

SPECIALIST PRECEDENT BANK

FLENA Fact Sheet

The Family Law Education Network of Australia (FLENA) is a Content Partner of Smarter Drafter. The following list details the precedents that are included in the FLENA Precedent Bank.

Following “best practice” principles of Family Law, the FLENA precedents are continually updated to ensure compliance with Federal Court and Family Court of Australia (Family Law) Rules 2021 and Central Practice Directions including the Ancillary Central Practice Directions.

All FLENA precedents are integrated, enabling client data to be pre-populated, with all the major Practice Management providers including Smokeball, LEAP, Clio and Actionstep. By creating FLENA content via Smarter Drafter, a firm can leverage features including digital signatures and direct saving to a firm’s practice or document management system, saving time at each stage of the client matter.

Family Law Checklist

Negotiations and Pre-Action Procedures

- P01 Initial Letter to Client on Retention
- P02 Initial Formal Letter to Client Regarding Children and or Property
- P03 Initial Formal Letter to Other Party Regarding Children and or Property
- P04 Letter to Client Requesting Financial Disclosure
- P06 Property Division Letter of Advice
- P07 Letter to Other Party Following Financial Disclosure with offer and or Proposed Mediation
- P08 Letter to Mediator

Final Notice Pre-Proceedings

- P09 Letter to Client with Obligations and CPD - pre-filing advice consistent with 190 - client DocuSign
- P10 Written Notice of Intention to Commence (wait 14 days prior to filing min)
- P11 Written Notice of Intention to Commence 2 - no response - send after 14 days
- P12 Written Notice of Intention to Commence 3- Response but No Resolution - send after negotiations exhausted

FCFCOA In - Litigation

STAGE 1 - Filing

- P13 Letter of Submissions to the Court when Filing

STAGE 2 - First Return

- P14 Cost Letter to Client
- P15 Letter to Other Party & Court with Cost Notice

- P16 Signed Statement As to Costs
- P17 Prepare Summary Document
- P18 Cost Notice
- P19 Letter to Client re Outcome of Date

STAGE 3 – Interim Hearing

- P20 Letter to Client to confirm No Substantial Change (property only - 14 days prior)
- P21 Letter to Client re Obligations and Cost Notice (min 7 day prior)
- P22 Letter to Other Party re Ready to Proceed and Attaching Interim Hearing Case Outline Plus Minute (min 2 days prior)
- P23 Letter to Court re Ready to Proceed & Attaching Interim Hearing Case Outline (min 2 days prior)
- P24 Letter to Court and Other Party with Cost Notice (min 1 day prior)
- P25 Letter of Outcome to Client Following Interim Hearing (including invoice outcome next steps new timetable)

STAGE 4 – Dispute Resolution & Post Dispute Resolution

- P26 Letter to Client Confirming No Substantial Change
- P27 Letter to Client re Obligations & Cost Notice
- P28 Letter to Court & Other Party Attaching Cost Notice
- P29 Letter to Private Mediator and Other Party
- P30 Letter to Other Party Issues Left in Dispute Children
- P30A Letter to Other Party Children & Property
- P30B Letter to Other Party Property only
- P31 Post FDR Letter to Client
- P32 CC Compulsory Offer of Settlement

STAGE 5 – Compliance Readiness Hearing

- P33 Letter to Client Confirming No Substantial Change
- P34 Letter to Other Party with Proposed Trial Plan
- P35 Letter to OP confirming agreement or no agreement to Trial Plan
- P36 Letter to Court Providing Trial Plan, Directions & Compliance
- P37 Letter to Client re Obligations & Cost Notice
- P38 Letter to Court and Other Party with Cost Notice
- P39 Letter to Client re Outcome of Date - Next Step & Invoice + Funds in Trust for Next Steps

STAGE 6 – Trial Prep

- P40 Letter to Client Confirming No Substantial Change (property only)
- P41 List of Authorities which Counsel Intends to cite together with copies of any unreported decisions relied upon
- P42 Letter to Expert to Notify of Need for Cross Examination
- P43 Letter to Client re Expectations for Final Hearing

STAGE 7 – Trial Management Hearing

- P44 Letter to Client Confirming No Substantial Change (property only - 14 days prior)
- P45 Final Cost Notice to Client
- P46 Final Cost Notice to Court and Other Party
- P47 Prepare Schedule Costs IF Likely Cost Outcome

STAGE 8 – Trial / Post Trial And Judgement

- P48 Letter to Client with Outcome - expect time until Judgment

- Up to date Tax Invoice
- P49 Letter to Client re Receiving Judgment and Next Steps - as required
- P50 Final Letter to Client with Summary of Outcome and Completion

Speciality Lists - Critical Incident List

- CIL1 Letter of Submission to Court
- CIL2 Letter to Client
- CIL3 Letter to Client following Allocation to List
- CIL4 Orders & Affidavit Contents

Speciality Lists - Major Complex Proceedings

- MCFFP1 Letter to client identifying and explaining MCFFP list
- MCFFP2 Letter to MCFFP team for listing
- MCFFP3 Letter to Client confirming MCFFP allocation
- MCFFP4 Letter to Other Party re MCFFP allocation and progression

Speciality Lists - Evatt & Lighthouse

- LH1 Lighthouse Initial Letter
- EVO Evatt Checklist
- EV1 Letter to Client Identifying the Matter as Possible Evatt
- EV2 Letter to Client on Allocation to Evatt List
- EV3 Letter to Client following matter being set down for an Interim Hearing
- EV4 Letter to Client when matter is listed for Evatt Mention following an Interim Hearing or DRC
- EV5 Evatt Matter set down for FDR Event
- EV6 Letter to the client following the Evatt DRC
- EV7 Specialist Case Management Mention - List of Unresolved Matters
- EV8 Letter to the client following CRH

FCFCOA - Offer Letter Precedents

Special Release Precedents

- Divorce Checklist
- D1 Initial Letter to Client on Retention for Divorce
- D2 Initial Letter to Client Seeking Additional Evidence
- D3 Letter to Other Party re joint application for divorce
- D4 Letter to Other Party where marriage is less than 2 years and client is seeking counselling
- D5 Letter to Translator
- D6 Template Affidavit Contents - Family Counselling
- D7 Template Affidavit Contents - Separated under one roof
- D8 Template Affidavit Contents - Application without a marriage certificate
- D9 Letter to Client providing Draft Application for Divorce
- D10 Letter to other party providing Joint Application for Divorce for signing
- D11 Letter to Process Server
- D12 Letter to Client providing filed Application for Divorce (Applicant)
- D13 Letter to other party providing filed Joint Application for Divorce
- D14 Template Orders and Affidavit Contents - Substituted Service

- D15 Letter to Client providing filed Application for Divorce (Respondent)
- D16 Letter to other party serving Response to Application for Divorce
- D17 Letter to Client confirming filing of Response to Application for Divorce
- D18 Submissions for Divorce
- D19 Letter to Client confirming outcome - Copy
- D20 Letter to Client providing Divorce

FDRP/Mediation

Brochures And Forms (mandatory and brandable)

- FDR brochure (your branding)
- FAQ re FDR brochure (your branding)
- Best Interests' Legislation (your branding)
- Confidentiality Agreement (your branding)
- Agreement to Mediate (your branding)
- Intake Form (your branding)
- Pre-action procedure (prescribed)
- FDR Court brochure (prescribed)
- Marriage, Families and Separation Brochure (prescribed)
- 60I (prescribed form)

Speciality

- Child Inclusive Brochure
- Child Inclusive Consent
- AVO consent
- Third party attendance consent

FDRP/Mediation - Pre-Litigation

Pre-Litigation

- Pre-litigation Checklist
- L01 Initial Enquiry Email
- L02 Initial contact letter to Other Party
- L03 Letter to contact party advising invitation sent
- L04 Further Letter to Other Party seeking a response if none received
- L05 Letter to agreeing party with intake
- L06 Letter to other party – if no response issue of s.60I by close of business
- L07 Letter to contacting party providing s.60I for refusal or no response
- L08 Letter enclosing Intake with deadline
- L09 Letter to both parties confirming intakes and to schedule FDR
- L10 Letter to both parties confirming scheduled conference
- L11 Letter scheduling child inclusive meeting
- L12 Final letter following FDR

In Litigation

- L0 In-Litigation Checklist
- L1 Initial Letter to parties upon engagement
- L2 Initial letter to Lawyer
- L3 Letter to Other Party (if self rep) confirming pre

- conference date
- L4 Letter following pre-dispute resolution conference
- L5 In Litigation Pre-Conference Checklist
- L6 In Litigation Consent Terms

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