

Unravelling Relationships – 35 Years as a Divorce Lawyer

Episode 2: In it for the Long Term

In it for the Long Term	
AB	<p>So, what does it take to commit to being a divorce lawyer for 35 years? That's a long old time isn't it if you think about it, and where do you draw the line between making things better and caring too much about your clients and their case?</p> <p>Well, the perfect person to answer these very questions, and more, is Sharon Montgomery. Now Sharon's a Partner and Divorce Lawyer at Crane & Staples Solicitors, they're based in Welwyn Garden City.</p> <p>Who am I? Well I'm Antonia Brickell, a former BBC broadcast journalist and I was a radio presenter for many, many years. Now in this episode of Unravelling Relationships – 35 Years as a Divorce Lawyer, I'm here to ask Sharon what goes on behind the scenes and what it's like to truly experience on countless occasions what happens to people when they're married, their love sadly turns to hate or their love just fades because that's when things can get very, very complicated.</p> <p>Sharon, I'm going to cut straight to the chase here; why do you do what you do?</p>
SM	<p>I don't think there's a simple short answer to that question. I always wanted to be a solicitor from when I was sort of 13, 14. I had no interest in doing family work at all. I fell into family work when I was Articled, when I was training, and then once I was doing it... it's always been the majority of my work and the thing that I have had the most satisfaction from.</p> <p>People have always said to me many, many times how do you do this it must be upsetting, emotional, very sad – and I've always said I didn't see it that way, I see it that I'm helping people through a problem. I'm not living the difficulties they're living. I'm their solicitor and I'm trying to help them through that issue, and I think that's what makes me able to do it.</p>
AB	<p>Did you have this ability to define the emotional side, and putting that to one side and focusing on making it better and the professional side? Are you born with it?</p>
SM	<p>That's what lawyers do. It doesn't matter if it's divorce or something else, that's what we all do. We're all problem solvers and we all have to separate our objective advice from our client's emotion. That could be a commercial client buying a, spending a lot of money on a</p>

	<p>new premises. It could be a conveyancing client upset they can't move when they want. It could be somebody making their Will when they know they're not well or someone getting divorced, all of us do that, it's almost a definition of a lawyer – we solve problems for people, and you can't solve problems for people if you can't separate the emotion from the reality.</p>
AB	<p>There must be at the same time a process that you go through away from the theory, as you kind of, you learn on the job?</p>
SM	<p>That's definitely right. I've had many, many trainees in my career – it's one of the things I really enjoy doing, and I always say to the trainees in the two few years you're going to turn from an ordinary person into a solicitor, and solicitors don't see the world in the way that other people do. It sounds really odd, it does sounds like we're really strange people, but I really believe it, because your person in the street has certain views about things and everybody can have a view about whether for example the current law on divorce is fair or not, or whether it's right that somebody gets more than another person, or who looks after the children – everyone can have their view on that but it's just a layperson's view. But lawyers have to look beyond that and so one of the things you're doing in your training contract is you, the person goes in, okay they've got their law degree or they've got their, they've had their conversion course from their previous degree to start off academically, but in that two years all of the experiences they go through, so even as simple as you've sat in with another solicitor or your principal or whatever with a client, and the solicitor is interviewing the client and the trainee is doing the notes. You don't have to write down every single thing they say, you've got to learn which bits to put in and which bits not to put in. You are observing the solicitor separating the client's story which could be really, really important – from the bits that actually will matter to their case. And that's true in any area of law.</p> <p>So, when you become a solicitor, you start looking at the world in a really different way and I don't think you ever lose that really.</p>
AB	<p>And is that what you tell your trainees right at the beginning?</p>
SM	<p>Yeah definitely.</p>
AB	<p>What's their response?</p>
SM	<p>Well, they think I'm a bit barmy first of all don't they, it's a funny thing to say and I don't suppose they'd thought of it that way. But I just think it's so true. If I say to, it hasn't got to be a colleague it could be another solicitor they will understand things that I understand because we've been through the same, not exactly the same experiences but that same process of having to look at things through the lens of the legal tools you're going to use to solve the client's problem.</p>
AB	<p>Okay so imagine I'm a trainee and someone listening to this is a trainee. How do you get them into that mindset? Do you share stories? Do you...</p>

SM	<p>We share lots of stories. I definitely tell people about my own experience, but more than that the experience of all the different solicitors that I've known, and I think also though when they're, when they're training, they're seeing this in real life, they're seeing real people. Again, it doesn't matter if someone's moving house and upset because they can't get their exchange done before their baby's born, or whether they're getting divorced – people feel these things keenly, really keenly. And the trainees are exposed to that all the time, they're seeing these people and they can see that we're saying 'this is a reason to consider this urgent – this situation is urgent we must move to sort this out', or the client thinks it's urgent but actually we need to explain to the client why we can't actually do what they want us to do and why, and how that fits into the process, and that's only a part of it.</p> <p>I think what the trainees are doing every day all day is learning the skills, the many, many skills that you need to do this job. I'm a really big one for what I call 'transferable skills'.</p>
AB	Okay.
SM	So, I have two new trainees this week, one is in private client doing Wills and probate and trusts, and the other is doing family. So, bit different, isn't it?
AB	Yeah.
SM	<p>They're both still doing the same things, they're learning to do attendance notes, and sitting in meetings, they're speaking to clients on the telephone, and although the law obviously is different and the clients' needs are different, they're learning skills that will be transferable to whatever next department they go to, or whatever they do in the future. And a lot of those skills are knowing what the law is on your, on the case you're dealing with obviously but objectively then considering how the client should be dealt with, what advice they should be given, the strategy we're going to run on the case, it's more about being a lawyer being a solicitor than it is about the type of work, it's just that people always think "oh family!" work because it's so obviously emotions are so heightened.</p>
AB	So heightened emotions. You've got people wanting answers. You've also got people saying to inexperienced trainees 'I need you to act now', that's a really tricky balance isn't it because the trainee needs to learn to care as you've mentioned...
SM	Yeah.
AB	...but not absorb that emotion. That must be quite exhausting actually or you must have really, really defined boundaries?
SM	Yeah, I think it is exhausting when you're training it is very tiring, but obviously the barrier is the solicitor because we're the one dealing with the more difficult stuff and the trainees when they first start of course are behind us, and then they're gradually brought in aren't they. Does that make sense?
AB	Got you.

SM	So that's how you define the boundaries, and most clients wouldn't phone the trainee about, they might phone and say 'you need to tell Sharon that.... I need this now' if they couldn't get hold of me or something, but I'd probably be dealing with the more difficult stuff, but the trainee is being exposed to it.
AB	So, you're guiding, you're training, you're sharing these stories, how long does it take before you say to that trainee 'okay you're ready...fly...be free'?
SM	Well, I suppose it's when they've qualified, I think it's two years the training contract, at the end of the two years they get their practicing certificate and they're a solicitor, and really the learning is just continuing after that. And another one of my little, my little kind of thoughts is I say to people that 'you don't really know the job really well until you're five years qualified.'
AB	But then I guess that applies to so much in life, doesn't it?
SM	Of course, of course, I'm sure your job when you started, you'd have got to a point where you really felt you really knew the job, so yes, I agree.
AB	So that's five years, you've got used to it – then 35 years down the line?
SM	Well I've done a lot of different things, and the profession has changed ,in some ways, the profession's changed a lot, so there's always a story, there's always a story and it's not just my story it's all the people I've worked with and colleagues and cases, so sometimes you can take something that you've done in the past or that a colleague has done in the past and you can explain that to the trainee to help them understand the thing they're currently doing.
AB	Okay.
SM	One of my colleagues who is now retired he was at Crane & Staples for over 40 years, he started hitting the post room when he was 17 and then became a solicitor and then became a Partner.
AB	Wow that is incredible.
SM	I know, I know. I remember when he was here 40 years, I've forgotten exactly how many years he was here by the time he'd retired, but again all the depth of that experience and I learned a lot from Greg and I still, I tell people stories about the things he told me.
AB	The things you must experience I mean I know that there are certain similarities in peoples' behaviour, and we talked about that in the last episode, but at the same time everybody has their own unique quirk!
SM	Absolutely.

AB	And their own combination of partnership creates a different emotion or, or clash doesn't it so?
SM	Yes.
AB	And talking of that back to your definition of 'blame' I suppose I'm thinking about, some people understandably in a heightened argument might say 'well you did this' and 'you were wrong' and 'you shouldn't have done that'. But as a solicitor again that lens that you view things through must be very defined?
SM	<p>Blame has a specific meaning in family work anyway. Obviously, you could get issues about who's to blame for things going wrong in litigation or who are you going to leave money to in your Will. But in family work it has a specific meaning because until, the law's going to change next year, we've had blame in divorce, so you have to blame somebody in your divorce petition which is really unfortunate. The most obvious one is behaviour, so say the wife is saying that she is blaming her husband for the breakdown of her marriage, and she's saying, 'these are the behaviours that he exhibited, and I want my divorce please'. Very, very old fashioned and as I say they're changing the law next year to remove that. But because you've had to deal with that then people in their divorce often think 'well if I blame her, I'll get more money', or 'if I blame him, I'll get more money' and so on. And you have to explain to them that that isn't how it works at all, and blame is irrelevant. But at the same time, it doesn't mean that you don't want to hear about the things that happened because things that happened might affect the way in which you handle the case or the way you run it or certain protections you might need to get for your client. Or just an understanding of where they're coming from, and you can't have that understanding if you don't have some idea about what happened in the breakdown of the relationship.</p> <p>But it's not for us to say, 'this person did this wrong therefore you'll get more money', the courts aren't going to do that, so we have to make sure the client understands that at a really very early stage.</p>
AB	Do you ever have to negotiate with both clients in the room? Because when I watch so many movies, sorry I'm going off here in imagination land [laughs], you often have the kind of disgruntled husband or the betrayed wife or whoever and then there's a solicitor on each side and they battle each other, and it all becomes very dramatic is it [speaking together]
SM	I think that's how the Americans do it yeah, we don't, we, so generally speaking I'll be seeing my client on his or her own and their spouse or partner's solicitor will see them on their own and the communication might be by telephone or letter or whatever, email or whatever. If you're in court or negotiating physically, you're probably in different rooms with the solicitors just meeting or the Barristers meeting and the clients not together. You can have a thing called a 'round-table meeting' where you sit together but generally speaking that doesn't happen, generally speaking you're in separate rooms and you're going backwards and forwards to negotiate.

	The only real time you do what you're saying...
AB	Hmm mm.
SM	...is this thing called 'collaborative law' which is a very specific way. Collaborative law you have to be specially trained, I'm a collaborative lawyer, the lawyers and the clients meet and do everything face to face rather than in writing in order to totally do it in a completely different way, and you're not going to be doing those cases when clients are at each other's throats or the lawyers are gonna be arguing, because the whole purpose of collaborative law is not to do it like that. So, you've just hit on a particular thing, but I think in America they have these meetings don't they where they sit and ask questions of each other in an open forum, it's most peculiar I think – we don't do that here.
AB	It must be so difficult in that situation...
SM	Yeah.
AB	...because you've just got a hotbed of history there with people that suddenly don't get on, oh I couldn't even begin to imagine. So do lawyers get on with other lawyers?
SM	I think we really get on because we're the same animal. That's what I was saying earlier we've got so much more in common than we haven't, and my professional relationships with my fellow solicitors is one of the best bits of the job, I think. So, in Hertfordshire the family lawyers meet, the collaborative lawyers are supposed to meet so many times a year and as a result of that other lawyers often come to those meetings, mediators and things come, we're not necessarily talking about the collaborative work, we could be talking about 'oh while I'm here that case we've got on together', that's great I really like it. The same is true at court. You often know the person on the other side, I mean you commonly will know them, you might know them socially, you might only know them professionally but over the years you get to know people really well and it's a pleasure dealing with people that, well, I think it's a pleasure dealing with most people but it's a pleasure dealing with people that you've got a history of cases with, and it might be, I can think of lots of cases where the clients have really, it's been really very difficult, even cases that have to go to court to resolve them but the solicitor on the other side and I are, we've known each other for years and we, I can see where we've absolutely done the best for our client but in the most appropriate and professional way.

AB	One imagines that lawyers don't get on with one another because they're representing different sides, and even if they're knowing each other along the way, I don't know maybe it's the drama side of it.
SM	It is, and obviously you do have situations where you don't get on with people it's bound to happen isn't it?
AB	Yeah.
SM	<p>And sometimes it happens because people take things too personally. I just think if people do this work well, they tend to get on, because you have a respect for your colleagues don't you.</p> <p>Recently I'm doing a nuptial agreement, a prenuptial agreement and obviously when you're doing those you need to get on with the other person, the other solicitor because the clients are going to marry each other, [both laugh] so the fact that one of them is trying to not give all of their current money away they're still, they marry each other so you need to be getting on because you're not going to make it worse are you? And I was given this solicitors name to call who I'd never met before, never spoken to, I didn't know who he was, so I phoned him to go through the documents and honestly he was just the most delightful person I have met in such a long time, we got on like a house on fire, by the second meeting we're kind of like best mates, and that has been, I've really enjoyed that case as a result, and it's just been an absolute pleasure to deal with him.</p> <p>He reminded me actually that I didn't realise he was at a different firm he actually had a case on with one of my colleagues some years ago, but that's been particularly easy but it means that if I then met him again on a case where we, things were more difficult we'd already have a relationship wouldn't we.</p>
AB	Of course.
SM	I can think of lots of examples where lawyers have never met just by telephone and so on, got really good relationships with.
AB	It's so interesting how the preconceived ideas in society, I suppose I have in my mind that it's always the battling on behalf of someone, but you're so right there's so much more to what you do isn't there?
SM	That's right; I often say to clients 'oh actually I know this solicitor' and I might try to explain my relationship with them like 'I don't know them socially, but I've had four or five cases on with them and we've dealt with them all very constructively.' Because you don't want clients to think that you're really chummy, inappropriately chummy with the other solicitor do you, that would just be terrible wouldn't it.

AB	Exactly because of having to draw the line.
SM	Yeah, that's a balance.
AB	What happens if you're involved, a group of you in a really tough case and you find that you're all in it together, how do you deal with that dynamic?
SM	<p>I think probably, I think lawyers are quite supportive of each other but obviously you've got to put your client first haven't you. But often having a good relationship with the other lawyer is putting your client first because then you're being constructive.</p> <p>I certainly remember when I was first qualified, in fact when I first came to work out here in Hertfordshire, I was sent to a coroner's hearing to represent a young man who had been driving a car that had been involved in a car crash because of drink driving, and the passenger had died, and obviously that's tragic. Very, very, very different times and the Police weren't even suggesting at all that there'd be any kind of prosecution, which just shows you I mean that wouldn't happen now I don't think.</p>
AB	Really!
SM	Yeah. But it was seen I think at the time as an unfortunate incident because they'd all been drinking. But the solicitor for the widow, they were very young men in their 20s, the solicitor for the widow of the man who had died was a solicitor from a local firm, same qualification as me who I knew really well, and we were both presenting our positions in the Coroner's court as we should, but we knew each other really well, but I think it was quite a difficult case and I think we were supportive of each other and how we dealt with it.
AB	I can't begin to imagine dealing with that and the fact that the drink side and the attitude to drink.
SM	Shows you how things have changed doesn't it. The coroner was very upset, and the coroner was the one who was saying that there should be Police action. It's a long time ago, things change, don't they?
AB	You've got these clients in the peak of hysteria in some cases going through the worst time in their life, they're in a relationship or they're trying to split up with someone who could be potentially quite dangerous and abusive. How do you as their lawyer stop yourself going down the 'what if' path? Because clients could be in danger, couldn't they?
SM	Absolutely, no that's absolutely right. I've always done some domestic abuse, it used to be called domestic violence, domestic abuse work - from the very beginning I've done that work, it's been quite a big part of my practice. But you must remember that that's not the vast majority of people, the vast majority of people are 'it's sad, our marriage has ended can you please help us sort out the finances.' They may even not need our help about the children they're perfectly capable of dealing with it, perfectly civilised people it's just a very unfortunate situation, and that's the vast majority of people. So, every time someone gets

	<p>divorced it's not because someone's beaten the other person up. Obviously if you have those cases then yes they're, they have to be dealt with in a different kind of way, and the anxiety that your client might be killed is obviously a real one, I mean it's high risk work in lots of ways, and certainly the authorities, the Police and so on they have risk assessment tools that they use to judge how risky things are for clients, which actually we don't do that we judge it by our own experience, I'm not sure if that's better or not actually.</p> <p>But you can't spend your time thinking that's going to happen, you just can't because you wouldn't do the job properly. If you feel like that you shouldn't be doing this job.</p>
AB	But what if a client lashes out?
SM	What at you?
AB	Yes.
SM	Yes.
AB	Because surely that must happen, mustn't it?
SM	<p>Yeah, I have seen it happen. It hasn't happened to me, but certainly someone I worked for I was in the room next door to her, and she was seeing a criminal client and he put his fist through the wall behind her head, he tried to swing a punch at her and just put his fist straight through the wall. A couple of the other solicitors came running, and we've also had it here, I don't think he was our client, I think he might have been the other side, he came into our office and threatened the solicitor and we had to call the Police. So those things do happen but they're, when you think of the number of cases, we have they're really, really in the minority. So, you have to have some perspective on it, and actually I think we think about the clients more than ourselves anyway. So, you obviously give advice to clients about if they think they're in danger they should just leave the house immediately, don't even think about anything, you just need to get away, don't you?</p>
AB	Yeah.
SM	<p>And you obviously tell clients about all of the resources that are available for them, about not being worried about dialing 999, you have to set those things up, don't you? And if you really think your that client shouldn't be with their partner then you need to tell them and get them somewhere safe.</p> <p>Somebody I was, I'd studied with many years ago I heard this story that she'd been doing family work and that this woman's partner had thrown a chip-pan over her and she couldn't do that kind of work anymore, she'd changed, she couldn't do it, and I can understand that.</p>

	It's like being a doctor isn't it, are you going to stop doing work because your clients die, you're not are you?
AB	No.
SM	What you're doing is you're doing the work to stop that happening.
AB	Yes, I know you say it doesn't happen every day but what is the incentive for keeping going and keeping those boundaries in place?
SM	Because you overall have a satisfying job and feel that you're doing sounds ridiculous 'doing good' I hate that expression really but that you're doing a good job for your client, you're helping solve their problems, you're helping move them from a difficult place to a better place.
AB	That's refreshing to hear because there is a cynical attitude that 'oh well if you're a lawyer you must earn a fortune' and all that kind of thing, and that's the motivation. And that must be quite a challenging thing to hear sometimes?
SM	<p>Absolutely I mean it's a profession, it's a career, it's a good job to do. I think the people who do it are lucky to do it. But if anyone goes into it thinking of the money, they're making the wrong plan. It's a very hard way to make a living. No one wants to hear lawyers saying that, no one's got any sympathy for lawyers – why should they have. But there are easier ways of making a living than this, and you have to really want to do what you do. And I think that's true it hasn't got to be family work, that could be other kinds of work too, there's you know people in other departments, litigation, Wills and probate and trusts when you have families falling out after someone has died or people may have died in very, very tragic circumstances and you're dealing with the estate. That's the same, isn't it? If you want to just push bits of paper around then you do a different sort of job.</p> <p>I think if you work in town in the really, really big firms and you're doing banking you might not see many clients, but if you're working in Hertfordshire or any firm in Hertfordshire, you're going to be seeing clients face to face, it's a people job, and that's what makes it, if you're not a people person you wouldn't be doing it.</p>
AB	When we first met, we were talking about how you came to be where you are now. You gave an example of when you first started and being pregnant and working in criminal law, could you expand on that just to give an idea of your mindset?
SM	Oh well when I first started people didn't tend to do lots of different types of work rather than just doing one, people specialise more now. After I first qualified, I was doing about a third family, a third litigation, sort of court work, and a third-criminal work, and that also involved being on a Duty Solicitor Scheme where you would be called out in the middle of the night or weekends to go and see people in, people still do this now, I remember things like turning up to court to see somebody that I'd picked up over the weekend, you know I'd seen in a Police interview over the weekend and I opened the cell door and I went into the

	<p>holding cells with him to talk to him while they were about to build a case on, and one of the Police Officers who I knew really well looked at me and realised that I was pregnant. I didn't think about 'I shouldn't go into the cells because I'm pregnant', I'm not sure now if that happens anymore, like I say I haven't done criminal work in donkey's years, I'm not sure if things aren't a bit more careful now, perhaps things are a bit more secure, but lots of the things you do when you're doing criminal work especially if you're young they're very upsetting. I've seen some really pretty awful situations, much more upsetting than family work I've got to tell you.</p>
AB	<p>Interesting yes of course I've never thought of it like that.</p>
SM	<p>Yeah.</p>
AB	<p>What struck me was that you just thought 'well I've just got to get on with it.'</p>
SM	<p>It's part of the job yeah. For example, there was a few times I can remember, there really were a few times where the Police Officer at the station said, 'you're not to go in the cell with that person, we'll leave the door open and we'll stand round the back so we can't hear you, but we're not going to have you in the cell with that person.' And you listen to them because why wouldn't you listen to them. As I say I suspect it doesn't happen anymore now, I suspect that it's more organised and, I don't know that though, I just suspect that it is.</p>
AB	<p>So, we're talking about so many scenarios and cases that are part of your daily routine really. Crane & Staples is emersed in your local community, you're known also personally in the community that you serve how do you deal with that, which is going about your normal daily life and possibly bumping into somebody in the supermarket that you might have just sorted their divorce out for them?</p>
SM	<p>A lot of people choose not to live in the community where they work to avoid that. Although I've had colleagues that don't live so locally but they've still bumped into people in difficult circumstances in all sorts of places. It's not impossible that you turn up to a child's birthday party and the parent collecting one of the other children might be your client or might be the other spouse of your client...</p>
AB	<p>Uh oh.</p>
SM	<p>...and they might know who you are because they might have seen you in court or something like that. Discretion, confidentiality that's what lawyers do. You don't speak, you don't tell people who you're acting for or what you do so if you're a conveyancing solicitor and you walk down the high street and see your client you might go 'oh hello how are you'. If you're a family lawyer you don't do that unless the client says hello first, because the client might not want to admit they know you. So, you have to be more careful about those things, again that's one of the things that you really learn when you're training; it's just part of your DNA in the end that you're completely confidential about all of those things. But obviously you do get to know people obviously and the longer you've been doing the job in the same area, an area where you live the more likely you are to know people.</p>

AB	But at the same time, you're a very human person, and a very human lawyer Sharon...
SM	Yeah.
AB	...and your natural social skills just flow, so I guess that's what I'm trying to say that, ah it's another fine line isn't it?
SM	Yes, but it's just something you're used to doing. You're just used to keeping people's secrets – that's what we do. I've divorced people that I've known you know people in my circle kind of thing, and I've had friends say to me years later 'so and so just told me you did their divorce for them, you never told us'! Like well no I wouldn't, would I?
AB	[both laugh] NO, that's true... it's not something you drop into the conversation, is it?
SM	If the person wants to tell their family I'm acting, then that's fine but it's not going to come from me.
AB	I know in the next episode we're going to be talking about what has changed in 35 years in society and I'm, as I'm sure anybody listening to this will be really intrigued to find out what has changed and what hasn't, because you'd imagine in a generation that so much has changed but be really intrigued to find out the answer to that. Sharon thank you very much, the story continues.....
SM	Thanks, okay.