

There are a number of things that we advise our clients to help them keep their costs down. Not all of them will be applicable to your matter, but a lot of our clients have found these few simple rules helpful guidance:

1. Always try to take into account the long-term consequences of actions and communications. Often things said or done in the heat of the moment can take many months to rectify. This will often lead to protracted correspondence between family solicitors and may increase the risk of your matter having to go to family court.

2. Discuss with your family solicitor what information you wish to routinely receive. Your solicitor will be happy to send you copies of all correspondence received and sent but this will increase your costs. It may be more practical to agree with your solicitor that they will only forward on correspondence that requires your response or approval.

3. Avoid acting because “it’s the principle of the matter”. Whilst it is always nice to have principles, very often these principles can cost you a lot, both emotionally and financially. If it is possible to work around conflict with a bit of negotiation or compromise, it will nearly always be better to try.

4. Balance the benefit that can be obtained against the likely costs both financially and emotionally. When emotions are high sometimes things that would not normally have been important suddenly become paramount. Do not spend lots of money arguing over things that actually have little real value because the costs in doing so may very quickly become disproportionate to the item itself.

5. Always be responsive to your solicitor. The more time that your solicitor spends chasing you for a response or for outstanding information, the more your fees will increase. This can become particularly important if your matter is taken to court where court deadlines will mean that your solicitor has to chase you more frequently to ensure that you do not miss these important deadlines. Failing to provide important information within deadlines can lead to you being responsible for your opponent’s costs!

6. Wherever possible, keep things amicable. The more amicable it is between you and your ex-partner, the greater the likelihood of reaching a settlement. If at all possible, always try to keep as many avenues of communication open as possible. This may not be suitable for your matter but generally keeping the amount of correspondence that needs to be done via solicitors to a minimum will of course reduce your overall costs.

7. Save do not spend. Sometimes following separation there is a desire to move or spend money quickly. This will always come back to haunt you and will prove very expensive in the long term. If the other party believes that you are disposing of joint or matrimonial assets, their solicitor is likely to act swiftly. They may take the matter immediately to court which will greatly increase your costs. Even if they do not go to court your partner will certainly be more suspicious of your disclosure which may lead to increased correspondence, additional questions and the greater likelihood of court proceedings. You should also bear in mind that the court also has the power to add back any money that it believes has been unreasonably spent or not adequately accounted for.

8. Be organised. If we are dealing with financial matters, collate as much financial information as you can yourself. As soon as possible, write out a list of your own, the joint and your partner’s assets, pensions, incomes, liabilities and bills. Then gather together documentation in respect of your own and joint finances. The following documents are important:

a. Valuations of the family home or other properties;

b. Mortgage redemption statements for any outstanding mortgage valuation

c. 12 months bank or building society statements for all accounts held

d. Up-to-date surrender value on any endowment policies, stocks or shares

e Pensions cash equivalent transfer valve (CETV)

f. Recent P60 and last three wage slips

g. Last two years’ accounts and business valuation (if self-employed and/or business owner)

h. Tax return on your most recent return and assessment (if applicable)

i. Evidence of outstanding loans/credit card debts

j. List of your outgoings (current and in the future)

It can also be helpful for you to have an idea of your mortgage borrowing capacity, so it will helpful if you can seek financial advice to ascertain this.

9. Finally, pause a moment before calling us, try not to contact us in a moment of anger or merely to express your frustration at your partner. Although we will be sympathetic towards your situation, our role is to provide you legal advice more than emotional support.