



# SOLICITOR NEGOTIATIONS

IN MANY INSTANCES, SOLICITORS ARE ABLE TO ASSIST A COUPLE TO REACH AGREEMENT THROUGH NEGOTIATION

## THE PROCESS

Solicitor negotiations may take place through correspondence, one or more round-table meetings, or simply by picking up the phone.

Even if a couple are far apart, solicitor negotiations can be helpful to reduce and narrow the issues. Constructive negotiations can be helpful in setting a positive tone, focused on settlement.

### Round-table meeting

A round-table meeting (RTM) involves both parties and their respective lawyers sitting around a table to try and reach an agreement regarding their financial and/or children matters.

Usually both sides will have their own room, so that they can speak confidentially and take advice from their respective solicitors. There will also be another room where everyone, (or just the solicitors) can come together to negotiate.

A RTM can be useful to break a deadlock in negotiations or to narrow issues. Often clients feel they need the support of a solicitor present to help them negotiate and to advise them, but like the idea of reaching their own bespoke solution with their spouse or partner.

## SUITABLE CIRCUMSTANCES

Solicitor negotiation is particularly suited to situations where the parties are on amicable terms.

It can also be particularly suitable for separating couples:

- ▶ where there is a desire to reach an agreed settlement, rather than have one imposed
- ▶ where there is broad agreement regarding general principles, but various details need to be hammered out
- ▶ in cases which have 'got stuck' a RTM, getting together in one place can focus everyone's minds.

SOLICITOR NEGOTIATION IS AT THE HEART OF OUR WAY OF WORKING. EVERY CASE IS LIKELY TO INVOLVE AN ELEMENT OF NEGOTIATION. IT WILL CONTINUE ALONGSIDE OTHER PROCESSES. FOR EXAMPLE, AS PART OF THE COURT PROCESS, PARTIES ARE EXPECTED TO PUT FORWARD SETTLEMENT PROPOSALS AND TO TRY AND NARROW THE ISSUES THAT THE COURT IS REQUIRED TO DETERMINE.

## BENEFITS OF A RTM

- 'Confidential and without prejudice'** – this usually means that ideas discussed cannot later be used against either party if there are future court proceedings so negotiations are more open.
- Privacy** – the venue for the RTM will be far more discreet than a busy court building.
- Comfort** – it can take place in a more comfortable setting than at court, e.g. solicitor's office or hotel meeting room with refreshments.
- Work at your pace** – a RTM can be booked on a date of your choosing and at relatively short notice to deal with an immediate issue, such as arrangements for an imminent school holiday.
- On your terms** – both parties are directly involved in the discussions whilst also being supported by their solicitor. As a result they often feel empowered, and more positive moving forward.

## OUR INSIGHT

All cases involve an element of solicitor advice and negotiation. Some are resolved entirely by negotiation. In other cases, it can continue alongside mediation or court proceedings.

Frequently, following an early discussion with the other party's solicitor, we will form a view as to whether the particular case is capable of being resolved by negotiation, whether it would be well-suited to another form of out-of-court resolution, or whether our client's interests would best be preserved by making a court application.

## CASE STUDY

### Example negotiation process

#### INITIAL MEETING

A solicitor has an initial meeting with their client. It is clear that emotions are running high and there are multiple issues. The couple are still living under the same roof and are struggling to sort out arrangements for the children or how their finances should be sorted out in the short term.

#### PHONE CALL BETWEEN SOLICITORS

The solicitor books a call with the other party's solicitor. They agree that the couple need to put some very short-term arrangements in place until they have separated. Both solicitors feel that the couple are likely to be able to work together to sort out arrangements for their children, and agree that both will recommend mediation as the best way forward to resolve those issues. They agree to speak again in a few weeks, when matters have settled down.

#### SECOND CONVERSATION & EXCHANGE OF FINANCIAL INFORMATION

During their second conversation, the solicitors agree the couple should exchange financial information on a voluntary basis. Both emphasise that their clients are keen to resolve matters swiftly and cost-effectively. They agree that, provided both parties are satisfied with the financial information the other has provided, they should then convene a RTM to discuss settlement.

#### ROUND-TABLE MEETING AND SETTLEMENT

Issues are narrowed at the RTM, written offers are exchanged soon after and a few remaining issues are ironed out in a series of telephone conversations between the solicitors. An agreed consent order is sent to the court.