

CHIVERS WALSH

FAMILY LAW

Fixed-fee packages

At Chivers Walsh Family Law, we offer a number of fixed-fee packages, which offer exceptional value for money. Those packages are provided either by:

- Mark Tattersall, a solicitor-director in the firm with over 30 years' post-qualification experience; or
- (in the case of the children fixed-fee packages) Julie McGovern, our paralegal, who has a similar number of years' experience.

All of our packages can be delivered by Mark. Julie delivers only the children fixed-fee packages. Where both packages are delivered by Mark and Julie, the price of the package if it is delivered by Mark is, in some cases, higher than if it is delivered by Julie; this difference in price reflects the difference in their level of qualification. You may have either Mark or Julie act for you in any fixed-fee package which is offered by both of them.

The fixed-fee packages offer you specific, focused services at a highly competitive price. You can "mix and match" packages, to suit your individual needs, if you do not necessarily wish to receive a full service from us (sometimes known as "unbundling"). For those who are particularly busy, Mark can usually provide the service by phone or Skype, without the need for a meeting, although we are, of course, always happy to meet.

Details of the packages that we offer are set out below. Unless otherwise stated, under each package we require payment in full at the outset, either by bank transfer or by cash or by debit/credit card payment, if you have an email address, through Worldpay (we will send you an email enabling you to pay by link)¹.

We offer fixed-fee packages in three areas:

1. Initial advice (page 2 below);
2. Divorce and financial issues arising from marriage breakdown (pages 3 - 5 below);
3. Children issues (pages 5 - 6 below).

¹ We do not operate a physical card reader system.



INITIAL ADVICE

Initial advice appointment fixed-fee package - £150 plus VAT, a total of £180 (provided only by Mark Tattersall)

When a relationship has broken down, it can be difficult to know which way to turn and what to do. This package will give you, in a meeting, all of the information and advice that you need to plan a way forward. It covers advice about resolving financial issues, for example, such as what are the general legal principles about how financial and property issues are resolved on marriage breakdown and how those general principles apply in your situation. In a case where there was a cohabitation, rather than a marriage, you will receive advice about the particular and quite different legal principles that then apply, such as how property held in the sole name of your former partner or in joint names should be dealt with.

We would generally expect to be able to give you the advice you need in a meeting of up to an hour's duration. However, if you need more than an hour for the advice, we will give you as much time as you need during the meeting (although this package covers only one meeting). In addition, we will write to you following your appointment, to confirm the essence of the advice that we gave you during the meeting, so that you have a record of that advice, from which you can remind yourself about it in future and which will help you to make decisions as to how you wish to proceed. Our written advice is supplemented by our own detailed information leaflets (we have a range of over 30).

DIVORCE AND FINANCIAL ISSUES ARISING FROM MARRIAGE BREAKDOWN



Divorce fixed-fee package - £400 plus VAT and court fee, a total of £1,030² (provided only by Mark Tattersall)

We will dissolve your marriage for you, through divorce proceedings, preparing all of the divorce papers, from the divorce “petition” (which starts the divorce proceedings) to the application for “decree absolute”, which will conclude the proceedings.

This package covers simply the process of dissolving a marriage through divorce proceedings and does not cover dealing with children or financial issues. The package is offered on the basis that the other spouse will not defend the divorce proceedings³ and co-operates with them, by returning to the court the relevant form confirming that they will not defend (and admitting their adultery, if that is the ground). It is ideal for those situations where both spouses accept that the marriage has broken down and wish to divorce.

² The court fee is currently £550. We will need your marriage certificate (to lodge with the court, to confirm the existence of the marriage). However, if you do not have it, we can obtain it from the General Register Office for a fee payable to it (currently £14), which is not included in our price (it is currently taking the General Register Office about 3 weeks to provide certified copy marriage certificates). If your marriage certificate is not in English, the court will require a translation into English from a professional translator, together with a formal statement from the translator that they have correctly translated it. Translator’s fees are not included in our fixed price. Also, if it proves necessary to have a process server serve your spouse with a set of the court papers (because your spouse does not respond to papers when they are sent them by the court by post), that process server’s fee will be payable by you as well, as it is not included in our price (it is generally the region of £100). In addition, if it proves necessary to make an application to the court for an order deeming service of your divorce papers to have been effected or to dispense with service, an additional court fee (currently of £100) will be payable by you. It is unusual for a process server to have to be used or for it to be necessary to make a deeming or dispensing application to the court.

³ It is extremely rare for divorce proceedings to be fully defended. Statistics kept by government show that less than 1% of divorce petitions are fully defended, that is, go to a contested hearing.



Financial order “consent application” fixed-fee package - £400 plus VAT and court fee⁴, a total of £530 (provided only by Mark Tattersall)

This package is for those cases where the couple have already agreed all of the terms of their financial settlement and simply need to formalise their agreement, by having an agreed financial order made in or following divorce proceedings.

A “consent application” is an application to a court for an order where an agreement has been reached about its essential terms; for example, an application to the divorce court for an agreed financial order. If you have agreed the terms of a financial settlement with your (former) spouse, at a fixed fee of £530, we will:

- prepare the application for the agreed order and complete the accompanying “statement of information” with your financial and personal details;
- have all concerned sign the papers and lodge them with the court, paying the court fee (currently £50); and
- “perfect” the order after it has been approved by the judge⁵;

provided that the value of your assets is less than £500,000 and your gross annual income is no higher than £100,000. (We can deal with “consent applications” where the value of the assets and/or your gross annual income is greater than these figures but cannot do so within this fixed fee. We are happy to give you an estimate of our charges on request if we cannot deal with the matter for a fixed fee.)

It is important to understand that this fixed-fee package does not extend further than set out above and, specifically, does not include:

- advice on whether an agreement is fair (its “merits”);
- negotiation with your (former) spouse about any of the terms of the order;
- any attendance at court⁶; or

⁴ Currently £50.

⁵ “Perfection” is the process under which the approved order is emailed by us to the court in a form that the court staff can copy and paste into a formal order document.

⁶ Where one (former) spouse is not legally-represented, the court sometimes requires both (former) spouses to attend

- any “conveyancing” work arising from the order⁷.

We can deal with any of these matters for you at hourly rates outside the fixed-fee package, except conveyancing, with which we do not deal. We can refer you to a firm that does carry out conveyancing work, if you would find that helpful.

CHILDREN ISSUES



Children issues negotiation fixed-fee package - provided by Julie McGovern, at £100 plus VAT, a total of £120, and by Mark Tattersall, at £150, plus VAT, a total of £180

Where you and the (other) parent/carer are in dispute about an issue relating to a child or children, we will provide you with full advice and, if you wish, send a letter on your behalf to the other parent/carer, to try to resolve the issue by agreement. We will also explain to you how you can proceed if matters are not resolved by our letter and whether, for example, you should make a court application.

This package is available to grandparents (as are the packages set out below).

Children issues court application fixed-fee package - provided by Julie McGovern at £100 plus VAT and court fee, a total of £335, and by Mark Tattersall at £150, plus VAT and court fee, a total of £395⁸

We will prepare court papers for you and issue them through the court⁹.

a hearing before a judge, at which the judge can satisfy him/herself that the (former) spouse who is not legally-represented understands to what they are agreeing. Although it is not common for the court to require an attendance, if the court did require it in your case, it might be most cost-effective for you to attend court yourself without legal representation, as these hearings are often a formality.

⁷ For example, the transfer of a house from one (former) spouse to another.

⁸ The court fee is currently £215.

⁹ It may be necessary for the case to be referred to family mediation before a court application can be issued (see attached information leaflet about family mediation and family proceedings). If the case is not resolved by family mediation, there will, at the very least, be a fee of £100 to be paid to the mediation service which carries out the Mediation Information & Assessment Meeting (see the information leaflet referred to above). This fee (and any other mediation fees) are not included in the fixed-fee package.

Children issues court representation fixed-fee package - provided by both Julie McGovern and Mark Tattersall at £300 plus VAT, a total of £360¹⁰

We will represent you at the first hearing of your application before the judge or magistrate(s)¹¹. Some cases are resolved at this stage. If, however, your case is not resolved at this stage, we can represent you at subsequent hearings, if you would like us to. Representation at hearings after the first hearing is at an hourly rate of £120, including VAT, for Julie McGovern and £210, including VAT, for Mark Tattersall.

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¹⁰ Plus travelling expenses (at 45p per mile) and parking expenses if the hearing is outside Bradford.

¹¹ We will also prepare the “court bundle” (a collection of the court papers and other documents, such as a case summary and a chronology) required by the Judge/magistrates for the hearing and “perfect” (formally draft and email to the court) the order which the court makes (as required by the court rules, as Judges/magistrates no longer prepare orders themselves in this situation).

CHIVERS WALSH

FAMILY LAW Information Leaflet

Family mediation and family proceedings

Most people who wish to make an application to a court for an order about a child or a divorce court financial order (or similar) have to make arrangements to attend an information meeting about “family mediation” (a “MIAM” (pronounced “my-am”)); see further below).

What is family mediation?

Family mediation is a process designed to help those involved in family breakdown, with a mediator, to:

- communicate better with each other; and
- reach their own decisions about some or all of the issues arising from the breakdown of their relationship, particularly about children, and finance and property.

The mediator’s role is to help those mediating to negotiate and agree their own decisions. The mediator will not take sides or give advice. Family mediation is an alternative to solicitors negotiating on behalf of a client and to having decisions made by a court¹². During family mediation, however, the spouses’/former partners’ solicitors are available to advise about decisions that those taking part in mediation are thinking of taking. Those solicitors can also formalise any agreement that is reached, for example, in relation to financial and property issues, by having the divorce court make an agreed financial and property order

How is the family mediation process begun?

The person who is wishing to make a court application of the type referred to above must first make arrangements to attend a “Mediation Information and Assessment Meeting” (MIAM) organised by a mediator. If that person has a solicitor, the solicitor will generally make the arrangements. The MIAM is an opportunity for information to be given about mediation and for the mediator to assess whether the case is suitable for mediation.

Anyone else who would be a party to any court application is invited to attend a MIAM as well (separate meetings with the mediator can be arranged). Mediators charge for MIAMs (and for any subsequent mediation sessions), although legal aid is currently available for those who are financially eligible (very few people nowadays, although, if one party is eligible for legal aid, legal aid will pay for the mediation as a whole, including the mediator’s charges to the other party). The charge for a MIAM is usually about £105 for the local mediation services we use (effectively a standard charge in this area).

If, after attending a MIAM, it is decided by those attending, including the mediator, that mediation should be tried, mediation will then begin. If, on the other hand, those attending the MIAM (including the mediator) decide that mediation is not appropriate (perhaps because the other party will not mediate), the mediator will provide a certificate confirming that. This certificate must be produced to the court if an application is subsequently made to it for an order.

Are there any exceptions to the requirement to attend a “Mediation Information and Assessment Meeting”?

There are some exceptions to the need to attend a MIAM. The main exceptions are:

1. Where the mediator is satisfied that mediation is not suitable because another party to the dispute is unwilling to attend a MIAM and consider mediation (experience with legal aid cases has shown that

¹² Although some mediators are also solicitors.

this is quite common);

2. Where there is, or has been, a risk of domestic violence between the parties to the dispute and evidence of the exists¹³;
3. Where the mediator decides that the case is not suitable for a MIAM (for reasons other than that referred to at 1 above);
4. Where the proposed court application is for enforcement of an existing order;
5. Where the dispute concerns financial issues and one of the parties is bankrupt;
6. Where the parties are in agreement and there is no dispute to mediate about;
7. Where the whereabouts of the other party are unknown;
8. Where the court application is to be made without notice to the other party;
9. Where the court application is urgent in the sense that there is a risk to the life, liberty or physical safety of the person wishing to make the application or his or her family or his or her home or where any delay caused by attending a MIAM would cause a risk of significant harm to a child, or a significant risk of a miscarriage of justice, or unreasonable hardship to the applicant or irretrievable problems in dealing with the dispute;
10. Where there is current Social Services involvement as a result of child protection concerns.

What happens if there is no “Mediation Information and Assessment Meeting” because one of the exceptions arises?

The person wishing to make the court application is provided with a certificate (issued by the mediator) which forms part of the application for an order about a child or a divorce court financial order.

Mark Tattersall
v. 8.8.19

¹³ Only certain forms of evidence are accepted by the court:

- 1 a certificate of conviction which shows that the other party (to any potential court proceedings) has been convicted (within the last two years) of an offence of violence against the legal aid applicant (offences of violence are defined and are set out in the footnote below) or a police caution for one of those offences;
- 2 a letter from the police confirming that there are ongoing criminal proceedings for an offence of the type referred to in the footnote below;
- 3 a family protective injunction (a personal protection order made by a court) (which has been made within the last two years) or an “undertaking” (non-molestation promise to a court) of this type (which has been given within the last two years);
- 4 a letter from the chair of a meeting at which a Multi-Agency Risk Assessment Conference Plan was put in place (within the last two years) confirming the Plan;
- 5 a finding of a court (within the last two years) that there has been an incident, or a pattern of incidents, of controlling, coercive or threatening behaviour, violence or abuse between individuals who are associated with each other and who would be the parties to the relevant potential court proceedings;
- 6 a letter or report from a health professional or a Social Services department confirming a report (within the last two years) of an incident, or pattern of incidents, of controlling, coercive or threatening behaviour, violence or abuse between individuals who are associated with each other and who would be the parties to the relevant potential court proceedings;
- 7 a letter from a refuge confirming the legal aid applicant is (or has been within the last two years) admitted to a refuge for those at risk of domestic violence.