

# Can you really have a happy divorce?



Marco Pierre White and wife Mati Richard Young/Rex Features

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**Helen Croydon**

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The Government, and a new divorce road show, say that mediation is the answer, but will it work for everyone?

From Katie Price to Marco Pierre White, divorcing celebrities are providing us with an enrapturing drama every week. It's thought that Price will file for divorce from Alex Reid this Thursday — her first wedding anniversary. Two weeks ago Pierre White revealed an unexpected twist in his acrimonious three-year, £3 million divorce proceedings: he and wife Mati will stay together after all. It turned a bitter tale of one of the most expensive divorce battles in British history into something of a fairytale.

But whether you're a £50 million restaurateur or not, everyone who goes through divorce stands to lose a significant portion of their money. With 140,000 divorces each

year and average legal fees of £13,000 each, it's a booming industry, particularly at this time of year, after the Christmas and New Year fall-outs. While celebrities may be able to afford expensive solicitors, for most they are crippling. "The fees sunk me financially," says Michelle Matthias, 38, who separated from her husband of 14 years after Christmas 2008. "My solicitor's fees were £400 a month. There were various problems so we had to bring in new law firms and the bills mounted."

And of course the painful cost of the process is often dwarfed by the emotional turmoil for both parties and the children involved. On Thursday a new breed of divorce fair takes place aimed at mitigating all that. The Starting Over Road Show (SOS) at Farnham Castle, Surrey, is the first event to specifically promote collaborative law and mediation. It takes a holistic approach to separation, introducing the newly separated to life coaches, financial advisers and counsellors.

"There will be no divorce cakes or divorce T-shirts, no private investigators and no DNA testers," says Suzy Miller who organises the road show. "SOS Farnham Castle is about helping people to deal with pain and confusion. Divorce can happen to anyone but the way you deal with it can be the difference between sharing Christmas morning with your ex or swapping the kids over at service stations because that's 'neutral ground'."

The fair has taken place before, but this one has a difference. As part of the Government's drive to promote mediation and bring down the emotional and financial cost of divorce, this one is backed by the Ministry of Justice, which is keen to promote mediation within its Family Justice Review, commissioned 12 months ago.

This approach is certain to become more necessary as the Justice Secretary Kenneth Clarke plans to drastically cut legal aid for family law cases. It can be a cheaper and quicker way to wrangle over assets and child-access issues. Lawyers need be brought in only to rubber-stamp the mutual agreement. Figures from the National Audit Office indicate it can cost 25 per cent of the price of lawyers' fees (as little as £1,000) and take 25 per cent of the time (as quick as 110 days) of going to court.

Mediators are either allocated through the legal-aid system or, for privately funded cases, recommended by solicitors. In a mediation session a couple sit in a room and try to negotiate a settlement in front of an objective third party — the mediator. But how easy is it for two people brimming with emotion to sit face-to-face and rationalise?

Adam Kirkwood, 52, completed his divorce from his wife of 14 years in November last year, seven months after they started the process. He required just three mediation sessions before they agreed on a financial settlement and access rights to their 12-year-old son. "My immediate thought was, how will I keep my wife on track. What if she gets angry during the session? But it didn't get emotional — it was businesslike. The mediator was skilled at keeping us moving forward. If the temperature did rise, she'd stop us and say, 'I hear what you're saying. Let me summarise the points you're trying to make there'."

But not all cases are as cut and dry. Lucy Gilchrist, 43, was married for 15 years and has three children with her ex. Her first attempt at mediation broke down. "We weren't

emotionally prepared enough to take that route. I think you have to recognise that for a roundtable approach to work, both have to want to do it and be ready to achieve something.”

The feelings were too raw, she says. “There was still blame for the breakdown of the marriage and so we weren’t in a place to deal with the detail of divorce. I am a strong believer that mediation is a preferable route because then you both feel you have ownership of that agreement and still have some respect for your partner. But it will work only when both parties accept the situation.”

After their talks broke down, Gilchrist sought life coaching. “You have to work on yourself to defuse the emotion. Only then can you deal with the practicalities.” The second attempt was successful. She was so moved by the difference coaching made that she trained to become a transition coach and has set up her own support service to guide individuals going through divorce.

She will be advising at the SOS show on Thursday.

The Government, of course, is keen to keep people out of court when the case concerns children. Parents seen to be working together rather than talking via solicitors’ letters is far less disruptive. Suzie Hayman is a Relate counsellor and author of several parenting books, including *Moving On: Breaking Up Without Breaking Down*.

“So often we see warring parents concentrating on their own upset,” she says. “They either expect their children to be taking the same side as them or they expect them to feel nothing. The argument needs to be put aside and parents need to co-operate with co-parenting. Counselling works on one level but mediation works on another in that it allows you to agree.”

The Ministry of Justice says that it would never push a woman towards mediation if the case involved domestic violence, forced marriage or child abduction, but evidently this may not be a fail-safe precaution.

Sarah was in an abusive marriage for 15 years but still ended up in a mediation room. “I hadn’t divulged the extent of the violence,” she says. “There is still that stigma about it. Women don’t like disclosing they are in a violent relationship. In front of the mediator he was Mr Charming. He made a great show that he was paying for the sessions and that he tried to keep the marriage going. I couldn’t bring up that he was violent. I thought she wouldn’t believe me. People shouldn’t be pushed into mediation. It should be voluntary.” She eventually got help from Woman’s Aid, which supports abused females and children.

It’s not just domestic violence or forced marriages where mediation could be disastrous. Charlotte Friedman is the founder of the Divorce Support Group, which provides emotional and psychological support for those going through separation. “There are some people with whom it obviously won’t work. If one partner has always held the purse-strings, for example, then the other one may not even know what their assets are worth. How can they trust their partner will disclose everything? Then there

are those who can't sit in the same room together. All sorts of emotions get stirred up. She may be angry with him because he's had an affair. He may be angry with her because she didn't turn out to be the wife he wanted her to be."

Friedman handled a case recently in which the husband was desperate to see his two children. The wife was angry that he had left her and was living with someone else.

"She wouldn't even look at him," Friedman says. "He said he would be willing to take them two nights a week. Her response was rage. She said, 'You have no idea how hard this is. I am the one that deals with the tantrums while you are living a new life of Riley'. The problem was that his message was 'I want to help', but her message was, 'How can you have done this to me — I want to punish you'. In those cases the only route is to use lawyers."

That's not to mention the discomfort of facing the person who has just left your life. Michelle Matthias recalls her experience: "It was intimidating. To get out of the door he was in the way. It was like being in the headmaster's room at school — with him as the headmaster."

So is it really wise to force two people, whose presence may make them hiss with anger, to sit at a negotiating table? Mediation isn't legally binding so both parties still need to employ lawyers to review the agreement and finalise it. It's more appropriate to see mediation and lawyers not as an either-or, but as two separate services that, together, could offer a cheaper and quicker solution.

After her double experience of mediation Lucy Gilchrist says: "In divorce there are two issues: legal-financial and then the emotions. I advise that people seek professionals who can address both these issues."

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