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False Economy-Not using a Lawyer

Recently I was asked to give independent advice to a man before he entered into a financial agreement under the Family Law Act.

He acted for himself, negotiating a property settlement with his wife's lawyer and now required a certificate of independent advice to make the agreement binding.

When I initially sat down with him he told me that he had used the services of friends who had been through a similar situation and indicated he had not wanted to spend the money on legal advice which he did not consider would be worthwhile.

Both parties made similar contributions to the marriage. Both had worked during the marriage although he was in lower paid and casual employment while she was in a steady well paid job with a major employer.

More recently he had suffered a life threatening illness but he stated he was in good health. This appeared to be another issue upon which he was accepting his own counsel.

On being paid out he intended to move to a town on the South Coast that he had not recently visited and where he had not found accommodation or a job.

In these circumstances, against my advice, he was accepting a payment of \$80,000.00 meaning he was receiving 26% of the matrimonial assets.

In my view was entitled to at least another \$40,000 and could arguably receive an equal division of the assets. His wife, who complained about the cost of her lawyer, had saved herself more than she realised.

Self represented litigants do not understand the law, are too easily influenced by 'friends' and don't have the perspective to see the matter as a whole. When embarking on any legal process the investment in legal advice is more than worth the cost.

Martin Collins