

Why see a solicitor?

Many people fear the involvement of solicitors. They hear horror stories about the expense involved and resent being “told what to do”.

This is not a realistic view and these prejudices should not put you off seeing a solicitor.

If you do not see a solicitor, you are vulnerable and potentially more likely to have your situation exploited.

Solicitors can give clear and objective advice at a time when you most need it. They have no axe to grind. They are there solely to support their clients. As the client, you are in control. The solicitor will do as much or as little as you ask.

Am I doing the right thing?

There is an absolute minimum of legal advice that should be taken in every case.

Even if you and your spouse think that you have agreed everything, it is worth double-checking this. There are a lot of legal and financial things to think about on divorce. Complex areas such as pensions and tax may well be relevant. That is why it is important to see an expert.

When should I see a solicitor?

It is often helpful to see a solicitor early on. A “one-off” meeting can be very helpful in setting an agenda of the things you should be thinking about.

No solicitor is going to grab your case and run with it, running up legal expenses, unless you tell him to and unless it is absolutely essential.

In exceptional cases it might be necessary to go to court. If there is domestic violence, your solicitor may need to protect you. If there is an international element, with a risk that divorce proceedings might begin in a different country, then again your solicitor may advise strongly to start court proceedings in England and Wales.

But for the vast majority of cases, it is helpful to sit down with a solicitor and think through the three main areas:

- Do I bring my marriage to an end – and how?
- Are the arrangements for the children OK?
- What do I need to know about finances and property?

Getting it right for the future

Divorce is a process of transition for you and all the family. You are going from a single legal and financial unit into two separate units.

It is important to set up the financial arrangements so that these are fair and practical. Your future life depends upon getting it right.

For example, if one person is more in control of finances, it is tempting to do as he or she suggests. That may have been the pattern during the marriage. However, sometimes the suggestions made will be more advantageous to one of you. If there is not a fair balance between your interests, this can lead to resentment later. It can also adversely affect your standard of living and that of the children.

The devil is in the detail

With so many things to think about, it is easy to forget important points. Because it is such a painful process, it is sometimes tempting to grab whatever deal is proposed so that you no longer have to think about it.

This is a time to be especially careful. It is important to work through the detail, sensibly and calmly. Your solicitor can help you to do this.

For example, going through the detail of your future expenses and working through pensions and mortgages will make sure that you can make ends meet in the future. It will help you to be in control of your own life moving forward.

Getting it right initially can save money and problems later on.

Once a financial deal is agreed, it is usual to set it out in a court order. This will then be binding upon both of you. It will give you a firm base for your future – each of you will know where you stand.