

Divorce: Financial Disputes

Accessible & Transparent Services

For many married couples whose relationship has broken down, the difficulty is not getting a Divorce, but sorting out their money and property. At Simpson Millar our specialist Lawyers have a wealth of experience at achieving tailor made and fair solutions for our clients.

Most cases can be completed within the scope of the Fee meaning you can budget with complete confidence.

Service	Band A	Band B	Time Limits
Advice about an agreement that you and your spouse have already reached	£370	£440	Max 2 hours
Preparing a Court Order confirming an arrangement between you and your spouse	£555	£660	Max 3 hours
Reaching an agreement without issuing Court Proceedings	£1480	£1760	Max 8 hours
Issuing a Court Application or acting where one has been issued, up to and including representation at the first appointment	£2960	£3520	Max 16 hrs
Dealing with the steps following the first appointment	£3700	£4400	Max 20 hrs
Preparing for a Trial/Final Hearing and attending with you	£3700	£4400	Max 20 hrs

All fees are inclusive of VAT

The Bands

Our mission is to provide affordable access to justice and in order to take account of your ability to pay; our fixed fees in financial disputes are calculated by reference to two scales.

Band A is for clients whose gross assets are valued at less than £450,000. Gross assets are calculated by adding together the estimated values of all matrimonial property, including pension transfer values.

Band B is calculated in exactly the same way but applies when gross assets are worth more than £450,000 but less than £850,000.

For more information on Financial Disputes, please contact us:

 0808 129 3320

 info@simpsonmillar.co.uk

 www.simpsonmillar.co.uk

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If your gross assets are worth more than £850,000 it will normally not be possible to offer you a fixed fee arrangement but we guarantee that we will give you the best advice we can about likely total costs and be open and transparent about how are costs are calculated.

Limits of Fees

As you read this guide, you will see that there is an upper time limit for the amount of work that may be undertaken for some of the stages for the fee quoted. We find this encourages efficient, disciplined case management. Our experience shows that most matters suitable for Fixed Fee work are capable of being completed within the time limit we have fixed for that phase.

We will alert you as soon as possible if it becomes clear that the necessary work cannot be completed within the limit in your case. At that stage, we will discuss your options with you. You may be able to agree an additional Fixed Fee, decide to proceed on our special Fixed Fee hourly rate or, if eligible, pay for the additional work under our Access to Justice Scheme.

Alternatively, you may want to buy one of our cost effective bundled time packages.

This discussion will also provide an opportunity to review your goals and approach to your case to ensure that the case plan is still the right one for you given your financial circumstances and the probable costs and benefits of continuing the negotiations.

Some cases however are so complex and time consuming that it will be obvious from the outset that they would not be suitable for a Fixed Fee approach.

In particular, Fixed Fees are unlikely to be appropriate when there are significant matrimonial assets outside England and Wales, the assets include a limited company or companies or significant matrimonial assets are held in trust for others.

We therefore reserve the right not to offer a Fixed Fee in any particular case, but you may rest assured that in every case we will always be clear and straightforward when discussing costs with you and give you our best estimate as the case unfolds of what your total costs are likely to be.

Get in touch to discuss your options today

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Divorce & Financial Disputes: Band A £370 or Band B £440

Advice about an agreement that you and your spouse have already reached

Some people come to see us with an agreement they have already reached themselves with their spouse. This may be because they separated some time ago and reached an agreement then, or it may be, for example, that they have been to Mediation. People in that situation need advice about the agreement they have reached, whether they have missed any important points and whether the agreement is a good one or a bad one, from their perspective.

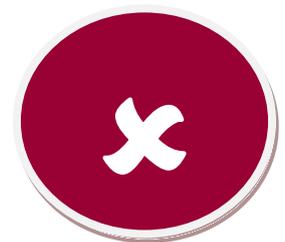
The £370/440 Fee includes:

- A meeting to discuss your agreement with you on the basis of the information available to you at that time
- Advice about any important points, which may have been overlooked.
- Advice about the merits of the agreement you have reached and whether there are any points you should consider renegotiating
- A letter to your spouse confirming the terms of the agreement reached
- A letter or email of advice to you confirming the advice we have given you
- A maximum of 2 hours' (20 units) work calculated on the basis of time spent and work done on your behalf. All attendances, meetings, preparation and telephone calls will be timed and recorded in 6 minute units (i.e. 6 minutes is one unit). Each email and letter received and sent will be recorded as one unit
- VAT



The £370/440 Fee does not include:

- Investigating whether the information on which the agreement is based is in fact correct
- Obtaining further information or clarification about your financial circumstances or about the circumstances of your spouse, or asking for documentation, etc, to confirm the information you have been given.
- Attempting to renegotiate the terms of the agreement you have reached or to negotiate agreement on points which have been missed
- Preparing a formal agreement or Consent Order
- Work in excess of the two hour limit



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At this stage, we do not expect to do any work outside the terms of any fixed price quoted. We will notify you if the position changes; if it does, we will agree with you how the additional work will be charged but this will normally be our special Fixed Fee Hourly rate.

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Divorce & Financial Disputes: Band A £555 or Band B £660

Preparing a Court Order confirming an arrangement between you and your spouse

We hope that you and your spouse will reach an agreement, ideally at an early stage in order to minimise the cost to each of you. You will then need your agreement to be approved by a Judge and properly recorded in a Court Order.

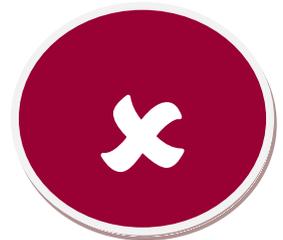
The £555/660 Fee includes:

- Drawing up a Court Order in consultation with your spouse's Solicitor.
- Sending it to you with a detailed explanatory letter or email so that you can be sure that you understand it fully and you have a future record as to what it means
- Negotiating the detailed wording with your spouse's Solicitor but not renegotiating terms or devising new or different arrangements
- Sending the Court Order to third parties, such as mortgage lenders, pension fund managers, etc.
- Dealing with any questions the Judge may raise in correspondence before he/she approves the Order
- A maximum of 3 hours' (30 units) work calculated on the basis of time spent and work done on your behalf. All attendances, meetings, preparation and telephone calls will be timed and recorded in 6 minute units (i.e. 6 minutes is one unit). Each email and letter received and sent will be recorded as one unit
- VAT



The £555/660 Fee does not include:

- The Court fee, currently £50
- A supplement of £120, which is payable for each pension sharing annex included in the Order
- Going to Court, which is extremely unlikely at this stage
- Implementing the Court Order, which may involve, for example, transferring ownership of a house, assigning endowment policies, etc.
- Work in excess of the three hour limit



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Divorce & Financial Disputes: Band A £1480 or Band B £1760

Reaching an agreement without issuing Court Proceedings

You may wish to instruct us to try to negotiate an agreement with your spouse or their Solicitor. This usually involves exchanging correspondence to establish what your financial position is, then formulating and putting forward proposals.

As an alternative to this, you may want to consider using other options such as Mediation or Collaborative Law.

In most cases, we would expect you and your spouse to reach an agreement without issuing any Proceedings, perhaps with help and guidance from Solicitors. It is important and sensible to do this but, also, it is important to recognise when discussions and negotiations are fruitless and to consider other options available.

The £1480/1760 Fee includes:

- Writing to your spouse or their Solicitor and suggesting that you each fill in a Form E (the prescribed document for recording details of your finances)
- Helping you to fill in your Form E and a meeting at which we can discuss it and also discuss proposals you might want to put forward
- Exchanging your Form E and considering your spouse's Form E and documentation
- Advising you about issuing arising and extra information or documentation you might want to ask for
- Advising you about any proposals you receive and helping you to formulate proposals.
- Negotiating with your spouse and his/her Solicitor, usually by letter or email, to try to reach agreement
- A maximum of 8 hours' work (80 units) calculated on the basis of time spent and work done on your behalf. All meetings and telephone calls will be timed and recorded in 6 minute units (i.e. 6 minutes is one unit of time). Each email and letter received and sent will be recorded as one unit
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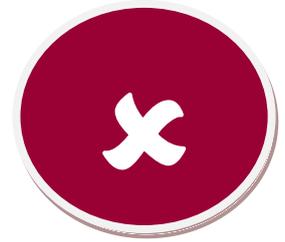
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The £1480/1760 Fee does not include:

- Writing to other people for documentation needed to attach to your Form E. For example, you would need to provide a redemption statement if you have a mortgage and salary statements if you are in employment (We think that you would probably prefer to do this yourself, so we have not included it in our costings. Of course, we can write these letters for you if you wish, but we would need to charge you extra)
- Charges made by other people to provide information
- Charges of other professionals for providing additional information, for example valuations of property, detailed advice about pensions, etc.
- Direct “face to face” meetings with your spouse and his/her Solicitor - We can arrange these meetings where they are appropriate but we would need to charge you separately
- Drawing up a formal agreement or Consent Order if an agreement is reached
- Negotiations after you or your spouse have issued an application to the Court for a Financial Order
- Work undertaken in excess of the 8 hour limit



At this stage, we do not expect to do any work outside the terms of any fixed price quoted. We will notify you if the position changes; if it does, we will agree with you how the additional work will be charged but it will normally be at our special Fixed Fee Hourly rate.

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Divorce & Financial Disputes: Band A £2960 or Band B £3520

Issuing a Court Application or acting where one has been issued, up to and including representation at the first appointment

You should try to reach an agreement without issuing any Court Proceedings, and with our help you can achieve that. However, there may come a point when it is clear that we are not going to reach an agreement. Long negotiations, which get nowhere, are deeply frustrating and seldom cost effective, so it may become necessary to issue a Court Application, or your spouse may decide to do so.

This is known as an application for a Financial Order or Ancillary Relief, or sometimes a "Form A", and it sets the Court's procedures in motion. We will provide more information about the Court procedure when applying for a Financial Order.

An application for a Financial Order/Ancillary Relief should not necessarily be regarded as a hostile step. Sometimes it is sensible to issue the Proceedings in order to ensure that you have a clear timeframe within which everything will be resolved.

The £2960/3520 Fee includes:

- Drafting your Form A and sending it to the Court and other relevant parties
- Helping you to complete or update your Form E and attach the relevant documentation
- A meeting to discuss your Form E and finalise it and to discuss proposals you may want to put forward at that stage
- Finalising your Form E and getting it ready for your final signature
- Exchanging your Form E with your spouse. Considering your spouse's Form E very carefully, helping you to identify additional documentation and information which may be needed
- Preparing all the documentation needed to go to Court for the first appointment
- Going to the first appointment with you to a local Court. We will charge you additional, reasonable, travel expenses if we are required to travel further than 10 miles from our office to the court, or have to make a journey in excess of 30 minutes duration to get to the court from our offices - Such additional travel will be charged at 45p per mile plus time at the fixed fee hourly rate (see our FAQs). Alternatively, if your case is not being heard in a local court, we may discuss with you the option of instructing counsel (a barrister) to represent you, if this choice is more cost effective for you



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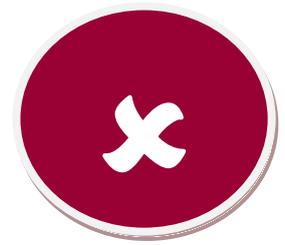
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- If your case settles without us actually having to go to Court we will reduce our Fixed Fee by £600 for both Bands, but you will need us to prepare a Consent Order for which we will charge you in accordance with the separate fixed fee product. We shall provide you with details of this if it becomes relevant
- If the Judge decides to treat the first appointment as a Financial Dispute Resolution Appointment (FDR) and the case settles at the first hearing we will charge you an extra £600 under each Band. So the fixed fee will be £3560 (Band A) or £4120 (Band B)
- Advising you about any proposals received, helping you to formulate proposals and negotiate with your spouse's Solicitor in correspondence
- Representing you and negotiating for you at Court and if an agreement is reached at Court, preparing a Consent Order setting out the terms of the agreement
- A maximum of 16 hours' work (160 units) calculated on the basis of time spent and work done on your behalf including travel time if charged (see above) - All meetings and telephone calls will be timed and recorded in 6 minute units (i.e. 6 minutes is one unit of time). Each email and letter received and sent will be recorded as one unit
- VAT

The £2960/3520 Fee does not include:

- The Court fee which you have to pay if you issue the application, currently £255
- Writing to other people for documentation needed to attach to your Form E - For example, you would need to provide a redemption statement if you have a mortgage and salary statements if you are in employment (We think that you would probably prefer to do this yourself, so we have not included it in our costings) - Of course, we can write these letters for you if you wish but we would need to charge you extra
- Dealing with any application you or your spouse may make to Court for an Order for Maintenance Pending Suit - These applications raise additional complications and we would need to charge you extra
- Any other application you or your spouse might make, for example for an Injunction, an Order freezing assets, or an Order permitting you to search premises for documentation - Such applications are, in practice, extremely rare, but they raise additional complications and we would need to charge you extra
- Any charges raised by third parties for providing information, and any charges for Expert reports such as valuations, detailed advice about pension arrangements, etc.
- Representation at Court by a Barrister. We would not normally recommend you to engage the services of a Barrister at this stage of the Proceedings, although sometimes it may be cost effective to do so, but, if you do have a barrister, his/her fee would be payable separately and we would also have to charge you extra for the administration involved, preparation of a detailed Brief, etc. at a cost of £300 for either Band (We will discuss with you in advance the decision as to whether or not you should have a barrister and the costs involved)



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- Work in excess of the 16 hour limit

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Divorce & Financial Disputes: Band A £3700 or Band B £4400

Dealing with the steps following the first appointment

In our experience, the majority of cases settle by agreement at, or before, the first appointment, so it is quite rare for cases to continue beyond that point. But if an agreement has not been reached, the Judge will give Directions as to what further information etc, should be provided and will usually schedule a Financial Dispute Resolution Appointment. You can ask us for more information about the procedure on an Ancillary Relief application and what happens at an FDR Appointment.

We will help you to comply with the Court's Directions; we will prepare all the documentation necessary for the FDR and represent you at the FDR Appointment.

The £3700/4400 Fee includes:

- Helping you to comply with the Court's Directions, including drafting Replies to any Questionnaire
- Commissioning reports from third parties, which may be required, such as Surveyors' valuations, Actuaries' reports, etc.
- Pressing your spouse's Solicitor to comply promptly with any Directions made against him or her
- Advising you about any proposals received, helping you to formulate proposals and negotiate with your spouse's Solicitor in correspondence
- Going to the FDR Appointment with you to a local Court. We will charge you additional, reasonable, travel expenses if we are required to travel further than 10 miles
- If your case settles without us actually having to go to Court we will reduce our Fixed Fee by £600, but you will need us to prepare a Consent Order for which we will charge you separately, see above
- Representing you and negotiating for you at Court and, if an agreement is reached at Court, preparing a Consent Order setting out the terms of the agreement
- A maximum of 20 hours' work (200 units) calculated on the basis of time spent and work done on your behalf including travel time if charged (see above). All meetings and telephone calls will be timed and recorded in 6 minute units (i.e. 6 minutes is one unit of time) - Each email and letter received and sent will be recorded as one unit
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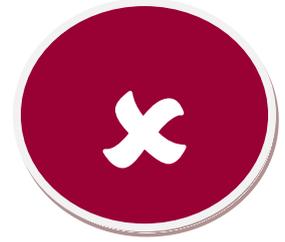
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- Fees charged by your Barrister for your meeting with him/her and for representing you at Court
- Any charges raised by third parties for providing information and any charges for Expert's reports, such as valuations, detailed advice about pension arrangements, etc.
- Fees charged by any third parties, such as Valuers, Surveyors or Actuaries for attending Court. It is really rare for an Expert to be asked to attend Court but, if it happens, he or she will make an extra charge
- Representation at Court by a Barrister. We would not normally recommend you to engage the services of a Barrister at this stage of the Proceedings, but, if you do so, his or her fee would be payable separately and we would have to charge you £300 for the administration involved, preparation of a detailed Brief, etc.
- Work in excess of the 20 hour limit



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Preparation for a Trial/Final Hearing and attending with you

Taking a case to Trial involves quite a lot of detailed preparation work. We will carry out all the necessary preparation work for you.

We may also recommend you to engage the services of a Barrister at this point in the Proceedings and we will probably suggest you have a meeting with the Barrister a few weeks before the Trial date so that he or she can advise you and also point out any additional information he or she thinks you should produce or any other steps he or she would like us to take before the Trial.

The Fixed Fee includes the cost of arranging and briefing the Barrister, and going to the Conference with you. It also includes coming to Court with you and your Barrister on the morning of the Trial to deal with any last minute points and to be present during negotiations before you go into Court (subject to the mileage/time limits explained below).

It does not include staying at Court throughout the remainder of your day, which is not usually necessary or cost effective. If you or your Barrister wishes us to do that we will charge you an additional sum of £555 (Band A) or £720 (Band B). It does not include the fees charged by the Barrister.

The £3700/4400 Fee includes:

- Helping you to comply with any Court Directions arising from the FDR Appointment, including drafting Replies to any Questionnaire
- Commissioning any reports or Addendum reports from third parties, which may be required, such as Surveyor's valuations, Actuary's reports, etc.(but not the actual cost of those reports)
- Pressing your spouse's Solicitor to comply promptly with any Directions made against him or her which remain to be complied with
- Advising you about any proposals received, helping you to formulate proposals and negotiate with your spouse's Solicitor in correspondence, including the "open proposal" you have to produce shortly before the Trial/Final Hearing
- Preparation of all documentation needed for Court



For more information on Financial Disputes, please contact us:

 **0808 129 3320**

 [**info@simpsonmillar.co.uk**](mailto:info@simpsonmillar.co.uk)

 [**www.simpsonmillar.co.uk**](http://www.simpsonmillar.co.uk)

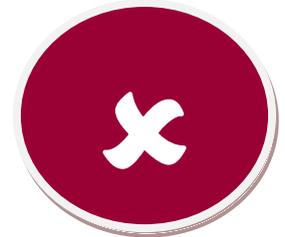
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- Going to a meeting with your Barrister, and going to Court with you on the morning of the Trial. If the hearing is not in a local Court, or if the barrister's chambers are not local to our offices, we will charge you additional, reasonable, travel expenses if we are required to travel further than 10 miles from our office to the court or barrister's chambers or we have to make a journey in excess of 30 minutes duration to get to the court or chambers from our offices. Such additional travel will be charged at 45p per mile plus time at the fixed fee hourly rate (see our FAQs)
- A maximum of 20 hours' work (200 units) calculated on the basis of time spent and work done on your behalf including travel time if charged (see above). All meetings and telephone calls will be timed and recorded in 6 minute units (i.e. 6 minutes is one unit of time). Each email and letter received and sent will be recorded as one unit.
- VAT

The £3700/4400 Fee does not include:

- Fees charged by your Barrister for your meeting with him/her and for representing you at Court
- Any charges raised by third parties for providing information and any charges for Expert's reports, such as valuations, detailed advice about pension arrangements, etc.
- Fees charged by any third parties, such as Valuers, Surveyors or Actuaries for attending Court. It is rare for an Expert to be asked to attend Court but, if it happens, he or she will make an extra charge which may include travelling expenses
- Work in excess of the 20 hour limit



At this stage, we do not expect to do any work outside the terms of any fixed price quoted. We will notify you if the position changes; if it does, we will agree with you how the additional work will be charged although it will normally be at our special Fixed Fee Hourly Rate.

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Bundled Time and Hourly Rates

If you need additional time, we can also offer an hourly rate (speak to your Solicitor about this), clients that require more than a simple consultation may wish to take advantage of our 'Bundled Time' scheme.

This is a simple and straightforward way of buying a predefined amount of expert legal representation and advice.

Time	Band A	Band B
5 hours	£925	£1100
10 hours	£1850	£2200
15 hours	£2775	£3300
20 hours	£3700	£4400

All legal expertise purchased under 'Bundled Time' must, unless otherwise agreed in writing, be paid in full and in advance of work commencing.

Agreement to defer payment will only be considered if adequate security for payment in full is provided.

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Frequently Asked Questions

Accessible & Transparent Services

When are the fees payable?

Payment is due before work can be started. We are able to accept payment by bank card, credit card or PayPal, either face to face at one of our offices, over the phone, or online via our website.

Any Court fees we have to pay are payable by you in advance.

Any fees payable to third parties, including Agents, Experts, and Barristers, are payable in full before they can be instructed to begin work.

In certain limited circumstances, where security for payment can be arranged, it may be possible for payment by instalments to be considered.

How do we work out whether you are entitled to use the Fixed Fee Schemes?

When deciding whether you qualify for the Fixed Fee Schemes we will look at the complexity of the case. These Fixed Fee arrangements are not normally available in children's cases where there are more than 2 parties, in abduction cases, permission to remove from the jurisdiction permanently, enforcement, or in cases where allegations of harm or the mental health are significant issues.

They are not normally available in complex financial cases including cases where the gross value of the matrimonial assets exceeds £850,000, where significant matrimonial assets are located outside England and Wales, where the matrimonial assets comprise a business or limited company, or if there are assets held in trust for third parties or if third parties intervene in the case.

We may be able to individually agree a higher Fixed Fee with you for undertaking these more complex pieces of work.

What work is not included in the Fixed Fee Scheme?

Any work we do for you which is not included in the Fixed Fee will normally be charged separately on the basis of our Fixed Fee hourly rate, as set out in our Terms of Business letter.

We will not do any work for you outside the scope of the fixed fee until we have discussed this with you and explained our charges, given you the best estimate we can of the likely overall cost to you and secured your written agreement to the extra work.

An exception to this is work we may have to do for you on an emergency basis where we have been unable to contact you before proceeding. We will only do this if we think the work is reasonably necessary to protect your interests, but you agree to pay our charges for that extra work.

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