

Step 1

Initial 30-minute free consultation with the couple

to explain the process, explain the costs involved and timescales and check if they wish to proceed. (No legal advice will be given, and no details will be taken of their personal circumstances.)

Step 2

Separate meetings with each spouse to assess suitability.

These are charged for on an hourly rate basis and may last between 1-1.5 hour with each spouse. This has several purposes:

- Safeguarding – we will check for any signs of abuse or unlawful activity (e.g. fraud), safeguarding concerns about an adult or child, any signs of a significant power imbalance that cannot be managed during the process.
- To ensure both spouses have capacity and can voice what they want to achieve and make decisions for themselves and to share information freely with the other throughout the process
- To ensure both spouses are willing to negotiate
- To ensure both spouses want to achieve a resolution which is fair based on the current law and in the best interests of both and their children if they have them.
- To go through the terms of the engagement /retainer letter which will set out the obligations that come with engaging in this process.
- To explain the financial disclosure required during the process and ensure both spouses are committed to providing that.

Step 3

First joint meeting.

This is charged for on a time-spent basis and could last anywhere from 1-2 hours.

First, the couple and the lawyer will sign the agreement to confirm the basis on which they will work together, and each spouse will sign their engagement/retainer letters. That way both spouses are signed up to a process involving the open sharing of all disclosure so that process of information gathering can begin.

Detailed discussions will then take place about the financial and other information they each need to gather and what expert advice may be needed beyond legal advice, just as separate lawyers would do in the usual process.

Guidance can be given on the options for starting the divorce process so that the couple can start that themselves either at or after the meeting.

More details and tailored estimates of the costs of the process will also be confirmed.

If one spouse is more emotionally ready than the other, support from a divorce coach can be discussed and arranged for the person who needs that support. Time can be allowed for that to ensure further meetings can be as productive as possible. The financial information can take time to gather, and so initial emotional support can fit in alongside that stage.

Step 4

Gathering of financial information.

The spouses will work on their disclosure separately, requesting evidence in support just as they would in a court process. This ensures all information taken into account is accurate and complete.

Step 5

Review of financial information.

The lawyer will review the disclosure provided by each spouse and openly request any additional information, documents or clarification needed. The lawyer will then prepare a financial summary of their pot of resources available for division. The requests can be done by email and both parties will be copied-in to all correspondence for transparency.

Step 6

Expert advice/evidence obtained.

The lawyer is one part of what is likely to be a team of professionals needed to resolve all the issues faced by a couple. Expert evidence/advice is commissioned in any divorce case where:

- The couple are unsure about property valuations – a surveyor is then jointly appointed to provide a value to work with.
- There are business interests which need to be valued – a specialist accountant is asked to confirm the value, liquidity and earning potential of a business.
- Tax advice is needed to net down values of assets to account for tax that would be incurred if they are sold or transferred and ensure the settlement is as tax efficient as possible.
- There are pensions which require an actuary's input to advise on the options to share their value. These options include pension sharing orders, pension attachment orders (in rare cases) and offsetting, where cash is received in place of a share of a pension.
- There may be complex financial assets and input can be obtained from a financial adviser to talk through which assets are best to retain or sell, as well as cash-flow modelling for the spouses to check whether income needs would be met by various approaches in the different stages of life.

In all these eventualities, experts can be instructed on behalf of the couple and the expert can join a meeting to explain their findings.

Step 7

Advice on fair settlement options.

The lawyer will set out one or more potential outcomes which would be fair according to the law and consider the wishes of both parties. This advice will be sent out in writing to the couple ahead of a joint meeting to discuss it.

Step 8

Further meetings.

These are arranged as needed when financial information has been gathered to facilitate further discussions between the spouses to try to assist them to reach an agreement.

Step 9

Formalising the settlement.

Once an agreement is reached there is a 14-day cooling off period. That way the couple can think through whether they wish to be bound by the agreement. They can each take independent legal advice should they wish to.

After the 14 days, if there are no objections, the lawyer will prepare the documentation they need to send to the court to ensure they have a binding financial consent order. If they prefer, this can be done in the form of a separation agreement outside of a divorce process. The pros and cons of both will be explained.