



January 2012

## Welcome

In this edition Philip Chynoweth examines the change in the law that will enable supermarkets to offer legal services and considers whether this is an ideal option for personal legal services.

Over the page Robin Charrot highlights the issues surrounding divorce and looks at whether there can ever be such a thing as a “good divorce”.

I hope that you find this newsletter interesting and informative. If you have any comments on the articles or on future topics that you would like us to cover please feel free to drop me a line or give me a call using my details below.

Kind regards

*Tony Hall*

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## Legal services with **your weekly shop?!**

Following a new law that came into force in October 2011 changes are beginning to take place in the legal market. From 2012 supermarkets and other organisations will be able to provide certain legal services. You may have already noticed a “legal access point” in your local WH Smith PLC or heard that your bank or supermarket is planning to offer legal services.

Some argue this will make buying legal services easier but would you be comfortable buying legal services with your weekly shop?

### What about probate **work?**

The loss of a relative or a friend is difficult and can be more so if you have been appointed as an executor under that person’s Will. An executor’s role can be a demanding one and is often underestimated by people until they are appointed.

If you are appointed an executor it can often be hard to know where to start. This is where assistance from an established law firm could prove invaluable.

### Do I need a **lawyer to administer an estate?**

There are an awful lot of loose ends to be tied up and formalities to deal with for executors. Once you have located the Will, registered the death and arranged the funeral the real administration starts!

*(continued overleaf)*



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You will need to: make thorough enquiries to find out what the person who has died owned; sort out valuations, deal with insurance and contact all the appropriate authorities; consider the tax issues, not just inheritance tax but also capital gains tax and whether there are any 'gains' or 'losses' to be made and how these should be dealt with; and then there's the actual application for probate and distribution of assets. There's a lot to do and it's not as straight forward as it might seem.

And don't forget the potential liability of the executor if things go wrong. Executors may not always be insured so they'll be taking a 'personal' risk. Is it really worth it?

If you do instruct a lawyer to help you out you need to make sure they know their stuff. Probate law is not something that can be dabbled in; we looked over a case for a client where the client was set to inherit some money under a friend's Will. We discovered that something had been missed by the other firm of solicitors which had ended up in a significant tax overpayment to HM Revenue & Customs. When it was sorted our client ended up inheriting £30,000 more!

### The GD Estate Administration Team

At George Davies Solicitors LLP we have a dedicated and experienced team that specialises in the administration of estates. We are here to help.

*For further information please contact Philip Chynoweth using the details overleaf.*

#### Disclaimer

The contents of this newsletter do not constitute legal advice. You should always consult a suitably qualified lawyer for professional advice about any specific legal matter of concern to you. George Davies Solicitors LLP, its partners and staff do not assume any responsibility for information contained within this document and disclaim all liability relating to such information.



## A 'good' divorce

Is such a thing possible? The answer is yes – through 'Collaborative Law'. Let's look at Peter and Kate's story:

Peter and Kate married young. Over the years, they have had three beautiful daughters, and Peter has taken over his father's company, which has gone from strength to strength. But success has come at a price; long periods away from home have become the norm for Peter and sadly the couple have realised that they are no longer in love. Kate has asked for a divorce.



Peter and Kate have both heard horror stories about how things can spiral out of control once solicitors have been instructed. They recognise they both need legal advice, and professional support, but they want to retain control of the process. They want to avoid damage to Peter's business. Most importantly, they want to ensure that they can still get on with each other after the divorce, because they know that this will help their daughters cope with the trauma of the breakup.

So, Peter and Kate try Collaborative Law.

### What is Collaborative Law?

This starts by Peter and Kate finding their own Collaboratively qualified solicitors.

There are then three key differences from the traditional process:

- The couple and their solicitors commit in writing to avoiding court proceedings.
- The solicitors work together, rather than against each other, to find the solutions which work best for the whole family.
- The entire process happens by a series of meetings between Peter, Kate and both of their solicitors, so there is no lengthy written dialogue between solicitors slowing the process down.

### Dealing with complexities

Kate finds it hard to deal with the complexities of Peter's company and pension scheme. In a traditional divorce, this would have triggered a lengthy paper trail, and probably court proceedings. But, because they are meeting face to face, Peter can go through the documents with Kate and her solicitor, and instantly deal with any questions they might have. The solicitors can also bring an independent financial expert into the meetings, who puts forward the different options for dealing with Peter's pension and the company shares, and everyone can discuss which options work best for the whole family.

With the help of their Collaborative Lawyers, Peter and Kate are able to come to a fair agreement on financial issues, and a fair agreement on how they are going to co-parent. They have remained good friends ever since. So there is such a thing as a 'good' divorce after all!

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