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ROTHERA DOWSON ENEWS

MATRIMONIAL & FAMILY LAW – An amicable divorce?

Anyone who has ever been through a divorce, or knows someone who has, will be all too aware of the strength and depth of the feelings of anger, hurt, betrayal and grief that so often colour the proceedings. The very public disintegration of the marriage of Sir Paul McCartney and Heather Mills and the recent media coverage of leaked documents containing serious allegations about the couple's behaviour serve as an extreme example of what can happen when those feelings are allowed to erode any remaining esteem that the parties hold for one another.

Where children are involved it is particularly important that every effort is made by those involved to conduct the proceedings in a civil and dignified way and with all due deference by each party to the other's wishes and feelings. After all, there may be many years of co-parenting ahead.

Under current Divorce laws it is necessary to cite evidence of the irretrievable breakdown of the marriage in the form of either adultery on the part of the other party or unreasonable behaviour, in order to obtain a divorce within the first two years of separation. However, unnecessary allegations of the sort seen in the case of the McCartneys' divorce should be actively discouraged for the sake of any children of the family and, wherever possible, steps should be taken to secure the approval of the other party to the contents of the Divorce Petition before it is filed with the Court.

In certain exceptional circumstances a person's conduct and behaviour may be relevant when considering the settlement of financial and property matters consequent on the breakdown of a marriage. However, such cases are rare, and we are concerned following the recent flurry of media reports concerning the McCartneys' marriage that many more people may seek to suggest that their spouse's conduct is so bad it would be wrong for that conduct not to be taken into account when considering settlement. We would say it is always important to obtain early legal advice in relation to financial matters particularly if issues of behaviour may be relevant. By taking early advice the appropriate steps can be taken in a timely and appropriate manner with a view to concluding an agreement in relation to settlement.

One way of increasing the chances of an amicable divorce is to ensure that the solicitors you instruct adhere to the Code of Practice of **Resolution – first for family law**. Resolution is an association of some 5,000 solicitors committed to practising a non-confrontational and constructive approach to family law matters. At **Rothera Dowson** all of our family law solicitors are members of Resolution and experienced in dealing with disputes, including cases involving assets of a high net worth, in a way designed to preserve the dignity of the parties involved and encourage agreement.

For further information and advice about Matrimonial and Family matters, please contact **Lorna Sear** at Rothera Dowson on **0115 9100 600**.

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