

Choosing a Family Solicitor

Deciding to see a family lawyer is a very significant decision. It, and the reasons for it, mark one of the major decisions in your life. If you are thinking about seeing a family lawyer for advice about the breakdown of your marriage, relationship or indeed arrangements for your children, the notes below should help.

(a) Try to select a lawyer on the basis of a personal recommendation from a family member, colleague or friend. Neither the ability to manipulate Google returns to ensure a top listing or a strong social media presence are necessarily indicative of actual ability to do a good job (as is the case in most spheres of life!).

(b) Try to think objectively about whether you are in a proper frame of mind to seek and digest advice. There is often a significant emotional inequality between the parties involved in a relationship breakdown. One may have been thinking about the termination of the relationship for months, if not years, whilst the other sees it as a bolt from the blue. Advice in respect of divorce and relationship breakdown generally tends to be quite front loaded. You need to be in a position to take onboard and act on any advice given. Consider whether you need any outside support in the form of counselling or therapy or indeed whether it might be helpful to have a friend or family member with you at the first meeting. Reflect on whether you are in a position to make considered decisions or whether you feel inclined towards knee jerk responses. Good emotional support can take many forms. Friends, family and professionals can all help in their own way. If need be, we can signpost others that can be of assistance.

(c) Do not think that instructing a lawyer is a runaway train. You can change your mind, reconcile and/or progress matters entirely at your own pace.

(d) Subject to what is said above concerning input from family and friends, try and keep matters confidential. If you do not want your spouse or partner to find out that you have been to see a lawyer keep the appointment details secret and unwritten. We sometimes do not charge for first consultations but would suggest that in circumstances where there is a charge you pay either from an account in your

sole name or think about paying in cash. If you are going to give contact details it is worth thinking about setting up a dedicated passworded email account.

(e) We generally try to send out client information forms in anticipation of initial appointments. These forms ask for basic details of you, your spouse or partner and your finances. If you do receive such a form, please complete it and let us have it back prior to the meeting. It provides some context and will save time at the meeting. Please also bring an item of photographic ID e.g. a copy of your passport or driving licence and proof of your address (e.g. a utility bill). If you are coming in to talk about past proceedings or proceedings that have already started then of course bring copies together with any relevant solicitors' correspondence.

(f) We often ask at the start of a meeting "how can I help you?". This can seem like a daft question. What is being asked from a broad perspective is what are your short, medium and long term objectives. Where do you want to be in two months' time? Where do you want to be in two years' time? What are your priorities? Is there going to be a big dispute over where the children should live? Are you worried about that inheritance from Aunt Maude? It is very helpful to put together a list of your principal concerns and the areas in which you need advice or reassurance in anticipation of the initial meeting. Write down a list of questions and bring them to the meeting. You may find that your lawyer will create their own structure for the advice given at a first appointment so revisit the questions that you have written down at the conclusion to make sure that they have been properly answered.

(g) Think about the psychology of your situation. Do you think that your spouse or partner will welcome talking about matters in an amicable fashion? Do you trust them financially? Is there a high level of anger or bitterness? What are their motivating factors likely to be? These, and other considerations, will very much feed into the advice that you receive.

(h) Think about funding and discuss funding options with your solicitor.

The above notes are drafted principally for the use of potential and actual clients of Warners. We are, however, old enough and wise enough to recognise that they are likely to be read by others as well. Some broader advice therefore:

(i) The relationship that you have with your solicitor is an important one. You need to have confidence in what they are doing and you need to feel that they are someone that you can work with:

- If you go into your initial meeting with a solicitor equipped in terms of facts and figures they should be able to give you a general indication as to a likely outcome, at least in broad terms. As a general rule, be quite wary of lawyers who refuse to give advice when presented with facts, figures and circumstances.
- Similarly, be wary of solicitors who appear to be reluctant to give specifically tailored advice on process. There are too many paper pushers in the industry. You are paying for legal advice, not an administrator. If the solicitor is suggesting that you proceed by way of a voluntary financial disclosure (for instance) query why they are advising this approach rather than, for instance, mediation or the issue of a formal application in the circumstances of your case. There is no point in going through a voluntary financial disclosure if you think that

your partner will fail to disclose, delay or has entirely realistic outcome expectations.

- Although some of the advice that you receive is objective and generic some is very subjective. Be wary of a lawyer who does not appear to be taking an approach that is tailored to your case. Phrases like “that is what we always do” should not crop up that often in family proceedings. Remember that you are paying your lawyer for specific advice. It is easy to get generic and misinformed advice from the Internet at no charge!
- If you are not feeling comfortable think about taking a second opinion, either within the same firm or elsewhere. Do however be very wary of continuing to take second, third and fourth opinions until you get the advice that you want to hear. If you have spoken to three lawyers and they have all said roughly the same thing but the fourth says what you wanted to hear, the chances are that it is the last one that is wrong and before you know it you will have spent £20,000 finding that out.

For further information on any aspect of relationship breakdown or divorce, please contact the family law team on 01732 747900 or email enquiries@warners.law.

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