

7 essential strategies

on how to get **divorced without**
acrimony and get a
fair settlement

Nina Pantzaris - Divorce and Family Solicitor

Who should read this report?

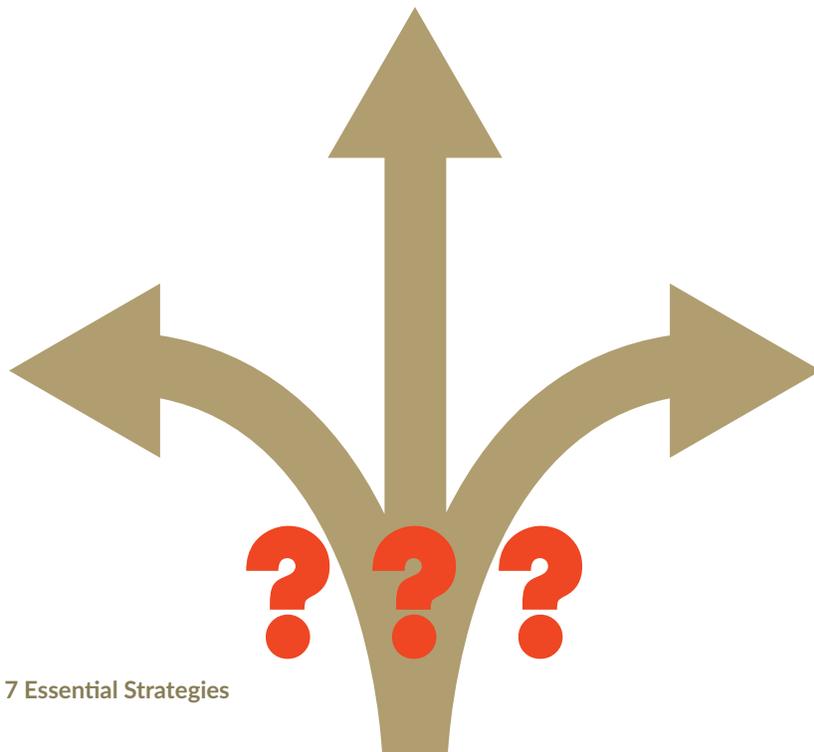
This report is for you if

- You are thinking about separating from your spouse or facing a divorce
- You need to come to a financial agreement with your spouse
- You want to avoid the frustrations and bitterness that the divorce process so often entails.

Read this report to discover

- 7 common pitfalls in the legal process of divorce that increase stress and that actually make it harder for you to achieve a fair outcome that you can accept and move on.
- Learn how you can avoid these pitfalls so that you can have a better divorce.

Once you've read this report I would like to invite you to a complimentary "understand your options session" with me so that you can discover how to apply these strategies to your situation so that you can take the right steps, avoid the mistakes so many others make, reduce acrimony, get a fair settlement and move on smoothly into the future.

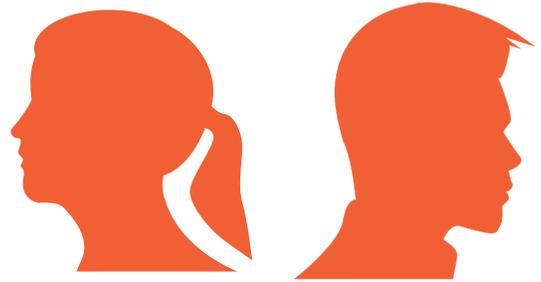


So, what are the strategies?

1. Keep it out of court.

The court process is adversarial. In court proceedings each party takes a position and asks the court to agree with their position. This means that a sense of rivalry can develop and frequently one of the spouses will feel they are losing and the other is winning. At least one person will

often be unhappy. In a divorce situation this feeling of losing causes bitterness and resentment and this bitterness makes it hard to move on during and after the divorce. So often the unhappy spouse retaliates and makes it as complicated and therefore as costly as possible for their spouse to take over ownership of the assets they were awarded.



There is an alternative to the court process in family law cases called collaborative law. The collaborative law process does not use the court process and it is not adversarial. It is a different style of negotiation. It focuses on resolving problems by discussion at meetings and not at court and it involves searching for win-win solutions with the other spouse and his/her lawyer around the same table. It means that both spouses should feel satisfied with the outcome because it works for both of them and they have created it together. I can say that in my collaborative cases the couples involved have been satisfied with the settlement that they have achieved and they have moved on with their lives without acrimony. This experience is also echoed in research findings on collaborative law divorces.

2. Choose a process that helps you negotiate and not fight.

Using traditional methods solicitors will try to negotiate a case by correspondence before issuing proceedings in court. This is considered to be best practice in the traditional model because it is better to avoid the costs and stress of the court procedure if possible.

However, there is no specific framework for these letters and no specific timescales and no assurance of a response. Often letters



are not responded to promptly or they need clarifying or are misunderstood or just do not deal with the issues that are important to the other person. This is frustrating and leads to uncertainty and a lack of momentum. And because the threat of court proceedings is still there the spouses feel **less** able to make compromises for fear they will have lost ground if it does end up in court. This makes it even **harder** to reach an agreement. Unless you are careful many months can be spent and extensive costs incurred in unsuccessful attempts at negotiation by correspondence only to then have to issue a court application and embark on lengthy and costly contested court based negotiations simply in order to invoke the court timetable and bring an end point to the process. Much of the information gathering and negotiations are then duplicated.

By contrast imagine a divorce with no letters at all and an agreed framework for discussions that you have helped to create. In collaborative law you plan a series of scheduled meetings, with written agendas, where you and your spouse participate, meet face to face, share information and discuss issues which are agreed and chosen in advance. Everybody knows the issues that they will be discussing and they will be focused on finding solutions to those issues. You can express yourself and ask questions. Husband and wife come to the meetings knowing they will be heard and responded to helping negotiations to move on at the right pace.

3. Choose the right kind of lawyer for yourself and your spouse.

Lawyers have different styles of practice and some can be, shall we say, more adversarial than others. Some lawyers do not wish to be collaborative preferring the adversarial style. I have acted in many contested court based cases where the other lawyer's correspondence uses negative language, makes accusations and apports blame.

The other spouse then feels wronged and instinctively reacts by wishing to spend lots of energy in correspondence to put the record straight and without very strong guidance it begins a negative circle. Many people who have gone through a contested court based divorce will have experience of this.

An adversary is defined as an opponent in conflict. Adversaries try to win the most for themselves at the expense of



the other. This means that the divide between husband and wife can and often does become **bigger** when the traditional adversarial system is used. Costs and hostility easily increase. The stress of the legal side of the divorce which is additional to the emotional distress of the separation takes its own toll on the family.

Collaborative lawyers do not create divisions because under the collaborative system they are focusing on solutions and on working together. They sign an agreement with you, whether you be their client, the other spouse, or the other spouses lawyer, to act with goodwill and courtesy. They do not send negative accusatory letters.

Lawyers who can communicate well are crucial to smooth the process of divorce. You need a lawyer who uses constructive language that accurately explains their client's approach and encourages the other spouse to be receptive to ideas. You need lawyers who listen to each other instead of only focusing on demands. You need lawyers that communicate well with their own client so that both spouses are realistic as to what they can expect to receive. In collaborative law where the spouses and their lawyers meet to discuss the issues there is more scope for communication. Collaborative lawyers are trained to listen, behave courteously and consider all the options including the options proposed by the other party. They will also give advice openly at the meetings where necessary.

Collaborative lawyers are specialist family lawyers and they tend to be more experienced. They hold an additional professional qualification in collaborative law and are trained in the collaborative method. Collaborative lawyers belong to a collaborative law network that helps them form professional relationships with other collaborative lawyers and work together with them.

4. Ask for the full facts.

You may have heard from the many recent news stories of all the cases where one party has said their spouse has misled the court about their assets and that they have got a bad deal as a result – information has been concealed and valuations have been skewed. In the collaborative process everybody signs an agreement to transparency. This includes your spouse and his/her lawyer. This is not something that is done in court proceedings. In court



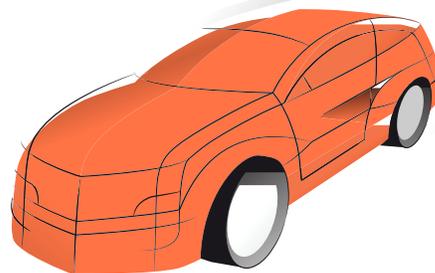
proceedings you must not mislead the court but in collaborative proceedings you must be open. **There is a difference.**

You can ask for information in the court process but your ability to ask for information is restricted by formal rules and the judge will decide on the questions you can ask and when. You will need to wait months after you first make your application to ask your questions. Often this means you will not even be able to clarify what assets there are until many months have passed. **In collaborative law you are not constrained in this way.** You can ask your questions and get your reply face to face at a meeting and you can ask for the proof that you want. **There is no judge deciding what you can ask.** Plus- you hear all negotiations first hand because all the discussions take place in your presence at the meetings.

5. Stay in control.

The ultimate outcome of the court process is that a judge decides who gets what in your case and his award may be something that neither you or your spouse wants. Along the way you have to wait for court hearings usually for many months but you also must comply with a stringent court time table for the filing of documents at times when perhaps you are busy with your own work or perhaps away on holiday or business. Whilst you are busy answering questions set by the court you may feel the answers to the questions you want to ask are being over looked.

In the collaborative process you will never see a judge. **You set the pace and the agenda.** You schedule the meetings when you want them, fitting in with your life and talk about the issues that you choose. Meet face to face and **request information and responses to issues that are important to you.** Talk to your spouse's lawyer and listen to what they say – all in the presence of your spouse. It is you that makes the decision to settle on the terms acceptable to you.



6. Stay on good terms for the children.

Conflict and animosity between parents take its toll on the children. Children do not really want one of their parents to win and the other to lose. They want both their parents to resolve issues together. Many couples that choose collaborative law do so to preserve the existing goodwill that they have or to build a good working relationship with their spouse for the continued



co-parenting of their children. They say so in an anchor statement at the outset of the collaborative process and if the going gets rough they can be referred back to that statement to focus on the reason they began the process in the first place and the results they want it to bring. All of my collaborative clients with children focus their anchor statements on the children and it gives a good common focus. Most importantly my collaborative clients have got divorced without the legal process putting any additional strain on their children and they have maintained good relationships with them after the divorce was over.

7. Get off on the right foot.

Divorce needs careful handling. With sensitivities running high and nerves already stretched to their limit, a formal letter or inaccurate message from a lawyer they cannot see can give your spouse the wrong impression right from the start, causing fear and panic, damage trust and damage your chance of creating a smooth and constructive process.

With collaborative law there is rarely any need for letters to be sent to your spouse's solicitor prior to your first 4-way meeting leaving you free to have that all important first meeting on equal terms without any prior impressions being created or any jostling for position. In fact in collaborative law there is scarcely any need for any letters at all.

Take the heat out of the situation and make it clear at the very beginning that you will not be using the court.

So, when you choose collaborative law you will see the following benefits:

- 1. No court**
- 2. Negotiation and not fighting**
- 3. Lawyers working together for yourself and your spouse**
- 4. Transparency**
- 5. Control**
- 6. Promotion of a good working relationship for your children**
- 7. No letters**

You may think that collaborative law cannot help with a spouse who is uncooperative, manipulative or does not naturally look for win-win solutions but I have helped a client who chose collaborative law precisely because she knew her



husband was very difficult and would respond very strongly to a conflict situation and she believed she would not only have a less stressful time using collaborative law but that she would get more for herself by avoiding any suggestion of court and collaborating instead. It turned out her husband was happier with the suggestion of a system which did not use the court and he agreed to pay for her legal costs because she was using collaborative law. Having met him I could certainly see how volatile he could be and how costly and acrimonious a contested divorce would be but he did afford a fair settlement in the collaborative process because the meetings were handled sensitively, with good collaborative lawyers for both spouses and he felt he was being heard and was in control.

It is not possible to change to collaborative law after contested court proceedings have started. Therefore, it is important to take time considering the right process for you right from the very beginning. My collaborative law cases have all started as collaborative law from my client's first meeting with me and frequently my client has already read about collaborative law and has come wishing to learn more about it and how it might work for them.

You will usually be advised by your solicitor to consider mediation or you may have read about mediation as the more widely accepted alternative to court and indeed mediation can be effective in avoiding court proceedings in many cases. But it is not always successful or the most appropriate route. Many clients know this at the outset. **But I have helped clients who have come to me during mediation or after mediation has failed, sometimes because their spouse has not provided the disclosure requested at the mediation or sometimes because they have felt ignored or disempowered at the mediation.** They were cases where collaborative law would have been the better choice. So make sure you find out about collaborative law right from the start.



About the author – Nina Pantzaris

Collaborative law is not enjoyed by all family lawyers. Some family lawyers are not collaboratively trained and some trained collaborative lawyers never use it. I am a solicitor who has specialised in family law since 1998 and is accredited by the Law Society and Resolution. I completed my collaborative law training in 2008. I am an experienced collaborative lawyer who can see the benefits of collaborative law and who enjoys working in this way with like-minded colleagues in my network. Using collaborative law, I have helped couples achieve settlements that they are satisfied with. I have helped them divorce without acrimony and preserve their relationship for their children. These couples have been able to move on with their lives, are happy and enjoy their future.

I work in London and the surrounding counties and also use Skype. I work with husbands or wives going through a divorce helping them sort out their financial arrangements. I work closely with my clients to gain a good understanding of what they want to achieve, and to help them understand the possibilities, so that we can prepare well and we can work towards the outcome together. I help them negotiate with their spouse's lawyer to make the negotiations more effective, save time and avoid acrimony.

A few of my testimonials

"Nina – you are a star! – when I first came to you I felt you could see a way through the problems and help me get a settlement that I would be happy with and I was right – you did."

Mr S B – company director

"Thank you Nina for all your help from start to finish – you have represented me magnificently"

Dr H J – medical GP

"I thought my life was over but how it can turn around and be so much better. Just need patience, a bit of a game plan and a bloomin' good solicitor- luckily I had all that. This exact time last year was when she told me it was over and it was the worst but it is now the best!!! Thank you for all the advice, help and support. If I do know of anyone who needs help then I will definitely point them your way!!"

Mr P H – logistics support

What's your next Step?

Collaborative law is a great way to get your divorce without acrimony and get a fair settlement.

If you are contemplating a divorce find out if collaborative law is right for you in your case and assess it against all the process options.

“Understand your options” session

To find out more about collaborative law, book in for a free 15-minute “understand your options” session with me on the telephone.

In that discussion I will

- help you decide whether collaborative law is right for you in your case and
- also what other options are available and
- Answer you queries about your options to help you understand them.

Informing yourself of all the options at the outset will help you lay the best foundations for your divorce.

To request your no cost 15-minute “understand your options” discussion send me an email at nina@redbarlaw.com , just put “options” in the title box and I will contact you to arrange a convenient date.

Nina Pantzaris

Consultant Solicitor - Divorce and Family Law Specialist – Collaborative Practitioner
Red Bar Law – 29 Southampton Buildings, London WC2A 1AL 0207-129-1424

nina@redbarlaw.com

www.westsexfamilylawyer.co.uk

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