

Financing your legal costs – Your questions answered

Q: What legal costs am I likely to incur?

A: Your legal costs will include our fees for work carried out on your behalf, charged at an hourly rate as set out in our terms of business. To this figure will be added VAT at the applicable rate (currently 15%). In addition you will be charged for any expenses we incur on your behalf, for example Court fees, Barrister's fees, travelling expenses etc. Some of these disbursements are also liable to VAT.

We will provide you with an estimate of our likely fees and disbursements at the outset of your case. This estimate is not intended to be fixed and is based upon our experience of handling other cases similar to yours. Our initial estimate may need to be revised as your case proceeds and, if so, we will advise you of any revised estimate. We will keep you updated on legal costs on a regular basis as your case proceeds. We maintain computer time records which will enable us to give you details of any unpaid fees or unbilled work at any time upon request.

As our client, you are primarily liable for payment of any legal costs incurred by us on your behalf. If an order to pay or contribute towards your costs is made against the other party, we will endeavour to recover those costs on your behalf and will either offset them against any outstanding costs or will account to you with them. If we incur additional costs in recovering these costs on your behalf, these will be billed to you.

Q: Who pays the costs of the divorce proceedings?

A: The Petitioner (that is the person who applies for the divorce) incurs most of the legal fees and disbursements involved in the divorce proceedings themselves. The Petitioner's solicitors deal with the preparation of the Court documents and the payment of the Court fees. The Petitioner may be able to seek a contribution against the other party (the Respondent) or against any named Co-respondent. Exceptionally the Respondent may agree to pay all the Petitioner's legal costs. If there is a dispute as to what, if any, contribution should be paid, the Court may require both parties to attend Court on pronouncement of the Decree Nisi to argue the issue of costs. If the Respondent objects to the amount claimed, the Court can assess how much should be paid.

Q: Who pays the costs involved in sorting out our finances?

A: Initially both parties are responsible for payment of their own costs. If agreement is reached, either before or after issuing a formal application for financial provision/property adjustment (known as an application for ancillary relief), each party will normally be responsible for their own costs.

If the matter proceeds to a final hearing and either party has made an open offer to settle on terms which are either agreed by the Court or "bettered" by the Court order, then the Court, at its discretion, can order the "unsuccessful" party to make a payment towards the



Hitchin Office, 7/8 Portmill Lane, Hitchin, Hertfordshire SG5 1AS
Tel: 01462 628888 | Fax: 01462 631233

Welwyn Garden City Office, Gate House, Fretherne Road, Welwyn Garden City, Hertfordshire AL8 6RD
Tel: 01707 887700 | Fax: 01707 887701

www.hrjlaw.co.uk

successful party's legal costs. The court will require full details of both parties' legal costs before the hearing and will take those legal costs into account in making its decision.

Q: Who pays the costs involved in sorting out arrangements for our children?

A: The normal situation is that each party is responsible for paying his or her own legal costs in children cases. It is very unusual for the court to make an order for costs against an "unsuccessful party" unless that party has been unreasonable in the conduct of the case or has deliberately ignored Court orders or directions.

Q: Am I eligible for legal aid?

A: This firm no longer offers public funding (formerly known as Legal Aid). If we think you may be eligible for public funding we will inform you of this and will supply you with details of local firms who offer public funding. If you think you may be eligible for public funding you can check this yourself on the Commission for Legal Services Web site- www.clsdirect.org.uk which has a legal aid eligibility calculator.

Q: How will I be billed?

A: In common with most firms, we will submit interim bills as your case progresses, normally monthly or two-monthly depending upon the amount of work undertaken during that time. Our payment terms require payment within 28 days and we reserve the right to cease work on your behalf if our costs remain outstanding beyond that 28 days. In addition we may ask you to make a payment on account for expected legal costs and we will expect you to pay for the cost of any disbursements in advance, before they become payable.

Q: What arrangements can I make for payment?

A: We accept payment by cheque, debit card or credit card. We would normally refuse to accept credit card payments for substantial disbursements for example stamp duty but other smaller disbursements can be paid by credit card, at our discretion.

This fact sheet is intended as a general guide only. If you have specific queries not covered in this fact sheet please ask for further advice.