

# Planning for *The Future*

As we focus on the importance of farmers taking appropriate legal action and planning for the future, our gaze turns to Solicitor Oonagh McCormack.

O'Connor McCormack Solicitors was established in 1986 by Eoin O'Connor, solicitor. Oonagh describes them as "a progressive firm, small enough to provide a personal service but with sufficient experience and expertise to advise over a broad range of issues". Coming from a farming background, the Kildare native is a partner in the firm with offices located in Naas, Co. Kildare. In recent years Oonagh has developed the area of Farming Law within the office.

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O'Connor McCormack Solicitors offer a comprehensive range of legal services for farmers, including: preparation of wills and succession planning, conveyancing matters pertaining to the purchase and sale of agri- holdings, voluntary transfer of sites and farms, preparation of farm partnership agreements and milk production farm, partnership agreements, setting up of companies for farming

enterprises which have been advised by financial advisors to incorporate, and dispute resolution including full mediation service, collaborative family law.

## The Family Farm and Collaborative Family Law

In the situation of a marriage break down, difficult decisions must be made regarding the family home and sometimes the family business. These decisions are even harder in circumstances where there are real concerns to preserve the family farm for the next generation. Unfortunately, the courts can be quite inflexible when it comes to dividing up family land and concerns of 'proper provision' take precedence.

Collaborative Family Law (Separation or Divorce) is a relatively new concept in the

Irish legal system and is an alternative to the traditional adversarial court system. The husband and wife, together with their respective lawyers are placed at the centre of the decision making process. The parties agree to engage in face-to-face meetings during which the husband and wife, together with their lawyers will work out an agenda and the various matters to be discussed and negotiated. Negotiations



are conducted with a commitment to communication and full financial disclosure.

"There are huge advantages to the collaborative law process where a family farm is involved. It effectively allows the parties to retain autonomy and control in the dissolution of their relationship. This means that options other than selling the family farm might be explored. In an attempt to preserve the livelihood of everybody involved in the family farm, creative solutions may be reached while allowing each party to complete the process without feeling that they have been hard done by."

Eoin O'Connor, solicitor, is an accredited collaborative law solicitor and current chairperson of the Irish Association of Collaborative Practitioners.

**Oonagh McCormack:** B Corp Law L.L.M Dip. Comm Law Dip Emp Law.

**Eoin O'Connor:** BCL Dip Family Law Commissioner for Oaths

O'Connor McCormack Solicitors, 16 South Main Street, Naas, Co.Kildare

Tel: (045) 875333, Fax: (045) 875637, E: info@oconnormccormack.ie, www.oconnormccormack.ie

