

Keeping divorce negotiations out of court



Our client was a high earner working in the City with significant capital assets and whom, following a long period of separation, had commenced a new relationship. Our lawyers, working across three teams within the business, achieved a settlement which met the needs of the client, their former spouse and their children.

The challenge – a fair outcome outside of court

Our client's assets and income structure were sufficiently complicated such that our client's spouse and their solicitor sought a very high, and burdensome, level of financial disclosure. This was driven largely by a lack of understanding, rather than a desire to overcomplicate the process. Our challenge was to explain the assets and provide sufficient documentation while avoiding a forensic examination which would have caused delay and increased costs unnecessarily and disproportionately.

As the forefront of our minds throughout was that our client's spouse could start court proceedings if they felt that financial disclosure was not forthcoming; we had to strike a balance as to the level of information disclosed against this risk. Court proceedings would have elongated the process and significantly increased the costs incurred by our client – both financially and emotionally in terms of maintaining the relationship with their children's other parent.

Our approach – collaborative and clear

We advised the exchange of early voluntary financial disclosure, following the same process as the court would have ordered, but adopting a timetable which suited our client and their spouse. We were able to agree with the other solicitor involved precisely what documentation would be required and which parts of the disclosure form (Form E) could be disregarded, making the process bespoke to the needs of the family and their particular assets and income.



We involved an experienced family barrister at an early stage in the negotiations, to advise upon the settlement proposals and how a family judge might determine the case if court proceedings were commenced. This provided insight and better understanding for our client which shaped the negotiations.

Instead of court proceedings, we adopted a private approach, appointing a further barrister to act as adjudicator and hosting a negotiation hearing at our offices. This approach allowed both our client and their spouse to be assisted by their trusted legal teams in an environment which was tailored precisely to their needs.

Throughout, we worked collaboratively with our private wealth, property and corporate teams to prepare our client's financial disclosure and present their case with the preferred outcome in mind throughout.

The outcome – all needs met and minimal sacrifice

We organised a private settlement and negotiation hearing at our offices, which allowed us to work around the needs of both our client and their spouse, as well as their respective work and childcare responsibilities. This would not have been possible in the court system.

We successfully reached terms of settlement which met the needs of all involved, primarily those of the children, our client and their spouse. The settlement allowed our client to retain their home, in which they were settled in a new relationship, and for their spouse to retain the family home with sufficient income to meet the children's needs and retain the standard of living enjoyed during the marriage.

How we made a difference

Our client had attempted to resolve matters with their spouse prior to engaging solicitors. However, the complexity of the assets and income structures had frustrated their discussions. We worked with our client to prepare and provide financial disclosure with our client's preferred outcomes in mind throughout and adjusted the process to their needs. Being able to host a private negotiation hearing at our offices ensured that the stress of going to court was removed and the approach individually tailored.

Our expertise at Cripps facilitated a joined up approach to both the financial disclosure process and the negotiations. Due to our client's business structures, we involved our corporate team at an early stage and they were on hand during the negotiation hearing to ensure that the settlement reached could be easily implemented without unforeseen consequences. Similarly, our private wealth team assisted with tax and property structures to ensure the most financially appropriate settlement for all.

We can tailor the divorce process as much as you need – please contact us to discuss how this can work for you.