

How we help the rich win at divorce, by Sir Paul McCartney's legal team

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She has been there every day at Sir Paul McCartney's shoulder, every inch ruthlessly tailored. Invariably she carries a brick of papers whose thickness signals an arsenal of evidence and a fabulous attention to detail.

She looks formidable – but in the competitive world of divorce lawyers, solicitor Fiona Shackleton is nothing if not painstaking.

Shackleton, 51, is well-connected, well-respected and an outstanding networker. Her powerful presence fills a room and she has a dynamism that instantly makes its mark, as do her flashing blue eyes and striking blonde hair.

"She is careful to put as much presentation into her appearance and manner as she does to her cases," comments one solicitor.

Although frequently in the media spotlight, Shackleton is, as usual, keeping her own counsel as what may turn out to be the most expensive divorce in British legal history drags into a second week. However, 18 months ago, I was granted an interview with Shackleton and with another key member of McCartney's legal team, barrister Nicholas Mostyn QC.

They spoke with extraordinary frankness about the nature of their work and provided a glimpse of the secretive, sometimes ruthless world of a top divorce lawyer.



Fiona Shackleton met me in a splendid oak-panelled room nearly 40ft square in her imposing offices in New Square, Lincoln's Inn. Outside, the grand 18th-century Portland stone facade speaks of tradition and permanence. It is a world with which I am reasonably familiar: my late father, George Carman QC, was an eminent barrister.

When she entered the room, Shackleton was dressed in a vibrant woollen military-style jacket and well-tailored skirt. She exuded style. Her handshake was firm and no-nonsense.

"I am the sort of person likely to say, 'You need your leg off,' rather than, 'You've got athlete's foot' if the leg is going to have to come off,' she told me.



Fiona Shackleton: 'I like to see myself as what most women lawyers of my generation aren't ... feminine and successful and uncompromising'

"The people I deal with, the one thing they cannot tolerate is uncertainty. In my experience, it's best to tell them the worst news quickest. The sooner you can put them out of their misery the better."

We met shortly after she had sat down with Sir Paul McCartney following his announcement that he wanted to divorce Heather Mills – although Shackleton was, of course, speaking in generalities.

"In the first meeting you get to know the client, investing emotional energy to try to get to grips with the problem," Shackleton told me. "My opening salvo is always, 'Are we at the end? Am I looking at a corpse or a marriage that's on a life-support machine?' If the kindest thing is to pull out the life-support machine and say, 'It's over,' then my job is to make whatever I can less painful. If I can do that then I'm doing my job. People generally choose the lawyers they deserve, lawyers that suit their personality and style."

So what is her style?

"I like to see myself as what most women lawyers of my generation aren't." She paused and smiled. "Feminine and successful and uncompromising. A good negotiator, tough and highly respected. The combination of having a rod of steel through your back with a lot of charm helps."

Not for nothing is she nicknamed Steel Magnolia. Yet when one of the secretaries at her law firm, Payne Hicks Beach, came in to say goodbye to her during our discussion, Shackleton stood up and hugged her warmly. "That wasn't for your benefit," she laughed afterwards. It is easy to see how her natural charm inspires confidence in her clients.

Heather Mills has accused Shackleton of making her divorce from McCartney as "difficult as possible" and of being "mean-spirited" – charges the solicitor would doubtless reject.

To be a good divorce lawyer, she explained, one must be a good listener. "That doesn't just mean your client. It means the opposition, the wife or husband, and understanding the way through. The sooner you can reach a deal the better."

Shackleton was educated at the exclusive girls' school Benenden, in Kent, before reading law at Exeter University. She left with a modest third-class degree and earned a reputation during her time there as a "blowsy Sloane". After a spell as a cordon-bleu caterer, she moved into family law and by the time she was 30, Shackleton was a partner at Farrer & Co, the Queen's solicitors. She acted for both Prince Andrew and Prince Charles during their divorce cases in 1996, and now acts for William and Harry in an advisory capacity.

According to Anthony Julius, Diana's lawyer during the divorce: "Fiona is marvellous, clever, considerate and resourceful. She brings those personal virtues to her professional practice. The Royal divorce was simple: no arguments about the children and a brief negotiation about the terms of the settlement."



Before the storm: Sir Paul with Heather at a charity function in 2004

Shackleton, the mother of two grown-up children, joined Payne Hicks Beach as a partner in 2001 and charges clients around £500 an hour for her expertise. She lives with her husband Ian, a financial PR consultant and the great-grandson of Antarctic explorer Ernest Shackleton, in a substantial home in Kensington, West London, where they throw lavish dinner parties for friends. Shackleton herself is teetotal.

She once revealed the secrets of her wardrobe to Vogue magazine: 36 suits, 24 dresses, 85 scarves and a pair of shooting shoes. Her colourful outfits are invariably offset by a gold charm bracelet of gargantuan proportions.

Shackleton favours pre-nuptial agreements.

"A man worth £150 million could come to me and say he is getting a divorce and I couldn't tell him what the judge would give his wife. The risk may be as much as a

£30 million difference on that amount. I would advise everyone with money to have a pre-nuptial."

However, pre-nuptial agreements do not guarantee protection. Despite their growing popularity, judges are not yet obliged to enforce them. England is the world's most generous divorce jurisdiction, and more and more big money divorces are now being fought out in our courts.

Sir Paul is reportedly worth more than £800 million.

Shackleton points out that "in big-money divorces, it's worth flinging a large sum of money at a court case because the amount you can save is worth it".

Professional relationships can become very close.

"I give my mobile number to clients," she said. "They have my home number at weekends. They have my BlackBerry number. If there's bad news to give, I'm the person who has to give it."

Sometimes she has to take control.

"It would be arrogant to stand in their shoes but you can lean very heavily on a client to try to persuade them to do the right thing or not to do the wrong thing. Ultimately, the end decision should be with them. It's the client's money, the client's children, the client's life, the client's divorce. I often say, 'This is the menu and this is my recommendation but you choose.'"

But however close the relationship becomes, Shackleton maintains an icy pragmatism.

"I say to clients, 'At the end of the day, you end up as a file in a filing cabinet. It's your life. If you want to pay me to fight a hopeless case that's your prerogative and I'm very happy to do it to the best of my ability.' If it's a wife trying to get back at a husband and then they end up with a worse result – worse than what was being offered – you've got to warn them how they're going to feel not having accepted the money on the table.



Pushed to the edge: Heather Mills attacked the media during her emotional outburst on GMTV last October

"Sometimes that's a wake-up call for them to say, 'It's better to cut my losses now and get out. At the end of the day, it's lawyers who end up winning.'"

One key focus of the McCartney case, it is believed, has been provision for the couple's daughter Beatrice, four.

"As a mother of two, I find disputes involving children very difficult," said Shackleton. "Children are the legacy of every marriage and they are not children forever. Clients must understand that both have something to contribute. I say to my clients, 'You may be the best father in the world, but you're not the mother.'"

"If you're a good divorce lawyer, you can end up engineering a settlement where people don't feel they've got a bloody nose. The children are then left with the best possible chance of having a decent relationship with both. It's a bad divorce lawyer who goes for the last penny, which poisons the relationship. It is generally the paying husband who, by being slightly mean, forfeits the decent relationship.

"Paying the least possible amount is not the wisest decision, even if you're very happy that you've managed to get away with it. However much you say money and children aren't intertwined, they jolly well are. It's human nature."

Of course, Shackleton is not the only player on Team McCartney. Nicholas Mostyn QC is the barrister who last week argued McCartney's case behind the closed doors and sealed windows of Court 34 at the High Court.



Nicholas Mostyn QC: 'My parents had seven marriages between them, so there's a lot of personal experience'

A product of Ampleforth, the Catholic boarding school in North Yorkshire, and Bristol University, 50-year-old Mostyn is undoubtedly the brightest star at the Family Bar.

"He is one of the scariest divorce barristers in town," says one solicitor. The words "I'm taking advice from Nicholas Mostyn" have caused many a wealthy husband to reach resignedly for their cheque-books. As the champion of divorcees, one magazine even voted him number 31 in its top 50 poll of men who understand women.

A natural showman, Mostyn engages with a staccato delivery and engaging wit. His language is often colourful: he recently used the invective "spendthrift termagant" to characterise one man's view of his former wife.

"I'm a Catholic Welsh Wagnerian," he quipped when I asked him to describe himself. Wagner apart, his other passions are "following – generally despairingly – Southampton Football Club and the England cricket team".

You can often tell how sizeable a barrister's fees are by the opulence of their chambers, and 1 Hare Court is no exception. The elegant Jacobean building has the

sort of carpet and quality of decor that says: beware – advice here does not come cheap. If you need to ask how much, you probably can't afford it.

Mostyn's room is well lived-in – the paraphernalia of a smoker and rows of textbooks sit alongside his prep school Bible and other personal possessions.

"Do you mind if I smoke?" he asked during our interview, before puffing furiously on a Marlboro Light. "All the things I like doing have been banned by the Government – hunting, smoking. At least divorce isn't threatened," he said and then roared with laughter. McCartney is well known as an outspoken vegetarian and anti-hunting campaigner.

A devout Catholic, Mostyn has several priests in his family. Did he ever consider the priesthood? "No, I'm far too red-blooded and male for that." Cue another round of laughter.

He revealed: "It was written in my stars that I'd be a divorce lawyer. My parents have had [long pause] seven marriages between them. I was a ward of court, so there's been a lot of personal experience. My mother married a most charming and amusing man who unfortunately happened to be a criminal – a cannabis smuggler." With uncharacteristic understatement, he described his childhood as "disordered".

Mostyn's own domestic life is somewhat happier. He has been married to Lucy for 27 years and they have three sons and a daughter, aged between ten and 20. His eldest son, he told me, was born four days after his former head of chambers died in 1987. Family clearly matters a good deal: similar observations punctuate his conversation and family photographs sit proudly on his desk.

A renowned and experienced computer program deviser, Mostyn sits part-time as a High Court judge and seems destined to become a full-time member of the judiciary – if he decides to take an 80 per cent cut in his earnings. At a conservative estimate, these earnings approach £1 million a year.

At the upper end of the income bracket, there are 15 to 20 divorce QCs (senior barristers) earning between £500,000 and £1 million a year, while between 30 and 40 family solicitors come in above the £500,000 mark. Although very substantial, these earnings still fall some way behind senior commercial lawyers, some of whom earn up to £2.5 million a year in City law firms.

Mostyn chooses to do a significant amount of pro-bono work, giving his services free of charge. He told me about one client on benefit "who has been living in a Kafkaesque nightmare with the Child Support Agency".

However, he is best known for representing wives in big-money divorce cases, earning the nickname Mr Payout because of the colossal sums he has won. He secured £29 million for Lady Sorrell, for 32 years the wife of Sir Martin Sorrell, founder of the £7.8 billion WPP advertising agency empire. Other clients include Zoe Rowland, who claimed a share of her ex-husband's future inheritance. The Rowland family is reported to be worth £690 million.

Of big-money divorce cases, he confided: "I think people get divorced for insubstantial reasons – they don't make a big enough effort. As time's winged chariot progresses, some men feel they have to demonstrate their virility and feed their impending mortality by having a much younger partner. Solicitors have to deal with the client much more as a psychotherapist, counselor and general hand-holder.

Clients bring their financial problems to me in complicated cases to sort out."

Divorce, he says, can be broken down into three economic categories.

"Doing a divorce where there's no money is very easy because there's nothing to divide. It's the middle-income, Middle England cases that pinch hardest – house worth £250,000, mortgage of £75,000, income £45,000 a year. Wife, two children. That's very hard."

On average, marriage in Britain lasts only 11 years, with 150,000 couples getting divorced each year. The average cost of ending a marriage through the courts is £13,100 per divorce. Nearly two thirds of those divorces now end with the family wealth evenly split between husband and wife.

As equality has become the guiding principle for settlements, our divorce laws have arguably become a disincentive to marriage, especially for the wealthy. The rich, of course, are different. "It's much easier for them to get out of a marriage," Mostyn said.

"If you're a man worth £50 million, you might think £25 million is a price worth paying to get out because you can still survive perfectly well on £25 million and your earnings. "Both sides have then got more than they can spend in ten lifetimes."

And what advice does he give the very rich?

"If I hear clients saying I want this or that as a matter of principle, I remind them of the saying, 'When I hear people talking about principles, I reach for my revolver. When people come in and it's a revenge mission, I tell them the court is not interested in that. It's not a court of morals. I always try to deflect people from running a crusade of righteous vengeance."

So what makes for a "good" divorce? "One where right from the beginning people make the clearest possible exposition of what they have, so there can be no argument about non-disclosure, and have a willingness to settle at the earliest opportunity.

"Honesty is critical for a good divorce. If I believe someone is lying, I say to them, 'Tell the truth or we part company.'"

Heather Mills has been representing herself at the High Court. She parted company with her solicitor Anthony Julius, a partner at Mischon de Reya, last November, a month after her emotional outburst on GMTV in which she appeared close to a breakdown and accused the media of "pushing her to the edge".

It remains to be seen how she has fared against McCartney's team. As Fiona Shackleton told me: "In family work, everything's on the line."