

Divorce – let’s talk about it

As Scottish divorce lawyers, it is our job to understand the law, but it is also fundamental that we understand how people in Scotland think and feel about divorce. For the first time, we asked Scottish adults to share their opinions of divorce in a survey conducted by YouGov. In this report, we discuss the findings of the survey and, in particular, some of the disconnects and misconceptions about divorce and the process of getting divorced.

The key themes that emerged from the survey include acknowledgement that divorce is a normal part of today’s society and should be accepted as such without any feelings of guilt or shame; that the portrayal of the ‘perfect lifestyle’ on social media is giving a false impression of the realities of relationships and marriage and may be influencing decisions on separation; and that stress is the greatest emotion connected with divorce.

Having listened to the views of more than 1000 adults in Scotland, we believe there is much more that divorce lawyers can do to inform and help individuals who are going through, or planning to go through, a divorce.

Let’s talk about it. We want to share our knowledge and expertise so that if individuals find themselves in a position now or in the future where divorce is the only option, they receive quality and expert advice to empower them to take control of the process and secure a better outcome for them and their families.

General perceptions of divorce

When asked about general perceptions of divorce, nearly two thirds of respondents (**63%**) agreed that it is a normal part of today’s society and should be accepted as such without any feelings of guilt or shame.

We wanted to find out what respondents considered to be most helpful to them were they to get a divorce in the future.

The survey revealed that **67%** cited a clear understanding of the legal divorce process as being most valuable to them.

It appears from the survey that the majority (**58%**) of Scottish adults do appreciate the importance of obtaining legal advice and almost half (**47%**) thought it was helpful to be given recommendations for support professionals, such as lawyers and counsellors.



Comment

Divorce has long been part of society but we believe the views stated by Scottish adults represent a change that will allow us to lead a conversation about divorce. In doing so, we can respond to some of the misconceptions that exist with knowledge and information that is clearly sought after.

Lisa Girdwood, Partner, Personal & Family

Of those surveyed, stress (**63%**) and cost (**53%**) were the feelings that most respondents perceived to be associated with the divorce process. Of the remainder, **31%** imagined it would be difficult, **20%** thought it would be confusing, and **12%** stated it would be embarrassing, with a further **12%** saying that it was too easy to get divorced.

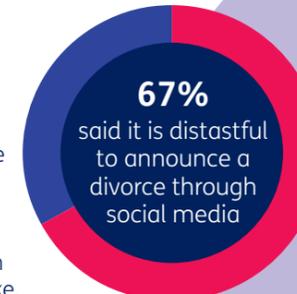


Divorce in the digital world

The survey opens up an interesting discussion about the influence of technology on divorce.

The media has long since influenced how we see ourselves and our relationships. Respondents highlighted the impact of the digital world with 76% agreeing that the portrayal of the ‘perfect lifestyle’ on social media gives a false impression of what relationships and marriages are really like.

In spite of the willingness of respondents to accept divorce without any feelings of guilt 67% of respondents said that it would be distasteful to announce a divorce through social media.



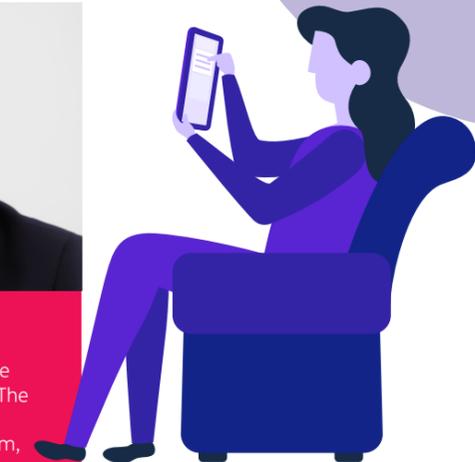
Comment

Social media is obviously having an influence on how individuals view their relationships. The unrealistic portrayal of perfect lifestyles and relationships can create pressures to conform, which can have an overwhelming impact on how individuals view their own relationships. Ironically, yet unsurprisingly, the majority of respondents viewed announcing a divorce on social media as distasteful.

The increasing presence of technology in our lives can create its risks. As expert family lawyers, we have seen first-hand the dangers of misleading, inaccurate and unregulated information and advice that is available using the internet. Individuals seeking advice online should be cautious about the credibility and quality of information. Individuals should exercise caution when seeking out information about divorce and be aware that in many cases there are nuances in their marriage that mean that an ‘off-the-shelf’ solution would not be the right one.

A lot of people presume that by instructing a lawyer, they will “add fuel to the fire” (or create a fire that isn’t there!). However, most lawyers specialising in family law genuinely want to assist their client in resolving matters sensibly and cost effectively.

Richard Smith, Partner, Personal & Family



Comment

Adopting a constructive and problem solving approach assists in finding an appropriate solution that works for the separating couple. There are, of course, some cases where the couple adopt a position orientated approach which tends to polarise them and can end up leading to court action. This can be costly and makes resolution less straightforward. It can also lead to considerable acrimony and that is in no one’s interests.

Shaun George, Partner, Personal & Family

Talking from experience

The survey went on to ask more than 200 divorcees questions about their experience of divorce. The majority (60%) of adults felt that the process from initial separation to obtaining the divorce was stressful and some (42%) recognised it was an expense. Of the divorcees questioned, more than three quarters (76%) said they or their spouse had consulted a divorce lawyer.

When searching for legal representation, there was a more varied response with 36% staying with a firm or lawyer that they had used in the past, 27% made a decision based on personal recommendation and 10% sought a professional recommendation. There were a host of other sources stated in the responses that included online reviews, newspaper or magazine articles and TV adverts.

What respondents looked for in their legal representation was a good level of expertise (49%), followed by brand reputation of the firm or lawyer (29%). Value for money and empathy were almost the same at 25% and 24% respectively.



Comment

The survey reveals that individuals want to have someone to support them through the often unknown and emotional process of divorce. It confirmed that those who have experienced a divorce thought it important to obtain legal advice from a solicitor with expertise in divorce and family law. It is important for those seeking legal advice to make enquiries into the credentials of the firm they are considering instructing.

Scott Cochrane, Partner, Personal & Family

Taking control of your divorce

It is clear from the results of this survey that stress is the overriding emotion felt by those going through a divorce.

Nothing can take away from the difficulty of a relationship breaking down, but at Brodies we believe that there is much more that can be done to allow individuals to take control in the early days of the process, which will almost certainly have a positive bearing on the final outcome.



Comment

Initial conversations with clients tell us that they are generally unaware of the different options available to assist them to navigate through a separation and divorce.

Negotiation, Collaborative practice and Family Mediation can avoid the associated risks of going to court and may provide more constructive and less damaging outcomes.

Individuals should consult solicitors who are experienced in these methods of resolving matters. "Off-the-shelf" pricing and unregulated advice being offered online should be treated with caution.

Whilst good legal advice involves cost, effective and expert representation from the outset can result in better settlement terms and may well avoid the price of poor advice.

Lisa Girdwood, Partner, Personal & Family

About our divorce lawyers

At Brodies, our team of divorce lawyers is rated Band 1 for family law in the Chambers and Partners Guide, as are each of our partners who are all accredited by the Law Society of Scotland as family law specialists. We offer a full range of dispute resolution models, including negotiation, mediation, collaboration, arbitration and litigation. We are committed to going above and beyond what you would normally expect from your family lawyer to understand the needs of our clients, providing creative solutions and developing a trust that leads to long-lasting relationships.

Our legal experts and mediators work with clients across Scotland from our bases in Aberdeen, Edinburgh and Glasgow with the objective of resolving matters for you as efficiently as possible.

All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 1007 adults. Fieldwork was undertaken between 20th - 24th September 2018. The survey was carried out online. The figures have been weighted and are representative of all Scottish adults (aged 18+).



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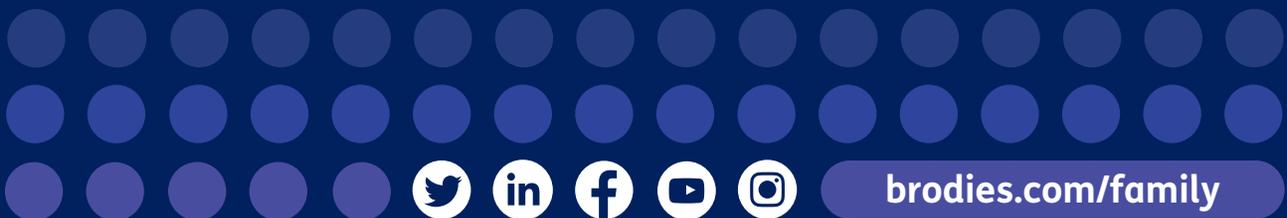



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Divorce – let’s talk about it

A report on the findings
of the YouGov survey



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