

## FEATURES

# The lawyers that are actually helping people ‘consciously uncouple’

As the government announces plans to end ‘the blame game’ between couples, The Divorce Surgery tell us how they promote a more harmonious end to marriage

By Rebecca Cope

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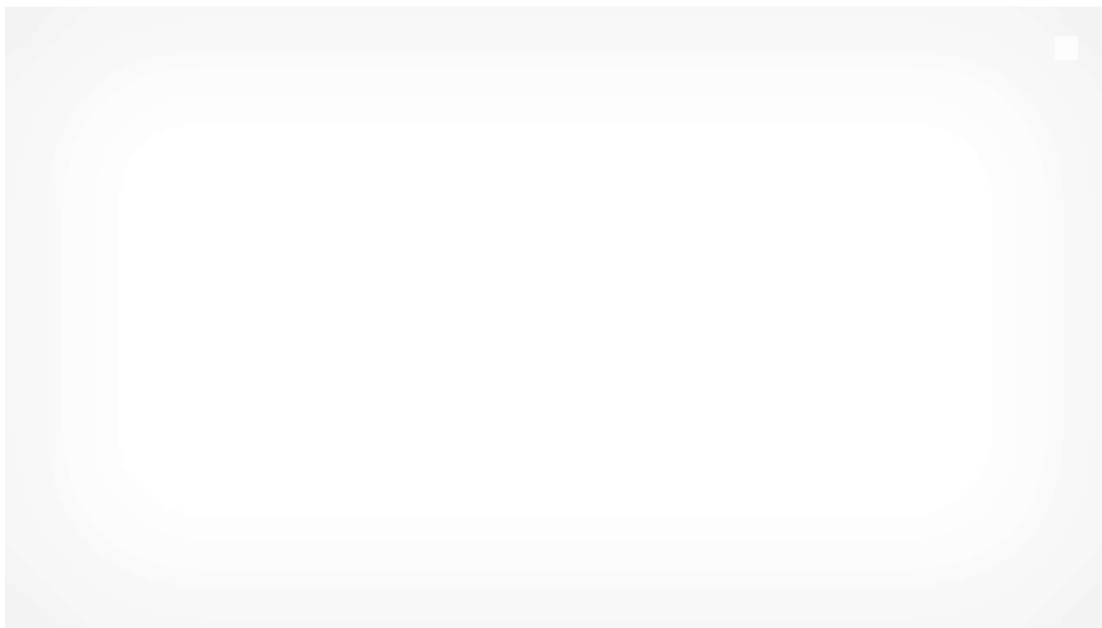


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In 2012, Gwyneth Paltrow was yet to make ‘conscious uncoupling’ a mainstream turn of phrase, and divorce for the most part was still characterised as being acrimonious, drawn-out and financially-draining, with only one party coming out of it as the perceived victor – whether that was because of a large divorce settlement or winning custody of the children. It was the era of ‘pre-nup’ entering the lexicon, tabloid tit-for-tat trash stories and the biggest settlements and divorce scandals in history, from the royals to Hollywood.

It was in this environment that barrister Samantha Woodham found herself put in an unusual position, when she was asked to advise both parties of a divorcing couple that she knew. ‘After checking that there were no ethical difficulties with advising both parties at the same time, I realised that this was a really useful service, which was not being made to others who would need it,’ she said. After teaming up with fellow barrister Harry Gates, The Divorce Surgery was born.

With the aim of making divorce a more pleasant and fair experience for both parties - rather than a hostile ‘fight’ – The Divorce Surgery’s so-called ‘One Couple, One Lawyer’ service allows couples to resolve their issues amicably in the early stages, without compromising on expert legal advice.



‘Even if people don’t actively identify as ‘conscious uncouplers’ (and most don’t), nearly everyone wants the process to be as painless and civilised as possible,’ explains Gates. ‘Most people want to be fair to each other, and do not want to ‘fight’ if this can possibly be avoided, particularly where children are involved.’

By making the process dignified and non-confrontational, it also reduces the emotional cost, something that is extremely high says Gates. ‘Divorce is a hugely emotional time, regardless of whether it was your choice or not,’ he explains. ‘Mental health studies have shown that the impact of divorce is actually greater than a close bereavement, and up to half those going through divorce have symptoms of depression.’

Traditional divorce litigation is a pricey business too, with *The Times* reporting that the average cost of divorce to couples was between £17,000 and £30,000 in 2018. By enabling couples to instruct one expert barrister between them, The Divorce Surgery not only reduces conflict but also offers couples a huge costs saving, and clients get a fixed rate quote up front, so they aren't at the mercy of open ended hourly rates.

So, is there a trend towards more harmonious splits, à la Gwyneth? Gates thinks so.

'Horror stories of the divorce courts are a staple of popular culture, while the immediate reaction of many to an impending separation is still to "lawyer up,"' he explains. 'The reality of contested family proceedings can be brutal, however. Sitting alongside, or opposite, your spouse while a judge picks over the bones of your former life together in a well-intentioned effort to resolve the future is not much fun.'

'42% of marriages end in divorce: we need to get better at it,' Woodham concludes. 'For many, ending an unhealthy relationship is the healthy choice. Our view is that the provision of legal advice should not add to the conflict, and it can be done in a way which does not fracture relationships further. By starting the process in a joint way the couple is sending a clear message to their family, friends (and themselves) that their divorce does not have to be acrimonious or adversarial.'

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