

What if the courts have got it wrong?

I was blogging recently about [collective wisdom](#): if it is commonly held belief then it becomes true to many people, like the myth about rights for commonlaw husbands and wives.

Another related phenomenon is the wisdom of mates down the pub. This is a phrase with a slightly male slant when what I really mean is any friends, colleagues or acquaintances of both sexes who give someone the benefit of their knowledge and experience as it relates to a specific case. It is amazing how much of an influence it can have when someone, over a pint, says: “Well I know someone who didn’t have to give his ex a penny”, or: “What you need to do is

That information is taken as fact and so when we deal with clients, we have to politely unpick the truth – or lack of it – in something they have been told by a well-meaning friend.

This is never more true than when talking about settlements decided by the court. “You don’t want to stand for that, you want to appeal”, “You’re entitled to much more than that!” or “I’d get a different lawyer. You shouldn’t have to pay that much!” And people act on this advice.

Any dealings with the court can give rise to a sense of injustice, whether the encounter is criminal or civil. Divorce proceedings in particular can leave a bitter taste in the mouth for many, leading to others advising what they should do to rectify the situation when really it is a fair deal. However, there are cases when unofficial advisers might have a point and often people don’t know what to do if they think the court has got it wrong.

Judges do get it wrong or judgements can simply be out of kilter and it is worth a person taking issue with it. It may not be necessary to go to the extent of an appeal. An appeal causes costs, concern and trouble for all, so sometimes extra negotiations can succeed.

An appeal must normally be made with 14 days of the order being made and a person must decide if they wish to appeal against the order (because the court got it wrong) or have it set aside (because full information was not put before the court). It will normally be either a review of the evidence by a higher judge or a review with additional evidence.

In all cases, an individual should take advice from an experienced [family lawyer](#) to save time and money in the appeal process.

If you want to read more on this topic, check out the latest edition of our [ezine newsletter](#).

Andrew Woolley
[Divorce solicitor](#)