Education Network of Australia (FLENA, as it came to be known) emerged.

As part of its growth and evolution, the organisation has rebranded from FLENA, to the Family Law Education Network. This reflects its expanding reach beyond Australian borders, with New Zealand as the first jurisdiction to join the community. The rebrand signifies a broader commitment to supporting family law practitioners internationally, while maintaining the same trusted focus on education, collaboration, and meaningful connection.



A Network with Purpose

At its core, the Network isn't just about delivering CLE units or generating legal precedents—it's about changing the way family law is practiced in Australia. "It started as a values-based proposition," explains Amanda. "Family lawyers are the forgotten victims of the court system. No one was taking care of us. I wanted to reconnect us as a community, create a one-stop support system, and make family law a better space to practice in."

That space now includes everything from real-time legal updates and automated precedent suites to mentoring circles, business development sessions, wellness initiatives and one of the most dynamic Continuing Legal Education (CLE) programs in the industry.

Innovation in Every Corner

With Amanda Little at the helm, the Family Law Education Network has taken a bold approach to changing the status quo. One of her guiding principles is that family lawyers are human beings first. The Network is built around that idea: education is important, but so is community, wellbeing, and connection. As Amanda puts it, "You can get education anywhere. What you need is somewhere to belong while you're learning."

That's why the Network doesn't follow a traditional lecture-style model. Instead, its sessions are built around interactivity, relevance and connection. Content is informed by current case law, real-world practice, and direct feedback from members.

In addition to CLE, one of the Network's most innovative offerings is its automated and regularly updated precedent suite. Developed from Amanda's own practice experience and continuously refined through practitioner feedback and legal developments, the precedent library saves members significant time and stress. As she explains, "It's about giving lawyers back time to do the work that really matters—serving their clients and themselves."

"I wanted to reconnect us as a community, create a one-stop support system, and make family law a better space to practice in."

A Culture of Collaboration

If there's a word that keeps coming up in conversations with the team, it's community. Whether it's through emails, webinars, face-to-face events, or informal check-ins, the Family Law Education Network focuses on making every member feel seen.

Administration lead Amanda McAlister, who has been with the Network since its inception, remembers the early days well. "We were cold-calling lawyers, hoping they'd give us a go," she laughs. "Now we get emails saying the precedents saved their practice. But it's the relationships that matter most to me. I know so many of our members by name. We're not just pushing out content—we're creating a network where no one is just a number."

Amanda McAlister, often working quietly behind the scenes, ensures every piece of content runs smoothly—from scheduling to member access, moderating webinars and handling queries.

"No two days are the same, but that's what I love about it. We all step in wherever needed. There's a rhythm to how we work—everyone backs each other."

Disruptive by Design

From a brand and communication standpoint, Marketing Manager Ami Gandhi sees the Network as proudly different. "We're not boxed in. We experiment. We test ideas that might seem crazy—but they work because we're not afraid to be human." Gandhi credits much of the Network's impact to the way it balances professionalism with authenticity.

"We're not afraid to ask, 'How are you, really?' on our socials or in an email. Our strategy is simple—be real."

That realness showed up in the Family Law Education Network's 2024 Pioneering Legal Futures conference, an event Gandhi describes as a defining campaign. "It wasn't just another legal conference. People came because they felt something shifting. We're not just talking about change—we're delivering it."



“What Amanda has created and what we, as a team, continue to cultivate—is something that goes beyond a CLE provider or content platform. It’s a mindset, a commitment to community, growth and support.”

Insight from the Inside

As Program Specialist, Member Engagement Lead and Head of New Zealand Operations, I’ve had the privilege of working closely with members and experiencing the heartbeat of this growing community. The culture within our team is dynamic and hardworking – we are always exploring new ideas to better serve the profession. The energy is focused on how to support family lawyers to practise in a more collaborative, sustainable way.

After over a decade practising family law myself, I understand just how heavy the day-to-day of this work can be. So it’s a real joy to now be part of delivering programs that are not only helpful but genuinely meaningful. I love speaking with our members—hearing what they need, learning how they’re innovating, and helping them feel supported in their journey.

One of the great highlights of this role has been interviewing practitioners from across Australia for this magazine. Time and again, I’ve been blown away by their creativity, generosity, and commitment to doing law differently—for the better. Our community is full of smart, vibrant individuals who are reshaping the profession; it’s incredibly inspiring.

What Amanda has created—and what we, as a team, continue to cultivate—is something that goes beyond a CLE provider or content platform. It’s a mindset, a commitment to community, growth, and support. I’m excited to bring that same spirit to the family law profession in New Zealand and help it flourish there too.

Listening and Leading

So how does the Network stay relevant in such a rapidly shifting legal landscape? According to Amanda, it’s all about listening. “We’re constantly surveying our community—asking what they need, how they’re travelling, what their pain points are. Then we turn that feedback into action.” From launching FamMastery for peer-to-peer mentorship to expanding LawCademy’s practical CLE sessions, every new initiative is a direct response to member insight.

“There’s no ego here,” she says. “Just because I think a program will work doesn’t mean it will. Our members guide what we do. That’s what makes it powerful.”



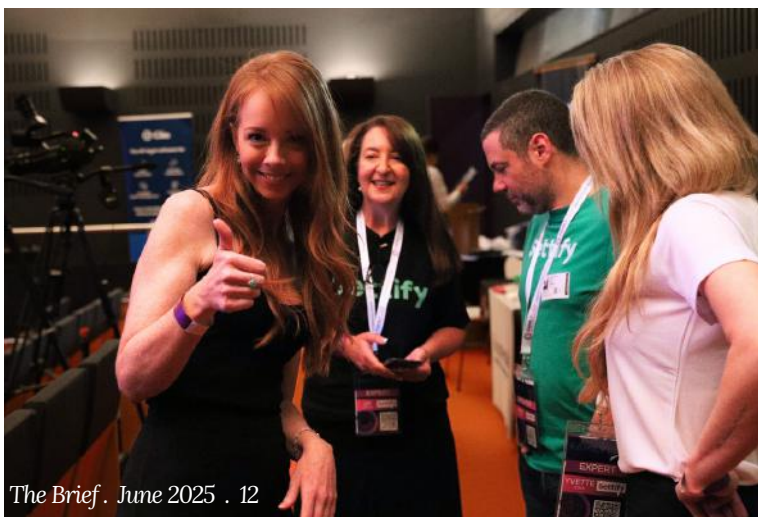
What's Next?

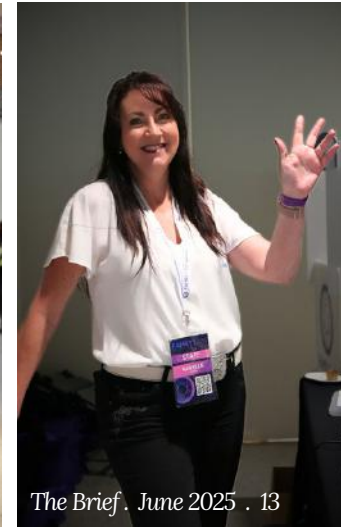
As the legal profession grapples with AI integration, legislative reform, and increasing practitioner burnout, The Family Law Education Network is pushing forward with a bold future in sight. “We want to lead,” says Ami Gandhi. “To always be one step ahead, bringing our community with us.” Whether it’s through disruptive tech, new CLE formats, or building out national in-person events, one thing is clear –The Family Law Education Network is not slowing down.

In March 2026, the Network will be staging their next huge event at the International Convention Centre in Sydney. The event is set to be an enormous, two-day extravaganza with multiple streams including Family Law, Collaborative Law, Business Development and Wills and Estates. Keep an eye on your inbox for more information soon about what promises to be a must-attend conference for our industry.

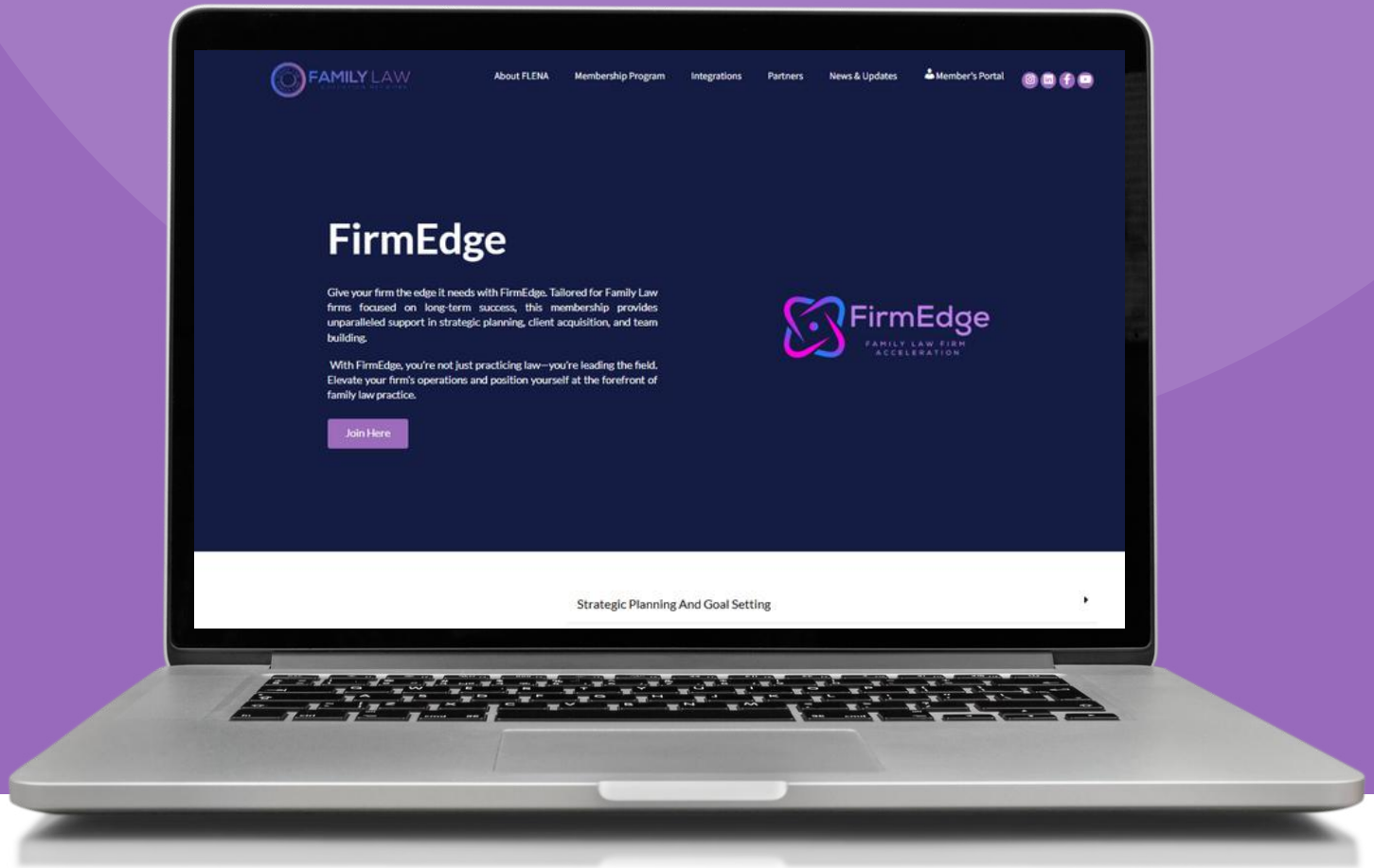
“We’re building a profession that lawyers can be proud to be part of again,” says Amanda.

“Where collegiality, kindness, and capability can co-exist. Because at the end of the day, we’re not just lawyers. We’re people.”









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EFFECTIVE MARKETING TECHNIQUES

for Family Law Practitioners



Family law is a uniquely personal and often emotionally charged area of legal practice. In today's environment, family law practitioners must not only be skilled advocates and counsellors but also adept marketers, able to connect with clients on a personal level. The landscape of legal marketing is rapidly evolving, with new tools and platforms reshaping how firms attract, engage, and retain clients.

The Foundations: Why Marketing Matters in Family Law

Unlike other legal specialties, family law clients are often navigating some of the most stressful periods of their lives. They seek not only legal expertise but also empathy, clear communication, and trust. When marketing your firm it is essential to:

- Build brand awareness and credibility
- Establish a reputation for trustworthiness and effectiveness
- Attract new clients and retain existing ones through strong relationships

The most successful family law practices understand that marketing is not just about visibility—it's about building trust and delivering value at every interaction.

Social Media: The Rise of TikTok

Social media has become a powerful tool for legal marketing, and TikTok is at the forefront of this shift. Once considered the domain of viral dance challenges, TikTok is now an excellent platform for professionals to leverage—including lawyers—seeking to educate, engage, and build trust with a broad audience. One notable mention is Fidan Shevekt - Family Lawyer and TikTokker.

Clio recently had the chance to interview Fidan to discuss how TikTok has helped her law firm grow and how it can be a game-changer for family law marketing - when used right!

With over 1 million followers, Fidan not only posts legal related content, but her content mostly consists of personal everyday activities including, doing the weekly grocery shop, cooking dinner for her family, making salads on her lunch breaks and giving us daily updates about school runs and her new pool. It's through this approach that she is able to 'humanise' the law, allowing her to showcase her personality and establishing a level of trust with clients.

Written By Denise Farmer
Photography provided by Clio

In the interview with Clio, Fidan says: “Eventually I got this big following – people were interested in what I had to say and I just got lots of work from it; from all around Australia rather than just Sydney where I am. People trusted me because they’re sitting in bed watching TikTok or in the kitchen watching TikTok; and I’m in bed/the kitchen with them so to speak – so I am a trusted person in that sense.”

Social media is a powerful tool with approximately 8.5 million Australians on TikTok, it's a huge network of people and an untapped resource. Fidan is just one success story! Some other helpful tips to leverage Social Media in your Law Firm Marketing include:

- **Creating Educational Content:** Short, informative videos on topics like parenting plans, divorce myths, or child support FAQs can position your firm as a trusted resource. General legal advice and myth-busting content are particularly effective. Fidan has a regular segment on her TikTok called ‘Case Note Fridays’ where she speaks on an interesting Family Law Case every week.
- **Authenticity and Approachability:** Authenticity resonates on TikTok. Sharing real stories, testimonials, or even day-in-the-life snippets helps build credibility and trust.
- **Consistent Posting:** Regular, scheduled content—whether weekly or biweekly—keeps your firm top-of-mind without overwhelming your team.



The Magic Mix - Legal Technology & Digital Marketing

The synergy between robust practice management software and dynamic digital marketing is where modern family law firms can truly excel. Some examples include:

- **Lead Capture and Nurturing:** Use TikTok to drive traffic to your website or booking page. You can capture these leads through your PMS. For example: Clio Grow has intake forms and CRM features that capture these leads and automate follow-up.
- **Seamless Onboarding:** Once a lead comes through from your digital marketing efforts and books a consultation, you can automate scheduling through your PMS.

“Marketing is no longer just about reach – it’s about relevance, resonance and real connection.”



Digital Transformation: The Role of Technology in Legal Marketing

Clio's 2024 *Legal Trends Report* underscores a clear trend: the most profitable law firms are those investing in technology and marketing. Modern legal clients expect seamless, tech-enabled experiences. This is where legal practice management platforms like Clio become indispensable.

The report finds that law firms have steadily increased their marketing and technology investments, with software spending growing by an average of 20% annually since 2013. Similarly, firms with above-average productivity—defined as those billing more than the industry average of 33% of their workday (about three hours of billable time per day)—are making even larger investments in technology and marketing. These high-performing firms spend 12% more on software and 41% more on marketing than their peers, resulting in a 21% increase in profitability.

The report highlights a clear link between technology adoption, increased marketing efforts, and overall financial success, demonstrating that these investments are paying off for the most productive firms

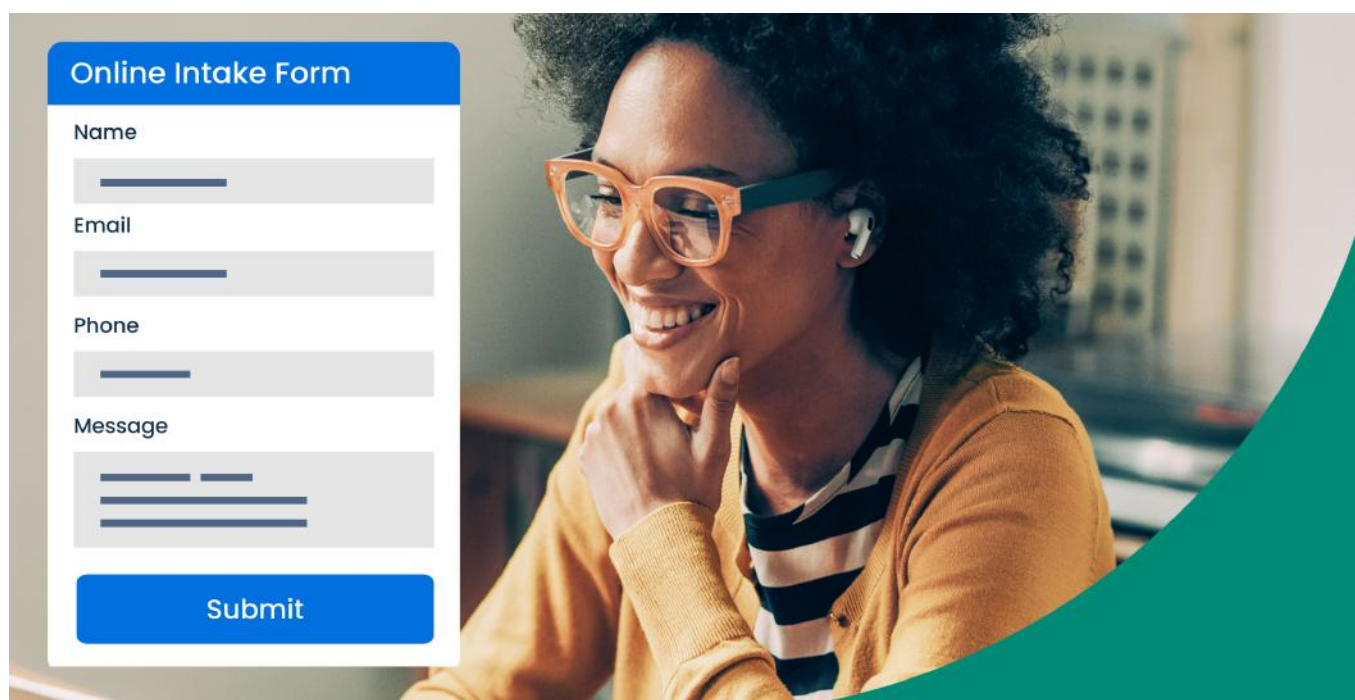
Streamlining Client Experience and Marketing

For family law firms, practice management software plays an increasingly important role in both operations and marketing. Tools that support automated intake, online scheduling, and client communication can help reduce administrative workload while enhancing the overall client experience.

Features such as segmented contact lists, integrated appointment booking, and secure client portals are particularly valuable in fostering trust and transparency—key elements in sensitive legal areas like family law.

Clio is one example of a platform offering these capabilities. Its tools for client intake, scheduling, and centralised communication are designed to support a more efficient and client-focused practice. By streamlining these touchpoints, firms can stay responsive and consistent in their engagement, without compromising on personalisation.

By leveraging these features, family law practitioners can focus more on serving clients and less on administrative tasks, while simultaneously enhancing their marketing reach and effectiveness.





Conclusion: Building a Modern, Client-Focused Family Law Practice

Effective marketing for family law practitioners in 2025 is about more than just getting your name out there. It's about building trust, delivering value, and meeting clients where they are—whether that's on TikTok, through a seamless online intake process, or via a secure client portal. By embracing tools like Clio and platforms like TikTok, and by focusing on authentic, educational, and client-centered marketing, family law firms can not only survive but thrive in the digital age.

The key is integration: leverage technology to streamline your operations, use social media to humanise your brand, and always keep the client experience at the heart of your marketing strategy. The future of family law marketing is here—and it's digital, dynamic, and deeply personal.

Learn more about clio at clio.com/au where you can also access the exclusive interview with Fidan and Clio's Legal Trends Reports.

[Access Webinar Here](#)

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Complete



Compared to other softwares, Clio was fresh, simple, and got the work done. It was also cost-effective and had all of the features we needed—[billing](#), [task management](#), [communications](#), and it linked with other apps.

NARIN XAVIER DE SAINI

Director at Ascenta Corporate & Commercial Law



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THE CLIENT VIEW

What they remember, long after the matter ends.

“You made the law make sense to me. That felt like power.”

“You said my child’s name. Not just ‘the child.’ That meant everything.”

“You gave me five minutes when I didn’t know how to ask. I didn’t forget that.”

It’s not always the orders we draft or the submissions we prepare. Sometimes, what stays with a client is a moment where we paused, spoke simply, or showed them they weren’t alone.

AGAINST ALL ODDS

A Lawyer's Journey



I grew up in Iran during the Iran-Iraq war and witnessed first-hand unimaginable violence, particularly against women and children. I saw people tortured and even murdered. Despite my parents' best efforts to shield me and my brothers, the terror was everywhere. Life became increasingly difficult, and my parents made the decision to flee. They didn't want their only daughter raised in a society where women had few rights and fear dictated everyday life.

My father, a Lieutenant-Commander in the Iranian Navy, and my mother, a doctor, spent months planning our escape. They sacrificed their careers and home so we could have freedom and choice. My father, also an experienced pilot, flew us out of Iran in a helicopter. We ran out of fuel and unknowingly landed on a secret Saudi military base. Mistaken for spies, my parents were imprisoned, and our future was uncertain.

Miraculously, the Royal Family of Saudi Arabia became curious about my father and the boldness of his actions. My parents were released, and soon after, my father was employed as an advisor to the Royal Family. We lived in Saudi Arabia for several years. We were safe and began rebuilding our lives. My brothers and I started school again and adapted to a new way of life.

But as I approached puberty, a new threat emerged—arranged marriage. A suitor had been identified, and my parents feared the consequences of refusal. They made the bold decision to flee again—this time to Australia, under the pretext of a holiday. We sought and were granted asylum. It was years before I learned the true reason we left.

In Sydney, we settled on the North Shore. I was the only "brown girl" in my class. Despite their qualifications, my parents took jobs as a paperboy and maid. They refused government assistance and did everything to support us. We lived in a one-bedroom, mould-infested apartment. Yet those early years were some of the happiest of my life. We were together, and that mattered most.

Adjusting to life in Australia wasn't easy. I faced racism and bullying, often beaten at school for the colour of my skin. I was ridiculed for my accent. English was my fourth language—after Farsi, French and Arabic—and by far the hardest. I had to work harder to learn, grow and belong.

My resilience was tested. But I leaned on those who supported me, and my curiosity to learn was nurtured by my teachers.



My daily mantra became:

“Change the way you look at things, and the things you look at will change.”

Just as I started to settle, 9/11 happened. I vividly remember being called a "terrorist" at the school gate. The racism escalated, but so did my resolve. I became determined to succeed and prove I had something meaningful to contribute.

During this time, I watched my father reinvent himself. He taught himself to code and even learnt Mandarin and Cantonese, building a new career. My mother stepped away from paid work to raise us. Their determination and sacrifice became the foundation of who I am.

These early experiences taught me that most people are good but often don't know how to deal with situations they've never encountered.

I learned that education is the key to prosperity and that empathy can be a powerful tool. I wouldn't wish my experiences on anyone, but I am grateful for what they taught me. These lessons help me understand my clients' complex emotions and behaviours during separation and conflict.

Eventually, I began studying law—a goal I had carried with me since childhood. But my path took a painful detour.

I fell in love with the wrong person. My partner was controlling and slowly stripped me of my autonomy, cutting me off from friends and family.

I was reliving the same fear and silence I had known as a child. It took years to leave. When I finally did, I left with nothing but my safety.

For a time, I lived in my car. I was too ashamed to ask for help. But friends, and later my family, helped me back onto my feet.

I rebuilt, piece by piece, and returned to my studies. My daily mantra became: “Change the way you look at things, and the things you look at will change.”

RESILIENCE

I pride myself on resolving complex cases, especially where others have struggled.

Photography provided by Ana Anzani



I finished my law degree and began practising exclusively in family law. I've been fortunate to be mentored by some of the best in the profession.

I learned that family law requires not just legal skill, but emotional intelligence. Our clients come to us at their most vulnerable. We must meet them with empathy, strength and clarity.

Over time, I built a reputation for stepping into difficult matters and changing their course.

I pride myself on resolving complex cases, especially where others have struggled. I make it my mission to stay at the forefront of legal developments, continuously learning and improving.

Client trust is sacred. I work long hours because I know a two-minute phone call can mean a full night of sleep for someone in crisis. My business partner sometimes worries I'll burn out. But this work energises me.

"I feel deep purpose in helping others move forward."

Ana Anzani is a family lawyer known for her empathy, resilience, and dedication to complex parenting matters. From fleeing war-torn Iran to launching her own firm, Ana's life journey has shaped a unique legal practice grounded in emotional intelligence, cultural insight, and unwavering client advocacy. She brings not only legal acumen but lived experience to every case.

Today, I am a proud mother to five-year-old twins. I have often been told that you can't have a successful career and raise children—that something has to give. I don't believe that.

I hope I can be an example that you can build a meaningful career and a joyful family life. You don't have to choose.

This year, I launched my own family law firm with Timothy Nicholls. I focus on complex parenting matters, and he on complex property issues. We specialise in the most challenging cases, helping clients navigate both emotional and legal complexity. Our firm is built on shared values—respect, empathy, and relentless dedication to outcomes.

Tim lifts up women in the law and champions the idea that career and home life can be friends, not foes. We share a vision of mentoring the next generation, supporting long and rewarding careers in family law.

This is not a survivor story.

I don't see myself as a victim. I see this as a story of strength—of how adversity can shape you, refine you, and prepare you to help others.

With the right work ethic and the right people around you, dreams really do come true.

I Care About Conflict

Taking action against domestic violence and abuse in Australia

In 2024, over 52,000 victim survivors were unable to access legal support due to funding shortfalls.

We're changing that.

At The Separation Guide, we believe conflict should be managed with care, not left to escalate.

Through the **I Care About Conflict** campaign, we're providing free SepGuide™ Plans to help people navigate separation with safety, clarity and dignity.

Each plan removes, on average, **150 days of stress** from someone's life and creates up to **\$210,000 in social impact**.

Sponsor a plan. Back a victim survivor.

Join us at icareaboutconflict.com



Add your name to a growing movement of professionals, firms and businesses who care about how conflict is managed - and who want to be part of the solution.



FROM COURTROOM TO CODE

Jenna Downy's Journey from Family Law to Legal Tech

When Jenna Downy began her legal career in 2013, she never envisioned that a decade later, she'd be leading a team of 25 within one of Australia's top legal tech companies. Her story is one of resilience, reinvention, and a deep commitment to improving the practice of Family Law—without having to be in court to do it.

"I've only ever known family law," Jenna reflects. "I was at a boutique firm where that's all we did—no conveyancing, no wills. It was intense but incredibly meaningful."

Her trajectory shifted dramatically after personal tragedy: the devastating loss of her second son. Returning to the emotionally charged environment of Family Law became untenable. "I found it very difficult to hold space for clients going through their own emotional journeys. I'd always prided myself on being empathetic, but suddenly I couldn't do it anymore," Jenna shares.

It was then that the opportunity at LEAP Legal Software presented itself—a chance to channel her expertise into improving the tools used by family lawyers nationwide. Having used LEAP since 2013, Jenna was already intimately familiar with the software. What she didn't know was just how radically her career was about to evolve.

Building a Legal Tech Powerhouse from the Ground Up

"When I joined LEAP in 2023, the brief was clear: build out the family law offering," Jenna says. At the time, LEAP's core strengths were in conveyancing. Recognising the needs of their growing family law client base, founder Christian Beck wanted to reshape the product.

"It started with just me and a developer," Jenna recalls. "We were like a start-up inside the company—learning each other's language and figuring out how to build something lawyers would actually use."



“You’re not just making life easier for the lawyer; you’re giving their clients a more consistent, transparent experience.”



Today, Jenna leads a cross-functional team of developers, family lawyers, product leads, LEAP designers, marketers, client care and client relationship managers. Their work has resulted in tailored family law tools, deeper integrations, and AI-driven features designed to save time and improve consistency in practice.

From Legal Practice to Product Strategy

The transition from legal practice to tech wasn't seamless. "I'd spent the most part of a decade billing in six-minute increments. Suddenly I had to recognise that this was going to be a different mindset" Jenna says. Christian reminded Jenna that working in legal technology was a "slow burn", and the work took patience as ideas are turned into reality over the course of time – that helped Jenna adjust to a different model of work.

Working in sprints, with two-month delivery targets, also helped her adjust. "It gave me a sense of achievement. I could point to something tangible at the end of each sprint, even if I wasn't billing hours."

She also realised that her legal skills remained central—just applied differently. "The Family Law knowledge was essential. I knew how lawyers worked, what mattered to them, and why something had to function a certain way because I'd lived it."

Tech Adoption and the Human Element

One of the most eye-opening parts of Jenna's new role has been witnessing the divide between tech adopters and sceptics in family law.

"There are still firms running without practice management software. I can't imagine doing it," she says. "Tech brings consistency, efficiency, and ultimately more profitability. But change is hard—especially when the day-to-day feels 'fine'."

She's passionate about helping firms see what's possible. "Once you experience the benefits—automated timekeeping, document generation, integrated matter management—you can't go back."

Jenna also sees legal tech as a means to better serve clients. "You're not just making life easier for the lawyer; you're giving their clients a more consistent, transparent experience. That's what builds trust."

Reflections, AI and the Road Ahead

Now, Jenna's role is shifting again—less hands-on content work, more leadership and strategy. While she misses the day-to-day detail sometimes, she's energised by what lies ahead.

Her advice to lawyers considering a change? "If you're unhappy, try something new. You can always go back. But don't stay stuck out of fear. There's a whole world beyond the traditional path—and you can still use every skill you've built."

Jenna is proof that the future of law doesn't have to look like the past. It can be client-led, tech-driven, and built on lived experience—both personal and professional.

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FAMILY LAW DISCLOSURE

From Rule to Requirement

Written By Amanda Little



From 10 June 2025, the Family Law Amendment Act 2024 (Cth) brings a significant shift to the family law landscape, with one of the most important procedural updates being the elevation of the duty of disclosure from the court rules into the Family Law Act 1975 (Cth) itself.

This change isn't just a matter of semantics—it reflects a growing emphasis on procedural fairness and transparency and introduces statutory obligations with potentially serious legal consequences for non-compliance.

This change will affect firms nationwide and will require a change to many firms who do not follow best practice procedure in relation to consent matters or follow the central practice directions ongoing duties of disclosure.

What Has Changed?

Previously, the duty of disclosure in financial and property proceedings was governed by the Family Law Rules 2004 (Cth), namely Rule 6.06 in the Federal Circuit and Family Court of Australia (Division 2) Rules. While these rules were binding, their location outside the principal Act meant they were sometimes misunderstood or downplayed by parties (and occasionally practitioners).

The Family Law Amendment Act 2024 inserts the duty of disclosure directly into the Family Law Act 1975, giving it statutory weight and thereby reinforcing its centrality to just outcomes. This also codifies the financial disclosure obligations contained within the Central Practice Direction. Under the amended legislation, separating couples in financial and property matters are now legally required to:

- Provide full and frank disclosure of all relevant financial information to each other and the Court.
- Do so in a timely manner, avoiding delay or evasion.
- Disclose documents and information that may adversely affect their own case or support the other party's case.
- Provide ongoing duty of disclosure throughout the matter.

Legislative Reference

The new disclosure requirements will form part of a broader legislative approach to increase compliance and reduce the risk of injustice caused by one party concealing financial information. There will now be stricter penalties for breach including:

- Costs Orders
- Exclusion of evidence
- Fines
- Possible contempt proceedings
- Orders being overturned at a later date.

Practitioners also need to consider how this extends to their duties to the Court.

Agreements by Consent

It has been the practice by many firms not to require their clients to undertake full financial disclosure or make them sign a statement accepting that they are not seeking financial disclosure in Family Law settlement matters.

Although the need to exchange is not new, the entrenchment of the provisions means, that now more than ever, practitioners need to ensure that full financial disclosure is exchanged for ALL family law property matters even if an agreement is reached.

You cannot contract out of the requirement for full and frank disclosure or release a lawyer from liability by failing to undertake it. This is also confirmed by the practitioner statement executed by the lawyer at the end of the Application for Consent Orders and on the Statement of Independent Legal Advice in a Financial Agreement.

What Practitioners Must Do

As a legal practitioner, your obligations have become more explicit:

1. Proactively Advise Clients of the Duty

It is no longer sufficient to mention disclosure in passing or rely on standard forms. Lawyers must:

- Clearly explain the duty of disclosure at the outset of any financial matter.
- Outline the types of documents and information that must be disclosed (e.g., tax returns, bank statements, business records, superannuation balances, liabilities, trusts, and interests in property or companies).
- Emphasise that this includes unfavourable information and that failure to disclose can backfire severely.

All FamDraft Members of Family Law Education Network meet this obligation in P1 and P2 correspondence and ongoing correspondence to be issued during the matter pursuant to the matter workflow/checklist.

2. Update Client-Facing Documents

Now is the time to revise:

- Initial advice letters
- Mediation preparation guides
- FDR and pre-action procedure checklists
- Key dates correspondence

All these materials should now include a clear and plain-language explanation of the client's statutory duty to disclose, including examples and consequences for non-compliance.

All FamDraft Members have access to fully compliant and well drafted correspondence and client facing documents that go beyond this and meet best practice guidelines.

3. Train and Prepare Your Team

Educate all staff (including junior solicitors, paralegals, and admin teams) on the new legislative requirements. Ensure consistency in communication to clients about disclosure obligations from the first contact through to hearing preparation.

Hold in house training sessions to explain what full and frank disclosure includes, ensure your admin and support staff diarise and chase clients accordingly and reiterate to clients from the outset the full and frank disclosure is not negotiable.

Final Thoughts on the Entrenchment from the Family Law Education Network Team

This reform is part of a broader push toward efficiency, fairness, and integrity within the family law system. By elevating disclosure obligations into the Act, the legislature has sent a clear message: transparency is not optional.

This means that disclosure should be part of the first and last discussion that you have with a family law client going through a property settlement. You are unable to cut corners or contract out of the need to exchange disclosure in matters where the parties have already reached an agreement when they seek advice from you – it still **MUST** occur.

For family law practitioners, this presents an opportunity to enhance the quality of service to clients while reducing risks of adverse orders, appeals, or professional complaints.

PRACTICE WITH PRIDE

With Holly Pitt: Tips for Inclusive Legal Practice



Working with LGBTQIA+ clients in family law requires more than legal expertise—it demands cultural competence and sensitivity.

Many gender or sexuality-diverse clients may feel fearful, anxious, or apprehensive when meeting a lawyer for the first time. They're often managing your perception of them while also wondering where their family fits in a heteronormative space—or your set of precedents.

My tips:

1. Avoid assumptions about gender identity, pronouns, or family structures. Ask and use correct terms—this builds trust and shows respect.

2. Be prepared. If your next client is LGBTQIA+ or has a gender-diverse child, review parentage, adoption, medical treatment options, and assisted reproduction laws beforehand.

3. Confidentiality matters. Some clients may not be “out” in all areas of their lives. That extra layer of sensitivity is crucial—create a welcoming, affirming space from the outset.

4. Ongoing training in LGBTQIA+ issues is essential, not optional, for an informed and inclusive practice.

Remember that thoughtful practice is informed practice and helps ensure equality before the law is a reality for all families. Inclusive practice not only benefits clients but strengthens the integrity of our profession

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CHANGING THE GAME

A conversation with JustFund

Access to justice remains one of the biggest challenges in Family Law. For many clients, the financial burden of legal disputes can be overwhelming, creating barriers to fair outcomes. JustFund is changing that. We sat down with co-founder Jack O'Donnell to ask him some questions.

What inspired the creation of JustFund?

“Andy and I were both working as lawyers in Sydney. I remember sitting at the reception desk at lunchtime and getting calls from individuals going through separation. They were asking about costs and payment options—whether the firm offered payment plans, legal aid, or deferred fee arrangements. At that point, the answer was unfortunately no. I remember thinking how inflexible the system was when it came to payment. That wasn’t a criticism of family lawyers—most of them are small business owners who need to cover their costs—but it struck me how inaccessible legal services were for many people.

Fast forward a few years—Andy and I both spent time working in private practice and saw first hand how hard it was for clients to pay legal bills. That’s when we decided to do something about it.”

Interview By Victoria Moss
Photography by JustFund

What are some common misconceptions about legal funding?

“One big misconception is that funding is only available for cases already in litigation. Traditionally the term “litigation funding” has been tied to clients who are already in court, but that’s not what JustFund does. Only a small percentage of our clients end up in court. Most settle their cases through private mediation, which is exactly what we wanted to achieve when we started JustFund. Our goal has always been to help people achieve fair outcomes as efficiently as possible, with the support of the best legal team.

Another misconception is that you need to have direct access to the property pool to qualify for funding. We can help those that traditional banks or lenders wouldn’t support—for example, primary carers of children who might not have financial resources or those who aren’t listed on property titles. Traditional banks focus on whether you’re listed on the property title, but the family court looks at the relationship itself and the contributions made during the relationship. That’s where we come in.

A further misconception is that the process of securing funding is complicated and time-consuming for lawyers. We’ve made it a core part of our service to simplify the process. For example, we don’t require lengthy case summaries from family lawyers. We have an in-house family law team that handles the heavy lifting—reading material, preparing the application, and making the assessment. That means less work for the lawyer and a quicker outcome for the client.”



What does the funding process look like for clients and their lawyers?

“Clients usually learn about us through their family lawyer. They apply online through our website, completing a short form. After that, we contact the client’s lawyer and request any relevant documentation that helps us understand the client’s circumstances and entitlement to relationship assets.

The kind of information we request from lawyers includes financial disclosure material—bank account balances, property details, valuations and information about debts and liabilities. Lawyers can disclose this information without breaching confidentiality because the client consents to the release of this information when they apply for funding (See *Willmann & Willmann* (No 6) [2023] FedCFamC1F 197).

We’ve designed the process to be as easy as possible for family lawyers. We rely on existing disclosure documents and correspondence to assess the funding request.

We review the material, make an assessment, and provide a decision to the client and their lawyer as quickly as possible.”

How are interest rates determined?

“We offer an interest rate of 9.85% charged on the total amount drawn, starting from the date of the first invoice payment.

Clients only pay interest on the funds they actually use—if they don’t draw the full approved amount, they’re only charged interest on what’s been used. Clients are informed of the total repayment amount, including fees and interest, before they accept the funding. We are fully transparent—there are no hidden fees or compounding interest.

We don’t require repayments until the case has concluded and the client has received their settlement.”

What happens if the funding runs out or more is needed?

“We tell clients to apply only for what they need at that point in time. If there’s a good chance the case will settle at mediation in six months, then they should apply for enough to cover that period. But if more is needed later, we can reassess and provide additional funding. There’s no penalty or new application fee if they need to increase the funding”.

Can you tell me about Navio and how it integrates with JustFund?

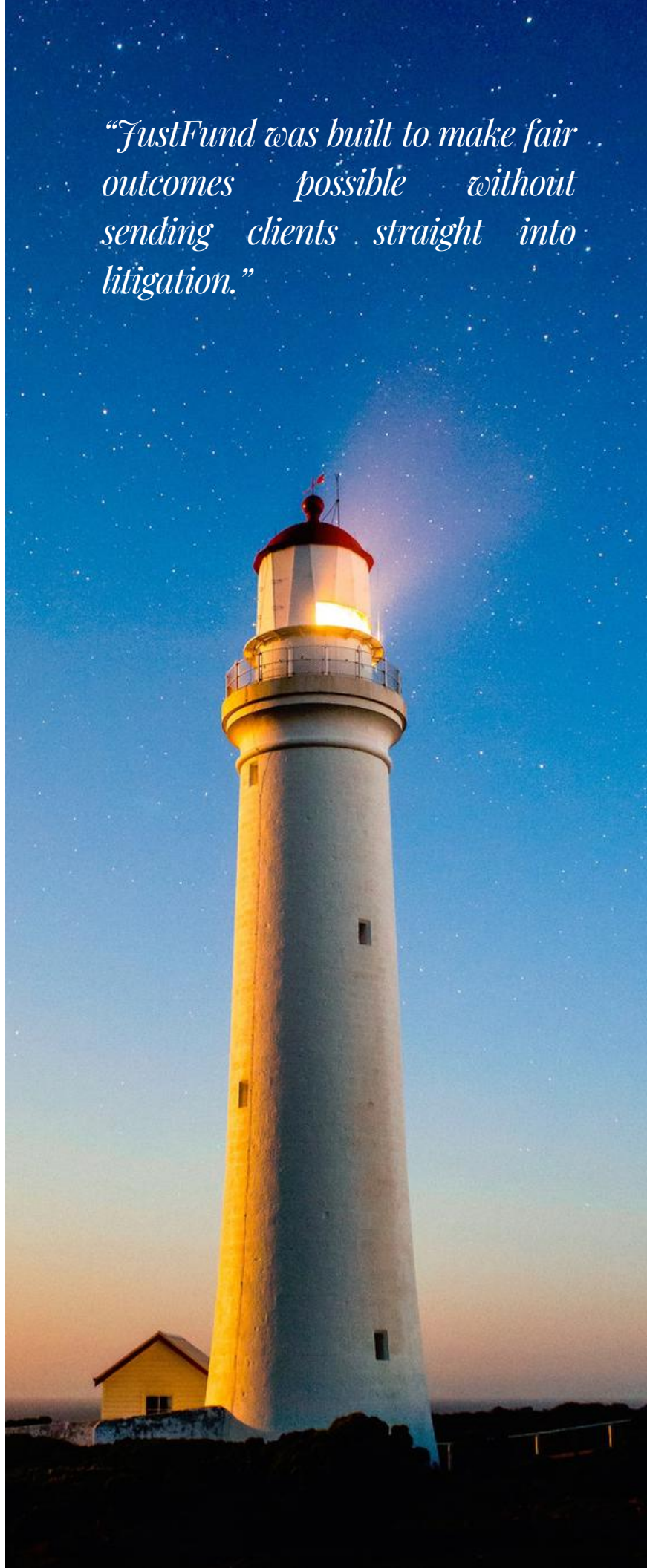
“Navio is our new client engagement platform, which we provide to all law firms in our network free of charge, if they choose to use it.

We launched Navio in response to feedback from firms that found our application process and forms really intuitive and easy to use. Lawyers were looking for a way to capture key client information more efficiently during the onboarding phase—to make that first touchpoint with clients more impactful and to reduce unnecessary admin. The goal is to ensure that lawyers can spend more time focused on value-driven, strategic conversations with their clients rather than getting bogged down in paperwork.

We provide firms with links to Navio, and they can integrate it however they prefer. This means that clients have the opportunity to learn about their payment options from the very beginning, which helps reduce uncertainty and makes the whole process smoother.”

JustFund is proving that financial barriers don’t have to stand in the way of justice. By offering flexible funding options and a streamlined process, Jack, Andy and the team are helping clients access the legal support they need while giving law firms greater financial certainty.

“JustFund was built to make fair outcomes possible without sending clients straight into litigation.”



Helping Clients Realise Their Dream of a Fair Settlement...

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nurse

separated under one roof

Assets locked up - no cash to pay for legal fees

juggling parenting with work

49

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CONCLAVES & HOT TUBS

What Family Lawyers Need to Know About Expert Evidence

By Fiona Darroch

Family law proceedings often involve complex disputes that require expert testimony to resolve intricate issues. Expert conferences, also known as 'conclaves' are meetings where experts from both sides come together to discuss their opinions and attempt to reach a consensus.

These meetings can streamline the judicial process by narrowing down the points of disagreement and clarifying technical aspects for the court.

Concurrent evidence, colloquially referred to as 'hot tubbing', is a method where experts give evidence simultaneously, allowing for immediate clarification and comparison of their differing viewpoints.

This approach can enhance the efficiency and effectiveness of family law proceedings, providing the judge with a clearer understanding of the issues at hand.

The role of a Single Expert Witness in family law proceedings is to assist the Court with impartial and objective analysis, thereby facilitating efficient resolution of disputes.

Rule 7.26 of the Federal Circuit and Family Court (Family Law) Rules 2021 ('Family Law Rules') allows a party to write to the expert with questions aimed at clarifying the single expert's report. These questions must be submitted within 7 days of a conference with the single expert or, if no conference is held, within 21 days after receiving the single expert's report.

MINUTES, NOT HOURS

*With Natalia Hutchison: Tech-Ready
Tips for Smarter Family Law Practice*



It's Monday morning. You've just gotten the call—your colleague is off with the flu, and you need to step into a court matter at 9:00am. You're already stressing about getting across a complex file that's been ongoing for nine months. The pressure is on, and you haven't even had your morning coffee. Yet within minutes, you've summarised the case, located key documents, and drafted an initial court document.

Thanks to emerging AI tools, this isn't a futuristic dream—it's already reality in many Australian family law practices. If it's not happening in yours, you might already be falling behind.

AI allows lawyers to interact with files in entirely new ways: asking questions, locating documents, outlining contributions, building property pools, and generating tailored content. No more endless scrolling to find that document the client emailed months ago. Now, you simply ask—and it appears, often with a summary.

But with great tech comes great responsibility. As AI becomes more integrated, clear firm policies are essential. AI should enhance, not replace, critical thinking, empathy, and legal judgment. These human qualities remain central to ethical and effective practice.

Do your research, arrange demos, and start building your tech stack. Your future-self will thank you.

*Want to contribute a column to the next edition?
Email victoria@familylawedu.com.au*

Many experts would view this as a challenging scenario where the stakes are high in terms of one's professional standing and reputation and where power dynamics may be influenced by personality traits. Understanding expectations and managing these situations effectively aids in achieving helpful outcomes for the Court.

Division 7.1.7 provides that if two or more parties to a case intend to tender an expert report or produce evidence from an expert witness about the same question, or a similar one, then the parties must:

- arrange for the expert witnesses to confer at least 28 days before the first hearing before the judge or senior judicial registrar where their expert reports will be relied on in evidence, and
- give a copy of the prescribed 'Experts Conference' brochure, setting out the objectives of the conference, to the expert witness instructed by them.

During the conclave, the experts must reach a conclusion on the evidence and produce a joint statement of their agreements and disagreements, which may be used in cross-examination at the trial.

Many experts would view this as a challenging scenario where the stakes are high in terms of one's professional standing and reputation and where power dynamics may be influenced by personality traits. Understanding expectations and managing these situations effectively aids in achieving helpful outcomes for the Court.

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Separate conferences may be required between experts in different specialities about different issues in a case. Rule 7.31(2) provides that the Court may order:

- which experts are to attend the conference
- where and when the conference is to occur
- which issues the experts must discuss
- the questions to be answered by the experts
- the documents to be given to the experts,

Rule 7.31(3) provides that at the conference the experts must:

- identify the issues that are agreed and not agreed
- if practicable, reach agreement on any outstanding issue
- identify the reason for disagreement on any issue
- identify what action (if any) may be taken to resolve any outstanding issues.

The conference should be conducted in a manner that is flexible, free from undue complexity and fair to all parties. The experts may appoint one of their number as a chairperson. However, if one of them requests and the parties agree or the Court orders, another person may chair the conference. Secretarial or administrative assistance should be provided by the parties if requested by the experts. If the experts agree, one of them or a secretarial assistant may be appointed to make a note at the conference of matters agreed and matters not agreed and reasons for disagreement.



The conclave may be adjourned and reconvened, as necessary. At the conclusion, the experts must write a joint statement, specifically addressing the items listed at Rule 7.31(3)(e). The experts may specify in the joint statement other questions that they believe would be useful for them to consider. If an expert has a contrary view, they should express it. The statement must be signed by all participating experts immediately at the conclusion of the conference or as soon as practicable thereafter.

The participating experts should not seek advice or guidance from the parties or their lawyers prior to signing the joint statement.

Rule 7.31(4) provides that where experts reach agreement on an issue, the agreement does not bind the parties unless the parties expressly agree to be bound by it.

Rule 7.31(5) provides that the joint statement may be tendered by consent as evidence of matters agreed and to identify the issues on which evidence will be called.

The experts should respond individually to the questions asked based on the witness statements. Their responses need to state the assumptions made, including the opinions based on any alternative assumptions. They are required to state any contrary view, accepting as fact the matters stated in witness statements or assumptions submitted to them.

Where there are competing assumptions, alternative answers may have to be provided to a question or questions, specifying which of the assumptions are adopted for each answer.

Fiona is a Clinical Psychologist who has worked with children and families for over 3 decades, including as a school psychologist and a Court Child Expert. With her extensive experience, Fiona is one of 20 Experts at The Relationspace, a dedicated practice providing Expert Opinion to the FCFCoA and across other jurisdictions where Psychiatric Assessments, Parenting capacity, Single Expert reports, Child Impact and Specific Issues assessments are sought to assist the Court in matters relating to children and parenting arrangements. Fiona presents at conferences, both nationally and internationally, and is the editor of the Pacifica Congress' magazine, Issues.



“Expert conferences, also known as ‘conclaves’, are meetings where experts from both sides come together to discuss their opinions and attempt to reach a consensus.”

Sometimes, this process will identify that the experts agree on everything that each has said in his or her reports, on the basis that the opposing expert accepts the assumptions that the other has used. This narrows the focus, allowing the evidence to proceed to the critical and genuinely held points of difference. A respectful exchange of views will often see experts arrive at a consensus that becomes clear through the process. In cases where no agreement is reached, the subject of that disagreement will become the point of debate that takes place during the concurrent evidence session (the ‘hot tub’) which takes place at the trial.

Many conclaves now include a facilitator, often a senior judicial registrar, who acts as a neutral third party to assist the process. Some experts support using a facilitator, as this can result in fewer problematic personality differences between experts and clearer written reports with less jargon. Alternatively, a subject matter expert can act as a facilitator, though this is less common and adds extra expense to the process.

When does the process go wrong?

Despite careful planning, there are scenarios where expert conclaves may not lead to a positive outcome, including when:

- One expert refuses to explain their views to the other, preventing mutual understanding and preserving initial differences.
- Experts attempt to negotiate instead of presenting their individual views.
- Experts possess different levels or types of expertise, causing one expert to agree to a position they later regret.

While good planning cannot eliminate these risks, raising one's awareness of them prior to the conclave can improve the likelihood of a successful outcome.

After the conclave

Once the conclave is completed and the joint report filed, the adversarial expert may confer with their instructing solicitors to discuss the joint report (this is not open to Single Experts). This discussion allows for explanations of any changes resulting from the experts' conference and ensures that counsel understands the remaining differences between the experts. Although the conclave has ended, preparations for cross-examination are just beginning.

The 'Hot Tub' Experience

Concurrent expert evidence, commonly referred to as 'hot tubbing,' is a method for presenting and examining expert evidence that has been widely advocated in Australia. In New South Wales, concurrent evidence has become a standard evidentiary procedure in major courts and tribunals. Although relatively rare in family law proceedings, it is fast gathering traction.

This approach involves all experts from similar disciplines providing their testimony simultaneously. Courts are arranged to accommodate multiple witnesses giving evidence concurrently.

In court, experts from both parties are sworn in and sit together in what is informally known as the 'hot tub' and present evidence concurrently in an interactive process moderated by the judge. Experts provide their individual opinions and undergo cross-examination by counsel, similar to a traditional adversarial trial. However, in this scenario, the experts present their viewpoints simultaneously rather than sequentially, and they can interact to correct or disagree with each other's views. The judge may also intervene with questions to enhance the fact-finding process. This method aims to be a discussion among professionals to improve the search for truth. It incorporates certain inquisitorial elements while still using fundamentally adversarial techniques in a non-traditional setting.

Concurrent evidence is designed to streamline trials, reduce work, enhance fact-finding and judicial decision-making, and improve settlement prospects. It typically involves less direct confrontation and promotes a more collaborative dialogue among experts, making them more open to reconsidering and modifying their original opinions.

While some critics have suggested that the process may result in the more persuasive, confident or assertive expert dominating or overshadowing the opinions expressed by other experts, it is suggested that these criticisms have not been validated in practice and that experts, in general, take their codes of conduct very seriously. The rules of professional conduct for lawyers apply equally, in that lawyers must not interfere with the integrity of the expert's evidence or seek to manipulate it.

As an experienced single expert witness, being ordered to participate in a conclave or to 'hop in the hot tub' is less daunting due to familiarity with the process. Similarly, many lawyers who were opposed to the process have started to support it over time. Additionally, new skills are being honed and novel cross-examination techniques are surfacing. Concurrent evidence practices are likely to persist.

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FROM SOLO TO SCALED

How Bron O'Loan Built a Family Law Powerhouse

*"I never
dreamed of
starting my
own firm."*



Interview by Victoria Moss
Photography provided by Bron O'Loan

*“I just loved it.
It was where I was
supposed to be all
along.”*

Bron O’Loan’s journey into family law wasn’t a straight line—it was a bold pivot. A former primary school teacher turned IT corporate trainer and university lecturer, Bron came to the legal profession with a rich tapestry of experience—and a vision.

Now the founder and principal of O’Loan Family Law (OLFL), a thriving Sydney-based firm with a team of over a dozen, Bron has become known not just for her practice, but for her philosophy—one that puts values, people, and purpose at the centre of everything.

From Education to Entrepreneurship

With a CV that includes product management, marketing, and even founding an e-commerce fashion business (which she ran with a team of six), Bron brings rare business acumen to her legal work. She jokes that her “early mid-life crisis” in her late 30s led her to study law—and that discovering family law was like finally finding her professional home.

A Pandemic Pivot

Bron didn’t start OLFL because she had always dreamed of running her own firm. “I had no intention of starting a business,” she explains. “Then COVID hit. I was working from home and everything felt uncertain—but I began to wonder if I could do it.” But that’s exactly what makes her story so powerful for other family lawyers navigating their own growth.

At first, she didn’t believe in herself. “Over time, that thought shifted. I started to back myself. And once I made that mental leap, things began to move.”

From the outset, Bron’s vision was clear: she wanted to run a resolution-first practice that supported clients to achieve outcomes without unnecessary litigation. She says: “That became our point of difference. We’d focus on settlement and client care.”





Scaling With Intention

Bron didn't stay a sole practitioner for long. "I realised early on—I didn't want to be on the tools forever. So my first hire was someone senior to replace me. It was scary financially, but it freed me up to actually grow the business."

Her advice to others scaling their firms?

"You cannot grow a business and carry all the legal work yourself. Replace yourself early. Yes, it's expensive. But it's the only way you can truly build."

"Don't play small. If your dream is to hire a paralegal and a solicitor—10x it. Dream bigger. As long as you have the business acumen behind you, the support and the systems and processes, you'll grow into it faster than you think."

Today, the team is approaching 15 staff and moving past what Bron calls the "growing pain point"—that tricky stage where a small boutique starts transforming into a more mature practice. The key, she says, has been systems and processes.

"We've worked hard, particularly over the past two years, to put solid processes in place. That's what has allowed us to scale without losing quality."

Keeping the Culture Strong

How do you preserve your firm's identity as it grows?

"For us, it's all about values," Bron explains. OLFL has four core values that are everywhere—on the walls, in meetings, and even in staff recognition.

"We do an annual kickoff retreat where we all get together as a team and plan. Each month we nominate a 'Star of the Month'—someone who's exemplified one of our values. You've got to live those values every day if you want the culture to survive growth."

Bron also uses strong internal communication systems. "We run weekly huddles with the whole team, leadership meetings, and share targets transparently so everyone knows where we're going and why."

Lessons from the Trenches

Bron is candid about the mistakes she made along the way. Her top lessons?

1. Hire slowly, fire quickly. "You can't let the wrong person stay too long. It damages the team. I made the mistake of hiring a friend once. Some inappropriate behaviours came to light and it was incredibly tough for me to make the Captain's call to end the relationship. I sat on it for far too long and the person ended up leaving of their own accord. I should have stepped up sooner, for the good of the firm."

2. Know your data. "Understand your leads, your conversion rates, your ROI. Who's bringing in clients? Who's best at consults? Without data, you're guessing."

3. Invest in yourself. "I didn't get a mentor for almost two years. That was a mistake. You need someone to challenge you, guide you, and help you grow."

She also believes in evolving mentorship. "As your business grows, your mentors need to change. You need different skills at each stage." Bron encourages others to get out to local business events (not necessarily just legal ones) to meet other likeminded businesspeople who may be potential mentors for you in the future.

What's Next?

Bron's not capping her firm's growth. "Stagnation is death in business," she says. "We'll keep growing organically, because we're ready for it."

One exciting new project? Hiring for a newly created role—an Intake & Onboarding Specialist—designed for a former family lawyer who wants to stay connected to the profession without managing files.

"It's perfect for someone looking to take a side-step—law-adjacent. They'll guide clients through those first, vulnerable stages and ensure they're fully supported from day one." Hopefully we can find that unicorn!



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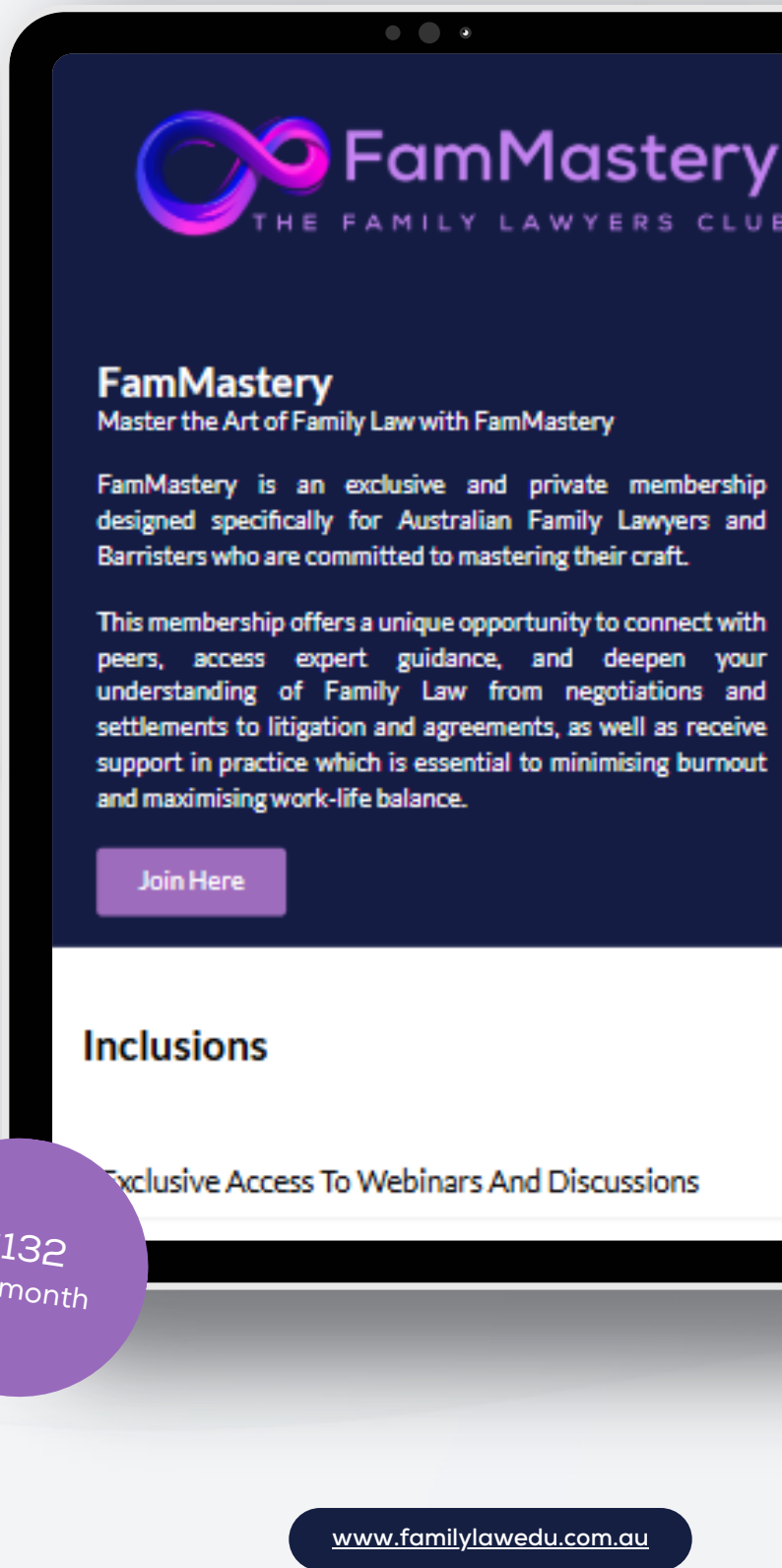
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FROM OVERSIGHT TO OFFENCE

Could you be underpaying your employees, without even knowing it?

By Michelle Dawson
Photography provided by Emplawyer

For any employer caught underpaying staff, it can be costly both financially and for the business' reputation and future. From 1 January 2025, intentionally underpaying an employee's wages or entitlements can constitute a criminal offence under the Fair Work Act 2009 (Cth) (FW Act), provided the action was intentional and not an honest mistake. If an individual is convicted of a criminal offence, a court can impose a maximum of ten years in prison, a fine or both.

Even putting to one side the potential criminal implications arising as a result of newer wage theft legislation, for employers found guilty of underpaying staff through enforcement litigation brought by the Fair Work Ombudsman (FWO), the ramifications are serious and can include (in no particular order) reputational damage, orders for back pay and significant monetary penalties. Monetary penalties can be ordered not just against employer entities but also against individuals involved in contraventions, such as company directors and managers.

“The cost of prevention is always less than the cost of a Fair Work investigation.”



Here are some common ways in which underpayment contraventions frequently occur:

1. Not knowing which Award applies, or applying the wrong Award

This happens more often than you would think. Are you relying on good advice, provided by those who actually know? If you're not, you should be. Many employers either do not understand that an Award applies to their staff, or are proceeding on wrong advice as to which Award applies. Also, many employers and managers are of the misunderstanding that if they pay their employees above Award rates then that means the Award does not apply (news flash, it doesn't mean that – and if this is you, you need advice right away).

2. Not properly understanding the Award's provisions

Where employers and managers don't fully understand the provisions of an applicable Award and when and how the provisions apply, that is a recipe for a high-stakes disaster. All employers should fully understand how and when an Award applies and how to ensure compliance with the particular Award. The appropriate payment of allowances and loadings are “sitting ducks” for this issue.

3. Short-paid hourly rates, penalty rates, overtime

This is probably the most common form of underpaying staff. Employers should be regularly auditing the pays of their employees, particularly (but not only) those employed under Awards, to ensure that they are paid an amount which is at least equal to the minimum rate prescribed by the award.

4. Not paying employees on time

Awards or agreements may set out when employees must be paid (i.e. weekly, fortnightly or monthly). If they do not, employers need to pay employees at least monthly for the work they do.

5. The deprivation of statutory leave

Some employers deprive their employees of accruing and/or taking leave. Ensuring accurate employee record-keeping and associated obligations are met should avoid errors. Payroll software malfunctions do happen though, and mistakes occur, so errors should be rectified quickly.

6. Inappropriate deductions from wages

There are very specific requirements around when deductions from an employee's wages can occur. If you don't know what those requirements are, and you are compulsorily deducting sums from your employees' wages, then you need to get advice.

7. Payment in kind

Employees need to be paid money for their work. They cannot be 'paid-in-kind', for example, with goods, accommodation or services.

8. Work performed 'off the books'

Employers who engage in this type of worker underpayment not only risk being prosecuted and fined by the FWO, but also by the Australian Tax Office and relevant State Revenue Office, among other governing bodies.

9. Failing to keep records / provide pay slips

Are you recording the hours worked for each employee? Employers must keep time and wage records for 7 years. Making sure there are accurate records around hours worked is important to satisfy legal obligations around record keeping and may assist employers with disputing any claims made at a later date. Pay slips have to be given to an employee within 1 working day of pay day.

10. Sham contracting

Sham contracting is claiming that a worker is a contractor when they are actually an employee (often done to avoid paying employee entitlements). It is an offence under the FW Act and significant penalties apply.

11. Unpaid work experience, internships, volunteers

Employees must be paid unless they are on a vocational placement as defined by the FW Act. Generally, unless the work is required by an authorised education or training course, workers will not be on a vocational placement.

Unpaid work experience placements and internships are less likely to involve employment if:

- they are mainly for the benefit of the person (rather than the company engaging them);

- the periods of the placement are relatively short;
- the person is not required or expected to do productive work; and
- there is no significant commercial gain or value for the business derived out of the work.

12. Commission-only arrangements

Unless an award specifically permits it, commission-only arrangements are generally a no-no and can bring significant risk to an employer.

13. Withholding payments on termination

Have you paid your employee their final pay? Employees have an entitlement to payments on termination including for outstanding pay for hours they have worked and accumulated annual leave. They may also have an entitlement to long service leave payments, payment in lieu of notice or redundancy pay.

What can you do to reduce the risk of underpayment?

- Seek professional legal and accounting advice
- Invest in good payroll systems and the governance that surrounds them
- Consider changing circumstances, do not set and forget, subscribe to reliable sources of information, monitor changes and keep abreast of best practice guidance
- Conduct regular compliance audits and spot checks of your payroll system
- Educate, upskill staff through training and skill development to support the systems you put in place
- Check your corporate culture, build a collaborative culture where staff feel comfortable to raise issues
- Promptly resolve issues when they arise

If you think that there is even the slightest chance that your business may not be fully complying with your obligations as an employer when it comes to avoiding underpayment, [reach out to us at Emplawyer](#) and we will help you to navigate and address the issues.



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Instead of

"High conflict matter"

"Difficult client"

"We will do our best"

"That's not my job"

"The father/mother won't agree"

"You need to calm down"

"It's just how the system works"

"There's nothing we can do"

Try

"A complex family dynamic with unresolved issues"

"A client with a lot on their plate"

"Here's what I can commit to today"

"Let me find the right person to support you"

"There's been a breakdown in communication between the parents"

"Let's take a breath so I can support you better"

"I know it feels frustrating here's what's within our control"

"Let's talk about what we can do next"

BUILDING A PRACTICE, RAISING A FAMILY

A Story of Two Callings



A woman with long brown hair and glasses, wearing a white sleeveless dress, stands next to a man with a grey beard and balding head, wearing a dark blue suit and a blue patterned tie. They are standing in a modern office with large glass windows and a white brick wall. The woman has her hand on her hip, and the man has his hands clasped in front of him.

“Being both a lawyer and a mum is a constant juggle, but it’s also incredibly rewarding.”

Gabriella Pomare is a highly respected family law specialist and Partner in a leading Sydney firm, known for her strategic expertise and compassionate client care. With a career spanning over a decade and numerous accolades—including recognition as a 2024 Australasian Leading Female Lawyer—Gabriella brings both legal excellence and human insight to every matter she handles. In this article, she reflects on the ongoing juggle between law firm leadership and motherhood.

Let me paint this picture for you. You have had to rush out of the office at 2.00pm to do the school pick up. It’s 3.50pm and you have a 4.00pm appearance before a Justice of Division 1 of the FCFCOA. The appearance is for a big and pretty important matter. All parties and practitioners have joined the line. Your dad/babysitter/senior partner of your firm promised to be home in time to watch your 4-year-old and 4-month-old so you could do the appearance from home in peace. It gets to 3.55pm and grandpa is still a no show. 3.57pm. You put the baby into the pram in another room. You tell your 4-year-old who is refusing to watch TV in the living room to be quiet and sit under the desk while mummy has a work meeting.

Next thing you know, the associate calls her Honour onto the bench — one knock, two knocks, three. There pops my 4-year old’s head onto the camera screen saying hello to everyone. Needless to say, I died. I immediately turned off the camera, but in the shock of it all left on the microphone. Screaming “Teddy, get out now!”, I see the ICL’s eyes open wide. Damn, I thought to myself, I’ve left the microphone on. Seconds later, a text arrives from my client “do you need help babysitting this afternoon”. A slow and painful death ensues.

Pregnancy, motherhood and partnership don’t naturally go hand in hand. Clients worry you won’t be available, staff wonder who’ll guide them, and internally, the pressure builds. Being both a lawyer and a mum is a constant juggle—but it’s also incredibly rewarding.

There are days you feel like you’re failing at both. That’s why I believe in work-life blend, not balance. Family is my priority, but work is also a part of who I am. I want my children to see that. As Katie Couric said, “Get rid of the guilt...When you’re at one place, don’t feel bad you’re not at the other.”

Running a firm, mentoring juniors, and meeting court deadlines while parenting can feel impossible. But I've learned to embrace the challenge. Even a few quality hours outside work can build beautiful memories—though it often means early mornings, late nights, and working with little ones at my feet.

Yes, there's a constant pull—to be at assemblies, help with homework, show up for both your clients and your kids. Some days I want nothing more than squishy toes in bed and slow mornings. Other days, I crave the courtroom, a well-run mediation, or the satisfaction of empowering someone through their separation.

When I returned to work months after my son was born, he played under my desk while I counselled clients. Five years later, I was responding to emails from my hospital bed after giving birth to my daughter. People questioned me both times. But they didn't see the moments in between—the cuddles, the story time, the feeding, the baths. I was doing both. Because we can. These last few months have taught me to embrace the impossible and take hold of challenges. I've learned that a few hours before or after work still allows you to build incredible bonds and memories.

The expectations on working mothers—both external and internal—can be overwhelming. We're not just trying to be good lawyers or parents, but good partners too. Most nights, we collapse by 8 p.m. wondering if we've done enough in any of those roles.

So, how do we do it all? How do we keep a law firm running, build a great culture, and still be there for drop-offs, Easter hat parades, and bedtime stories?

Here are my five key rules for running a successful family law firm—and being present for the moments that matter most.

“You don’t have to choose between raising children and building a law firm — but you do have to plan, blend, and adapt.”



1. Take leadership of the firm.

You need to ensure that you are keeping the business running and not just sitting at your desk servicing clients. This means having a marketing strategy, being on top of staffing and financial management, and taking responsibility for client development and relationships. Much of this can be automated, so once you set up a system that works for you and your firm, automate what works and have systems in place to ensure the ongoing smooth sailing of your practices. A successful firm needs a strong leader — you can do it, mum. Just as you are the one managing every family member's to-do list each week, you can also manage the way your firm operates, and you can do it well.

2. Maintain a good culture within your firm.

I have said a few times that the last thing I want within my firm is toxicity. As soon as I sense something feels unsettled within my staff, I try to take action and address the problem. I don't have staff members. I have family. I truly value each staff member's unique role within our firm and am grateful for each of their skills and attributes. As a partner, I am not just responsible for my own individual success, but also for fostering and maintaining a healthy, positive and inclusive environment for my staff that encourages their success and, in turn, the success of the firm. This often means putting lots of extra time into junior lawyers, promoting teamwork and maintaining balance within the firm.

3. Build and maintain client relationships and a referral network.

Without good clients and referrers, a firm cannot flourish. As a partner, your role isn't only to run cases but to bring in new clients and manage existing ones. We need to touch base and maintain communication with clients we have delegated to our junior lawyers and ensure client satisfaction. By being present and communicative, you stand out from other lawyers in other firms. The one thing clients tell me they value is my approachability. It is with this that I foster the best client long-term relationships and referral network. Most of my work, and indeed the firm's, comes from word of mouth from previous clients.

Taking the time to make a client feel heard, valued and prioritised is almost my most important role when my partner hat is on. It's not that different to being a mum, right? Your children also want you to make them feel valued. They want time with you and to feel special. So, apply how you do this at home to how you might be able to do it better at the office.

4. Maintaining my own professional development.

The law, and practice management, is a constantly evolving world. Being a good leader and partner of a firm means growing and developing our knowledge and staying up to date with trends, new case law and what clients want. I need to stay educated and ensure my staff keep learning. Learning never stops in the world of the law. At the same time, to continue my professional development, I spend time writing articles, being involved in events and networking. This too is such a big part of maintaining a growing firm.

5. Having an ongoing work-life blend.

Running a law firm is exhausting. Almost as exhausting as being a mum. So, how do we do both roles, and at the same time? With long hours and high expectations placed on us, balancing it all can seem impossible. The good thing about being a partner is that there is the flexibility to work when you want (most of the time) and manage your workload as it best suits you. This means early mornings and late nights on the computer for me — as that suits my lifestyle and my needs. For others, it is having a day off once a week or maybe working mostly from home. It might mean having to schedule in social time with your staff and cross out days for school events — but I think being organised is the key to maintaining that blend and balance.

From my perspective, working lawyer mums and law firm partners show the greatest resilience and strength. There is no perfect balance, and some days are better than others, but by doing things one step at a time and maintaining focus, leaning on your support networks and being smart with how you plan your time, you can do it all. Find comfort in fluidity, automate systems where possible, encourage a good culture and happy staff, and your firm will succeed.

THE PREDICTIONS BY AI

We asked AI: what's ahead for family law?



"Court delays will be handled by AI bots who are better at sarcasm than the current registry system."



"We'll finally have a universal parenting plan template. No more reinventing the wheel."



"Mediation rooms will have therapy dogs. And snacks. Definitely snacks."

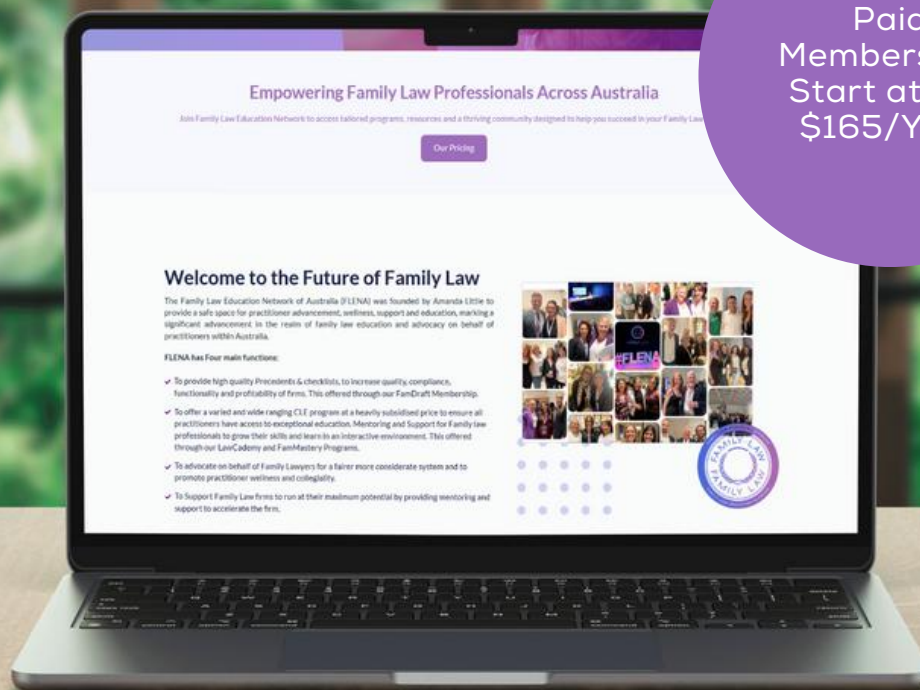


"Practitioners will carry less emotional burden because wellness will be built into firm culture —not treated as a side note."

What do you think?
Is AI close or completely off?

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