



# A clean break

With statistics showing a steady rise in divorce rates, should people be saying ‘I don’t’ instead of ‘I do’? Not necessarily, but getting specialist advice is crucial. Divorce can be one of the most stressful times in your life, so to reduce the amount of pain that is involved it is vital to make the split civilised.

Sandra Davis, head of family law at Mishcon de Reya solicitors, London, handles a lot of divorce cases, and has seen her share of high-profile big settlements. Having witnessed the fall-out, she dismisses those that say prenuptial agreements are unromantic. ‘Those concerns are easily outweighed by the cost of litigation,’ she says. ‘For example, you can spend up to £10,000 on a prenuptial as opposed to hundreds of thousands on a settlement.’

But, of course, the problem with divorce is that it rarely comes down to a simple financial split. When so much raw emotion is involved, as well as all the feelings associated with dividing belongings, how can an amicable and fair deal be achieved?

## The consequences of divorce

It sounds cold, but put simply getting divorced involves dissolving a contract and resolving the issues associated with that process. It’s important that both sides keep the matter in perspective. ‘Who did what to whom is almost irrelevant and it’s very difficult to bear that in mind when negotiating a financial result,’ Davis says. ‘After all, why should someone who appears to be blameless have to forfeit their home when they feel they have done nothing to deserve it? People do sometimes want to wreak revenge and go for every negative option. But the more money you spend on lawyers, the less there is in the pot.’

A therapist can help with this and save both parties money. At a fraction of the cost of a lawyer’s time, emotions can be dealt with and worked through so that when it comes to the technical side of negotiations – which the lawyer will handle – it can be approached in a business-like and distanced way.

‘The client can say the same thing to a therapist for ten hours and hopefully get rid of all the emotions that interfere with the ability to look forward,’ says Davis, ‘rather than sitting and talking to their lawyer – which is unconstructive, expensive and clouds the ability to make decisions.’

It sounds like she’s talking herself out of a job, but she is deeply serious about this side of the negotiations. She clearly takes the human consequences of divorce very personally – for legal as well as humanitarian reasons. ‘It’s useful to have a therapist,’ she adds, ‘because divorce has a number of recognisable stages in the process and you may not be ready to listen to a lawyer’s advice at an early stage. I think it’s good practice because people feel afterwards that they conducted their business with dignity.’

Another key to achieving a satisfactory settlement is managing your relationship with your lawyer properly. Remember that you are paying them to give you advice – and because they have experience and knowledge in that area of the law. People make the common mistake of

Celebrity splits are common fodder for the tabloid press, but with larger settlements being determined in all walks of life, divorce itself is coming under the microscope. James Drury speaks to leading family lawyer **Sandra Davis** about how to survive a divorce – emotionally and financially.

listening to people other than their lawyer. A best friend, mother or neighbour may be selective about what they tell you, or may simply have no clue. ‘Would you get a plumber in and then say “no, just watch me do it myself” and then fiddle your way through, breaking the pipes in the process?’ asks Davis. ‘What’s the point of not listening to someone you’re paying?’

‘It’s important in trying to have a civilised divorce to understand how to manage your lawyer,’ she continues. ‘It’s not a case of “the tail wagging the dog”. You’re the client and the lawyer advises – you should be operating as a team.’

## The media spotlight

High-settlement divorces are attracting more and more coverage as the amounts of money involved gets bigger. If you think that your own settlement might result in media interest, it may be worth hiring a specialist to handle the media.

‘For celebrities, the media is another arm of the divorce process that the rest of the public do not have to worry about. I think that you have to make a decision as to whether you’re going to litigate on two fronts. The media loves a scandal. They do not love a statement saying “we want to do everything possible for the children and we are very sorry and we hope both of us to remain amicable and we have already resolved our differences” – that does not sell.’

## UK DIVORCE STATISTICS:

One in ten couples split before their first anniversary.

Half think their settlement was unfair.

A third want their marriage to be more like a business contract.

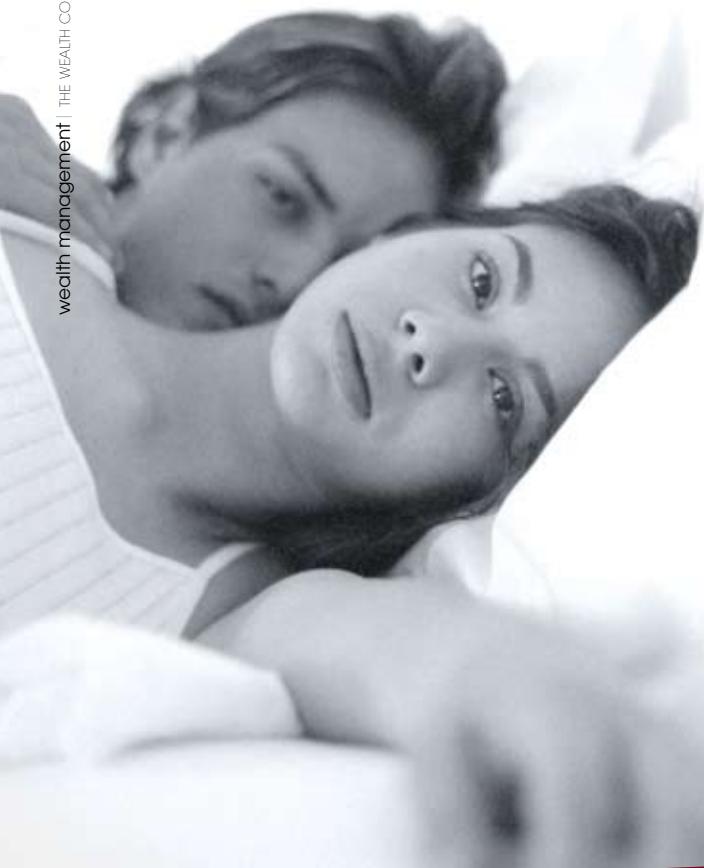
The average marriage lasts 11.3 years.

The peak age range to get married for women is 25–29; for men it’s 30–34.

The divorce rate is 40%.

150,000 children are affected by divorce.

There are around 2.2 million marriages in the EU every year, and of those, 350,000 involve an international couple.



## LEGAL WRANGLES: Sandra Davis on how to handle your lawyer

What you should be looking for in your lawyer is **ability, affability and availability**. You need to get your boundaries clear. If you don't understand what your lawyer is saying, they're not for you. Equally, if you don't take responsibility for decisions and blame your lawyer instead, you're simply not taking the whole process seriously.

**I Get organised.** It helps to organise your thoughts and financial documentation before you come in. Don't bring in a carrier bag of stuff and expect your lawyer to sort it out. It won't help you focus on your priorities and what you want the outcome to be.

**I Make sure you choose your lawyer carefully.** Do you want someone who is collaborative, mediatory, aggressive? Someone who has an international element? Do you need someone with experience in prenuptials? This is not about just going to the Laundromat and washing your clothes. Think about what it is in particular that you require. A personal referral is a good way to choose.

**I Choose a lawyer you have a rapport with.** Talk to the lawyer before you make an appointment. Shop around – you don't have to pick the first person you see. You must be able to trust your lawyer, but also be able to get clear advice, tell your story without self-consciousness and indicate exactly what you want.

**I Understand the value of time.** The lawyer provides time as their service. I think some people fall into the trap of seeing their lawyer as their therapist. But if the lawyer allows this to happen, it's an ineffective use of their time.

### The price of love

**Roman Abramovich** is not the only man in his forties to find love with a younger woman. He may, however, be the first to have paid £5 billion for the privilege.

The Russian oligarch and world's 16th richest man announced his divorce from wife Irina in March.

The couple, who had been married for 15 years, reached an agreement on custody of their five children as well as a financial settlement, although no further details were announced.

Sources in Russia estimate the cost at anywhere between £1 billion and half of Abramovich's £10.8 billion fortune.

One thing that all are agreed on is that it was a wise move conducting proceedings in Russia, where the process is extremely speedy and relatively hassle-free. But Abramovich's new squeeze, Daria Zukhova, should be careful if the couple ever walk down the aisle: Russian law provides for a separation of property based solely on assets accumulated during the marriage.

Zukhova couldn't do any worse than Olga Lysova, though: the first Mrs Abramovich didn't receive a penny when Roman ran off with Aeroflot stewardess Irina in 1991.



'It is almost never in the client's interest if the story is regurgitated [in the media], and where there are children who can read or friends who read the newspapers, it can be the source of a great deal of shame and bullying.'

### Think of the children

Of course, when there are children involved, they are the most important part of any divorce settlement.

On this issue, Davis' key advice is literary. 'Goethe said: "The things which matter most should never be at the mercy of the things which matter least"'. Put your children first and do not allow your own personal "Middle East conflict" to spoil your relationship with them. They are not pawns to be used. They are little people who have feelings and can be psychologically traumatised by how they are handled.'

Tragically, she often sees children used as weapons in a divorce. 'I will do whatever I can to impress on my clients the need to be sensitive, to keep their eyes on the bigger picture and to have a sense of realism,' she says. 'You have to co-parent for many years to come. You have to find new boundaries and ways of communication. You have to have a sensible framework. If you can achieve that through mediation rather than litigation, so that you arrive at an agreement which suits the family and is not imposed on the family, that's infinitely preferable.'

Dealing with the painful experiences of divorce every day, doesn't Davis get depressed by it all? 'Not at all,' she smiles. 'People go on to do things they never would have thought possible before they were "liberated".'

She says she enjoys the fact that she can play her part in helping people to move on into a new chapter in their lives. 'It's all about empowerment.' ■