

Costs benefit analysis plays a vital role in family law proceedings

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At RIAA Barker Gillette, we conduct a detailed costs benefit analysis during the first meeting with our clients and after that, at regular intervals.

This exercise is crucial during the early stages of any instruction. We weigh up the expected legal costs against the benefit of any action we advise should be taken, allowing our clients to plan a way forward and make an informed decision.

Mr Justice Peel's recently criticised the 'nihilistic litigation' the parties conducted in the case of [Crowther v Crowther & Ors](#). Early costs benefit analysis and quality legal advice with a sensible approach to litigation avoids the nihilistic litigation described that gives lawyers a bad reputation. The case illustrates how important it is to choose the right lawyer.

In the case of Crowther, the Wife spent £1,427,606 on a range of proceedings, and the husband spent £920,316. The net result was that the clients paid their lawyers more than the award either party received.

The Judge commented that:

"These proceedings have been intensely acrimonious. They, and their lawyers, have adopted a bitterly fought adversarial approach. I asked myself on a number of occasions whether the aggressive approach adopted by each side has achieved anything; it seems to me that it has led to vast costs and reduced scope for settlement. The toll on each party is incalculable (W was visibly distressed during the hearing) and, from what I have heard, the impact on the children has been highly detrimental."

Mr Justice Peel concluded:

"The only beneficiaries of this nihilistic litigation have been the specialist and high-quality lawyers. The main losers are probably the children who, quite apart from the emotional pain of seeing their parents involved in such bitter proceedings, will be deprived of monies which I am sure their parents would otherwise have wanted them to benefit from in due course."

At RIAA Barker Gillette, the best interests of our clients are our priority. We ensure that the legal costs are proportionate to the value of the assets and the issues in the case. We provide honest advice to our clients about the merits of their matter to avoid clients spending unnecessarily on legal fees. If it becomes clear that the client is conducting their case unreasonably or there is little merit in continuing with the litigation either from a costs benefit perspective or otherwise, we ensure that we provide our clients with appropriate and honest advice.

Contact family lawyer, [Vandana Chitroda](#) today.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

