

It's law eZine ...but not as you know it!

LAW & DISORDER

VOLUME 97 - September 2014

FATHER'S DAY SPECIAL

In this issue:

- Legal Advice to Fathers
- Your Dad and his money
- The Art of War and advising clients



Google+
find us on
Facebook
LinkedIn



Paul Brennan

Editor

Author of the The Law is an Ass...Make Sure it Doesn't Bite Yours!

info@lawanddisorder.com.au www.lawanddisorder.com.au

For further information on the events, book launch or other matters referred to in this ezine please go to www.lawanddisorder.com.au.



The Law & Disorder eZine attempts to provide legal information in an entertaining and amusing manner to help clients avoid predictable legal issues.

Brief Books
PO Box 27
Mooloolaba
Queensland 4557
Australia



Law Books that even lawyers can finish

QLD BN: 22069914

This Law & Disorder eZine is sponsored by:

 **BRENNAN'S**
SOLICITORS

A.B.N. 47 163 512 614

Phone: 07 5438 8199

Fax: 07 5438 8836

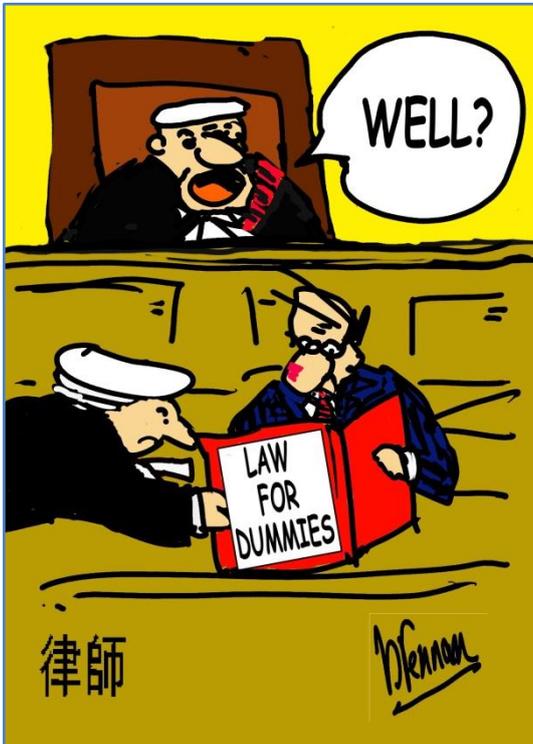
info@brennanlaw.com.au

www.brennanlaw.com.au

Individual liability limited by a scheme approved under professional standards legislation

Legal message to fathers

After years of striving to bring home more and more bacon, fathers realise that



however much bacon is brought home, there never seems to be quite enough. For instance, daughter's wedding costs are adjusted to suit the money available as are demands for shoes, tops, foreign holidays, new cars etc. Many fathers react to this by adopting a simple Buddhist-like life style knowing that any extravagance on their part may trigger another round of spending by the rest of the family.

However, it does not need to be this way.

Fathers who turn to their lawyers for a solution

have been advised to channel monthly family income to the lawyer's trust account and allow their lawyer to deal with requests for finance by family members. Such is the saving that there is soon enough money to accommodate any sensible request by the children. Lawyers ensure that rather than the usual handouts, money is given to children by way of documented loans. In some cases, it has been possible to reclassify previous handouts as loans, thus increasing the family's capital base.

The debts are immediately factored out creating a fund which can be the subject of further loans or just saved. Factors rather than parents will pursue children for repayment thus reducing family contention. Indeed, if children fall behind in repayments, parents have the funds immediately available to bail them out by way of

further loans. Children soon learn the value of money and some even stop approaching their parents for money at all.

Fathers can soon easily afford the gardeners and tradesmen to undertake the jobs that they tend to avoid doing each weekend.

Fathers will finally be able to afford the Harley Davidsons, Hawaiian Shirts and gold chains which make their life a little brighter.

With the help of their lawyer, fathers can forsake their unfulfilling and impoverished existence to become once again the fun loving, generous people they once were before they had children.

© Paul Brennan 2014. All rights reserved.

Your Dad and his money

Warning: *The Law & Disorder adopts a humorous approach to alert those who have yet to face certain legal issues. If your father is getting on and losing his mind, see a lawyer. However if he is only at the stage of losing his car keys, read on.*

Has your Dad lost his marbles?
If so, it is all over for him
making a will in your favour, or
changing an existing will to
disinherit a few of your



siblings as he does not have the mental capacity to do so. On the positive side, once he has "lost capacity" you do not need to visit him so often, to avoid losing out.

A lawyer will often send aged clients off to a doctor to witness the will and also they will ask questions (and take detailed notes) to determine if their client knows:

- That he is making a will?
- How much he is worth?
- Who he would normally leave it to and in what proportions?
- And that he does appear sane.

The more complex the will or the change, the more "on the ball" the testator and lawyer must be.

A general suspicion of lack of capacity e.g. age and/or illness is not enough for a court, there must be clear evidence of significant doubt that the testator had capacity.

The onus of proof weighs on those supporting the will. The court will look at any suspicious behaviour (often helpfully supplied by an ex-wife). Or suspicious circumstances, such as any irrational provisions, beneficiaries excluded unexpectedly or undue influence (e.g. carer windfalls).

Trials are awash with evidence of bitter relatives and concerned neighbours



together with medical evidence. Your lawyer with his notes will be a star witness.

Your lawyer may use his own sanity as a benchmark which can be a very low hurdle. The chances of your lawyer being sued in borderline cases by disinherited beneficiaries are quite high.

Therefore, do not expect any senior citizen discounts next time that you wheel your old decrepit dad in for a will. Your lawyer will check to ensure that their client is sane, whereas normally there is no such obligation.

© Paul Brennan 2014. All rights reserved.

The Art of War and advising clients

Dear John

With the internet, the first interview with a client can be like a tutorial on the subject of their legal issue. I find it very enlightening, but wish to return to the days when I gave insightful comments rather than just listening attentively and looking it up later.

M.

Dear M

I have known clients to painstakingly research the law on the internet only to find it had changed by the time that they got to my office. After spending hours trawling



the internet, I believe clients have a better understanding of what we have had to put up with. They are relieved when I refuse to trot out the usual legal claptrap and instead focus on their issue.

I seldom use law at all, and rely on the Art of War by Sun Tzu, which is a manual on warfare written 2,500 years ago. It is a sort of Quentin Tarantino version of *Don't Sweat the Small Stuff*.

The Art of War is extremely effective in planning strategies but combine its authority with the benefit of hindsight and you will once again find yourself offering sage, insightful comments to appreciative clients.

What clients do not want to hear that their previous lawyer had disastrously and expensively laid a prolonged siege rather than rushing forward to secure a quick victory, or had rushed forward rather than adopting safer ground until the time was right?

I first started to use the Art of War to convince trainee lawyers that everything was their fault as any discussion with them involving law always left me feeling that I was to blame.

Once you are known as an Art of War Practitioner other lawyers may no longer feel smug at your inaction as appearing to do



nothing is the ultimate deception. You will feel a general euphoria that however bad things may appear, a brilliant unfathomable plan is at work and will come to you eventually.

At thirteen chapters, the Art of War is a far easier read than the entire common law, and you will be pleased to know that there was no Latin in Ancient China.

J.F.

Extract from - I'll have the law on you -selected letters of John Fytit to be published later this year.

© Paul Brennan 2014. All rights reserved.

Need a speaker for your conference, organisation or club? Contact Paul Brennan on 5438 8199 or email: info@lawanddisorder.com.au

"Good common sense advice on how to avoid costly mistakes".

- Bob Ansett

"Knowledge, insights and wisdom. Paul has a passion for his life and work which is infectious".

- Susan Heron Chief Executive Office, Australian Institute of Management

"Paul turned legal mysteries into understandable entertainment".

- Maroochy Zonta Club

Disclaimer:

The content of the Law & Disorder eZine is to give you legal basics and in some instances included unashamedly to try and make you laugh. In law it is sometimes difficult to work out what is serious and what is just for fun. Therefore, if you plan to do anything legal, rely on your own lawyer's advice or instruct me to look at the particular facts of your case. Not only will I deny responsibility for the legal content but also for some of the jokes.

NEXT MONTH

Download a **free** copy of:

Hang on to it girl The Wily Woman's Guide to Wills

Women are either richer or living longer or with the wrong choice of husband, poorer and left to pick up the pieces. This gives women more time to marry even more disastrously than they did the first, second and in some cases third time.

The security of having money can lead to pressure from those who wish to share it.

Many of the problems are predictable, after all it is your family. But more importantly, sometimes avoidable.

