

## KNOW YOUR OPTIONS ON DIVORCE

We have put together this summary table to inform couples about all their options, so they can choose the divorce which is right for their family. Be aware that many couples move between these options at different stages depending on the nature of their discussions.

	ONE COUPLE ONE LAWYER	SEPARATE SOLICITORS	MEDIATION	FACE TO FACE DISCUSSIONS
WHAT IS IT?	Separating couples take legal advice together from one impartial lawyer, who is instructed by them both, and tells them what a Court would order in their situation.	Solicitors are not able to advise separating couples together. If couples want legal advice from a solicitor they each need to appoint separate solicitors from day one, and subsequently separate barristers if the case goes to Court or Arbitration.	Discussions with your ex-partner which are facilitated by a professional mediator.	Discussions with your expartner directly, and without any other professionals in the room.
AMICABLE?	Yes: couples receive legal advice together at the same meeting from a barrister they have both chosen. The advising barrister will never represent either of them individually going forwards: their only remit is to give advice on a joint basis, and so they can be completely impartial.	It can be, but this is not guaranteed. Solicitors will always try to keep relations amicable and negotiate a settlement without you needing to go to Court. However for some couples, the very fact of having separate solicitors can raise tensions and stop them talking to one another. If solicitors cannot reach a settlement they will represent you through contested proceedings, which	Yes, provided you make progress. Mediators do not tell couples what to do, but rather let them come up with their own solutions. This can work well, but has the risk of couples becoming frustrated if they cannot find a solution or feel they are getting nowhere. Some couples are assisted by getting legal advice first, which they can then take into the mediation setting.	Keeping communications open is vital if you can, and will lead to a better separation and a better future co-parenting relationship if you have children. You may however feel you want to know what is legally fair before you start direct discussion. If there is an abuse dynamic between you then direct discussions may not be safe.

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		will ultimately mean a Judge or Arbitrator imposing a decision on you both. In some cases, because of the issues or the dynamics between the parties, this is inevitable. But it will not be amicable.		
<b>LEGAL ADVICE?</b>	Yes. The Divorce Surgery uses expert family law barristers who are in Court every day and know what a Family Judge is likely to do in your situation. Couples get the highest level of expertise, and hear the same advice at the same time.	Yes. The main difference here is that you and your ex-partner will each be getting legal advice from different professionals. You will not know the advice you are each being given, and it is unlikely to be exactly the same, because it will be based on your different instructions and perceptions. This can lead to you both having different expectations about what a settlement should look like.	No. Mediators are unable to give legal advice (even if they are legally qualified). Many couples find mediation works well after they have had legal advice, either at a joint advice or from separate solicitors.	No. We would always recommend that couples get legal advice before a final settlement is reached. These are significant and far-ranging decisions and it is important to ensure any agreement is fair to you both. Seeking joint legal advice is one good way of ensuring your agreement is legally fair whilst still working together collaboratively.
<b>SPEED</b>	The Divorce Surgery process takes on average 6-8 weeks from first enquiry to the delivery of the advice.	The average UK divorce takes 14 months. The speed will very much depend on how your negotiations go, but if you go to court it is likely to take over a year to resolve.	Most mediations take several months, sometimes longer, and mediators are unable to commit to a set timeframe as it really depends on how much progress each couple makes. As a rule of thumb, if you are not making significant progress after the third mediation, you should try something else.	If discussions are constructive, they should be efficient. Beware however if your face-to-face negotiations become entrenched or even hostile: at that stage you should seek professional assistance to help you move on your discussions.

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PRIVACY?	Yes	Yes, your discussions with your solicitor are completely private, as would be an arbitration. However, if you go to Court your solicitors will be unable to guarantee your privacy, as family courts can be opened up by Judges to the press.	Yes	Yes
FEES?	The Divorce Surgery operates on a fixed fee basis. After the Introductory Sessions you are given a fixed fee quote for the entire process.	Hourly rate, and open ended. Legal fees clock up quickly and can be extremely high so you should be careful to monitor them, particularly given that for most married couples the legal fees of both the husband and the wife will, at the end of the day, come out of the marital pot.	Hourly rate, but significantly lower than solicitors.	None