

The logo features the word "FLIP" in purple, with a black arrow pointing upwards and to the right from the top of the letter "P". Below "FLIP" are the words "Domestic Violence" in a bold, black, sans-serif font.

# FLIP Domestic Violence

an initiative by



## Why are we here?

If you get injured because of the carelessness or negligence of another person—in other words, in an accident—it's pretty straightforward for you to make a claim for compensation. And yet if you receive the same or even worse injuries in domestic violence circumstances—that is, from the deliberate acts of a person—our current legal system makes it very difficult for you to claim fair compensation.

Similarly, in family law, many couples splitting-up after a long relationship make a property settlement to fairly divide their property between them. And if they can't agree, they ask a court to decide. But if you are a victim/survivor of domestic violence, it can be next to impossible to negotiate a fair division of property with your perpetrator partner, or to organise to go to court. In the face of the difficulty, and with getting away being the main thing on your mind, you may decide to leave all the family property behind. Or you might be pressured by the perpetrator to sign-off on a settlement that is grossly unfair. Or you may decide to remain in the relationship because you simply cannot see your way clear.

All of this happens, right now, to domestic violence victim/survivors across Australia, over and over. It's not right. It's not fair. It is not justice.

## **Why is it so?**

Most survivors don't make a claim for full compensation for their injuries (we're not talking about victims' compensation here), not because the law says they can't, but because there is no liability insurance for deliberate or criminal acts. If there is no insurer to guarantee that a compensation award will be paid, it can be extremely difficult to take a personal injuries case to court.

In family law, victim/survivors often don't apply for a property settlement because they feel unsafe and traumatised.

In both situations, domestic violence victims suffering trauma often don't feel able or properly supported to enter into any sort of court case against the perpetrator.

## **What does FLIP/DV change?**

The FLIP/DV initiative is our take on trying to shift these roadblocks to fairer financial outcomes for victim/survivors of domestic violence.

As personal injury and family lawyers, we come together with you to consider your family law and personal injury needs in the one frame. Then, if your case looks good, and you are up for the challenge, we design a coordinated approach to court action that suits your individual case.

This might mean that we start a case for compensation for the personal injuries caused by the abuse, and at the same time, apply for a family law property settlement for you. Drawing the processes together means that, instead of the 'deep pockets' of a liability insurance company, the assets in the family property pool become a form of insurance for payment of the compensation.

In addition, under our special FLIP/DV collaborative practice model, we involve therapeutic professionals to help look after you. We can include your friends, family and trusted helpers for your support during the litigation, and our lawyers apply a trauma-informed style of practice. You do not need to fight these battles alone, and without understanding about the continuing effects of your experiences.

## **What are the benefits?**

If you receive fair compensation for your injuries and a fair share of family property, you will face a more financially sustainable and independent future. This is our main goal for you.

Additionally, however, rather than just punishing the perpetrator as the criminal law does, the focus in the civil law of personal injuries compensation is on your experience, your injuries and on the effect of the

perpetrator's actions on the whole of your life. This may help you towards recovery.

And maybe, just maybe, if more women stand up to claim what they deserve and what belongs to them, more perpetrators might think again about continuing their abusive behaviour. We believe that this is a change worth fighting for.

## **What about legal fees?**

Legal fees within FLIP/DV are ultimately paid out of the family property pool. Payments along the way are necessary, but if, as for many clients, this is difficult for you to afford, we can help you arrange litigation funding which is eventually reimbursed from the property settlement.

In any case, both Tribe Family Lawyers and Slater+Gordon have done our best to keep fees at reasonable rates for FLIP/DV. We discuss these issues with you openly and in detail before you decide to commit.

## **FLIP/DV is not for everyone.**

You might really want to turn the tables on the perpetrator, to claim property that rightfully belongs to you, and compensation for the harm you have suffered. We believe in and support your rights to these outcomes. But let's be clear—being involved in possibly two legal cases at once is hard, especially for a survivor in recovery from trauma.

Secondly, to be eligible for the FLIP/DV model under the current state of the law (which is not great for domestic violence survivors), you will have suffered serious physical and psychological harm and have outstanding rights to a family law property settlement.

And, lastly and undeniably, there are risks in any litigation. We try to minimise these in our practice but also by carefully considering the prospects of every case we take on.

You are very welcome to explore all the risks and benefits with us in our FLIP/DV case assessment process, without any obligation or pressure to sign up.

## **What's next?**

If you would like to explore the possibilities of being a FLIP/DV client with us, the first step is to complete the short questionnaire that you can access from the [\*\*FLIP/DV web page\*\*](#). This will help us to understand your story and begin to assess your case. We will contact you shortly after you submit your response. If you're up for working through this with us, we will be very pleased to hear from you. Let's dive in and see what might be done!