

Should I use a solicitor?

The short answer is “yes, if you can afford it”.

The first point to make is that some people who are getting divorced can sort out their finances between themselves. Many people do just that every year. Doing so successfully however, depends upon a number of things:

- You need a situation where both people are still able to talk to each other. Obviously that is not always the case. In the modern age discussions can of course take place over email and email provides a way of avoiding disputes about what was said.
- For a fair settlement you may need both sides to have the same level of education or negotiating clout. If you have a situation where one person has gone out to work more or has more qualifications, they may have an unfair advantage in negotiations over the finances.
- you need both people to know what they want and to know what a court would be likely to order. This can be one of the most difficult things to assess without the help of a lawyer.

Another point is that financial proceedings on divorce are very significant financially. In trying to work out your divorce you are dealing with very important financial decisions which will affect you for the rest of your life.

From both sides of the equation, the bread-winner's side and the home-maker's side, legal advice is likely to make a positive difference.

Let's take a fairly common situation where the man is the bread-winner and the woman is the home-maker. Let's say the parties have 2 children, who are 10 and 12. They have a house with a small mortgage on it.

From the man's side he might suspect that his wife is going to need to stay in the house to provide a home for the children. How should that be achieved? Should he still get a share of the house at some stage? How much maintenance should he pay to his wife? How does that tie in with how much of the house his Wife receives? If his Wife keeps the house for a while who is going to pay the mortgage? Should his Wife get a share of his pension?

From the woman's side the questions are probably exactly the same. The difficulty as people sometimes say is that “you don't know what you don't know”. What could the court order in a case like this?

Having a solicitor will help you in the following ways:

- A good solicitor will be of help to you because they understand the court procedure better than you. They know which documents to fill in and how to prepare for every stage of the case.

- The solicitor will take over dealing with the correspondence for you. They will help you with every aspect of the case, from what offers to make to whether you need any expert evidence. Having someone dealing with a case for you may be especially important if you have a schedule which is filled with work or childcare. Sometimes people are too “stressed” to deal with their divorce proceedings themselves.
- Perhaps most importantly a solicitor will know how to respond to the other side. They can tell you whether what the other side is saying has some weight or whether it is complete rubbish. They can prevent you being taken advantage of.

My answer at the start “you should use a solicitor if you can afford one” rather begs the question of how much it costs to run a matrimonial case from start to finish. Again it depends on the circumstances: how large the finances, how complicated the situation, how unreasonable the other side are.

Many firms offer a free initial consultation. This gives you a chance to meet them and decide what you think of them.

Some firms offer fixed price divorce packages.

For most people, divorce proceedings are funded using savings or by taking a loan from their parents or from a friend.

In some cases, it may be possible to get an order from a court that your spouse pays you a sum to allow you to get legal advice (see video: Money for legal costs).