

Success Starts Here Free Information Guide

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Contact Us

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This document is for your general information only and is not a detailed statement of the law.

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Family Law



Instructing a solicitor can be expensive. This free information guide will explain the basis on which solicitors charge for their time, what the Court does in relation to costs in divorce/partnership dissolution and financial matters, and give you some tips to help keep your costs down.

Solicitor's costs

Instructing a solicitor to represent you can be costly. Solicitors charge on an hourly basis and a set fee per letter in and out and per standard telephone call. Solicitors charge in units of 6 minutes. It is very difficult to give an accurate estimate of what the costs in your matter will be at the start as no-one knows exactly how your case will progress and how long it will take.

When calling a firm of solicitors, be guided by the firm as to how complex your matter is and whether it can be dealt with by somebody more junior.

As a guide Fisher Meredith charge their paralegals out at £100 per hour plus VAT of 20%. Trainee solicitors are slightly higher. Whilst these are not qualified solicitors, they will have been to university and obtained a degree and usually been to law school as well. They will have a lot of experience and are very capable of dealing with straightforward cases at a much lower cost to you.

If your case is more complex, or if you want a specialist, you will be paying a higher amount to reflect that expertise. Fisher Meredith's' Family Law solicitors' rates start from £160 per hour plus VAT at 20% up to £300 per hour plus VAT at 20% for our senior partner. Many of our solicitors have obtained recognition as experts in their field.

Initial meeting

If you want some initial advice and do not know if you want to go ahead with your matter straight away, you can ask a solicitor if they will offer you a fixed fee for an initial meeting. This means you know exactly how much you will be paying and you are not obliged to continue to instruct the solicitor if you do not want to do so.

Who pays the costs?

The general rule in family proceedings is that each party pays their own costs. There are occasions in divorce proceedings when your ex-partner may be ordered to pay your costs but these are not very common.

Any order for costs does not absolute you from your liability to pay your legal

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fees but means that you can recover some of them from the other party.

In financial proceedings the Court may order one of the parties to pay the other's costs where there has been:

- A failure to comply with the relevant rules
- A failure to accept a good offer made by the other party
- An unreasonable allegation or issue pursued by one party
- An unreasonable response to a particular allegation or issue
- Poor conduct in relation to proceedings which the court considers relevant

The Court can order a party to pay:

- A proportion of the costs
- A stated amount in respect of costs
- Costs from and until a stated date only
- Costs relating to a particular step
- Costs relating to a distinct part of the proceedings

Additionally, the Court can order:

- Interest on costs from or until a certain date including the date before judgment
- A sum to be paid on account prior to assessment
- Where the receiving party has a liability to pay, the Court may order a set-off or delay issuing a certificate for the costs, which will include an order to pay, until the receiving party has paid the sum due from them

Tips for keeping your costs down

- If your solicitor asks you to obtain some information or fill in some paperwork, do this as quickly and as fully as possible so that your solicitor does not have to chase you, all chasing work is chargeable work.
- Organise your paperwork before you send it to your solicitor, sorting through a carrier bag of paperwork takes time and will cost you money.
- If you need to contact or update your solicitor try and refrain from doing this every day, instead do it once per week by letter or email rather than telephone as the conversation may divert to other issues costing you more.
- If you can, trust your solicitor to update you when something happens rather than calling or emailing for updates, this costs you more and there is unlikely to be any news.
- If you are really struggling to pay your bills, tell your solicitor to stop work once they reach a certain limit, this can help you budget.

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- Be prepared to be flexible and negotiate, if you don't budge at all you are likely to end up in court and your costs will be much higher.
- Consider alternative ways of resolving the dispute such as mediation and collaborative law. Fisher Meredith has solicitors who are experts in these methods of resolving disputes and can help you.

Useful links

Fisher Meredith no longer offers Legal Aid for divorce and financial matters.

If you are eligible, you can contact the Law Society and ask for details of Legal Aid solicitors in your area

<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>

From April 2012 it is likely that Legal Aid will not be available for divorce, finance or children matters unless there is domestic violence.

If you are unsure as to whether or not you qualify for Legal Aid, you can check at your eligibility using this website:

http://www.legalservices.gov.uk/civil/guidance/eligibility_calculator.asp

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