

Understanding the costs of divorce

First things first. What is a divorce?

This is where many people get confused. A divorce is merely the ending of the legal contract between a husband and wife. A divorce case and the costs involved DO NOT automatically include the costs of sorting out matters in relation to children, for example getting agreement on contact and residence, or the thorny issue of finances.

A divorce case involves the completion of certain items of paperwork which have to be filed with the courts. The Courts levy a fee for handling this paperwork, currently £340 in total.

Very often if a husband and wife are in agreement a divorce can be completed amicably and quite quickly (although this will depend on the speed of the Courts at various stages). At Woolley & Co a fixed fee of £750 plus VAT and Court fees is charged for a divorce of this kind.

Most people have to pay these costs themselves, although some couples chose to split the costs between them. Under certain circumstances some individuals are entitled to Public Funding (legal aid) to cover the costs of their case. Woolley & Co do not handle public funded (legal aid) cases. All our clients are therefore private clients who pay us directly in relation to the work that we do.

Additions to the divorce – ancillary cases

Very few cases however involve only the divorce paperwork, in most marriages there is a marital home, some assets (savings and so on), pensions held by one or both parties and other issues which need to be agreed on - division of household furniture, who will keep the family car, pets and so on. In a marriage in which children are involved there is also likely to be agreement needed on which parent the children will live with and contact with the other parent.

If both parties can agree on how to split finances and / or arrangements for the children a case can be very simple and may not require the parties to attend Court. In these circumstances lawyers are used to embody your agreement into a legally binding document that you are both prepared to sign. But most people will need help from an experienced divorce lawyer to assist them in knowing what to negotiate for.

In a few cases a couple cannot agree even with the help of their lawyer and decide to let the court deal with things. This is when costs can begin to escalate.

Your lawyer should always give you an estimate of how much each element of a case is going to cost. At Woolley & Co we can sometimes offer a fixed fee at each stage so that you know exactly how much your lawyer's fees will be.

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It is worthwhile understanding at the outset however that in addition to the lawyers' fees you will need to budget anything between £3,000 to £4,000 for the following:

- Court fees
- Valuers fees in respect of the matrimonial home, other properties, policies and assets
- Fees paid to pension fund managers for transfer value figures and other calculations
- Fees paid to banks and credit card companies for copy statements, if not available
- Fees paid to the HM Revenue for copy tax documents, if not available
- Fees paid to independent financial advisers for advice on how to manage your financial affairs
- Fees paid to actuaries to calculate pension sharing figures
- Fees paid to a barrister to represent you at any final hearing

At Woolley and Co we can help you to budget in several ways:-

- Woolley & Co offer a fixed-fee option for many types of case, so you know in advance exactly what it will cost. For an uncontested divorce, for instance, such an option is almost always cheaper than paying an hourly rate.
- Where we agree to invoice you for work completed on an hourly rate basis Woolley & Co always provide a cost estimate at the start of the case
- All Woolley & Co clients are invoiced on a monthly basis (to assist you with budgeting)
- Woolley & Co will always notify you in advance if we feel the cost estimate needs to be adjusted.
- In suitable cases we can arrange a 'legal loan' with a reputable bank, where you pay only the monthly interest until the case is settled, and then pay off the loan from settlement monies (for example the sale of a property, when the case is concluded). This arrangement is only suitable, of course, in cases where a financial settlement is being pursued by the client.

At Woolley & Co we aim to use plain English at every stage in our dealings with clients. We think it is essential for both clients and ourselves, that you understand the costs involved in your case. If at any stage you are unclear you should raise the issue with the lawyer handling your case.

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Controlling the Costs of Your Divorce Case

You can help to keep costs under control. Based on many years of experience our lawyers have compiled the following Tips for Controlling the Costs of a Divorce Case.

Agree a fixed fee

At each stage of your case ask your lawyer for a fixed fee. Make sure you are clear what is included in the fixed fee. Ask also about any additional costs for example Court fees and disbursements (which generally means things like photocopying large documents, your lawyer's travel costs, car parking and petrol, barristers' fees etc.)

Understand who is working on your case

The charges levied by your lawyer will depend on their level of experience and expertise in family law. Lower hourly rates are often charged by junior or unqualified lawyers. At Woolley & Co all our lawyers are fully qualified and have specialised in family law for many years. This knowledge and experience means they understand the Court process, can quickly grasp the relevant points of your case and advise accordingly.

Give clear instructions

Make sure your lawyer is clear in what it is you want to achieve. Avoid changing your mind or moving the goal posts when it gets to the point of making an agreement with the other side. Ambiguous statements can result in unnecessary work and time delays.

Establish a policy for correspondence

If you do not want your solicitor to acknowledge correspondence or respond without authorisation from you, specify this in writing.

Do not allow emotional issues to cloud the facts

Avoid using your solicitor as a source of emotional support. If you need someone to talk to, Woolley & Co can recommend highly skilled and qualified divorce counsellors who are trained to help people through the emotional trauma of relationship breakdown. They too charge by the hour but normally at a much lower rate than a fully qualified lawyer.

If you need advice on the costs of divorce, financial settlements and cases involving children contact Woolley & Co on 01789 267377 or email info@family-lawfirm.co.uk.

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