

FAMILY LAW & DIVORCE - HOW MUCH WILL IT COST?

SOLICITORS' CHARGES in most family matters and divorce are governed by the MATRIMONIAL CAUSES (COSTS) RULES 1988 as amended by the FAMILY PROCEEDINGS (COSTS) RULES 1991.

In deciding what fee is fair and reasonable to both the solicitor and the client the Rules provide that we shall have regard to all relevant circumstances and in particular to:

- a) the complexity of the item or the cause or matter in which it arises and the difficulty or novelty of the questions involved;
- b) the skill, specialised knowledge and responsibility required of, and the time and labour expended, by the solicitor or counsel;
- c) the number and importance of the documents (however brief) prepared or perused;
- d) the place and circumstances in which the business involved is transacted;
- e) the importance of the cause or matter to the client;
- f) where money or property is involved, its amount or value;
- g) any other fees and allowances payable to the solicitor or counsel in respect of other items in the same cause or matter, but only where work done in relation to those items has reduced the work which would otherwise have been necessary in relation to the item in question.

In calculating what fee should be charged we record all time taken on your matter in minimum units of one-tenth of an hour per item of work (or half that for letters received) and then calculate the value of that time at the following hourly rates: Partner £175.00; Assistant Solicitor £150.00.

Having calculated the value of time spent on the matter we then have to consider whether that does give a figure which is fair and reasonable having regard to the factors set out in the Rules. It usually does, but if any of the factors is of particular relevance the charge may be greater than the cost of the time spent on the matter. V.A.T. at the standard rate has to be added to our fee.

It is normal practise to ask clients to make payments on account towards anticipated fees and payments which we will have to make on your behalf such as court fees, counsel's fees and experts' reports. Please meet those requests promptly.

Invoices will be raised from time to time and are due for payment on presentation. If an invoice is not paid promptly we reserve the right to decline to act any further.

The following points should be borne in mind:

- a) It is seldom possible to estimate the cost of litigation in advance. If you wish to set a limit on costs to be incurred with us please let us know in writing.
- b) In litigation the court has the power to order a party to pay costs to the other party.
- c) Regardless of any order for costs made against your opponent you are personally responsible for payment of our bill of costs in full.
- d) If you decide to withdraw after proceedings have been issued, you may not be able to do so without having to pay your opponent's costs.
- e) If your claim fails in all probability you will have to pay your opponent's costs as well as your own.
- f) Even if you win your opponent may not be ordered to pay the full amount of your costs and even then may not be capable of paying what has been ordered.
- g) If your opponent is legally aided you are unlikely to be entitled to recover your costs, even if you are successful.

Richard Wilson & Co
Solicitors