

St.Mary's

Arbitration

A guide to the Arbitration services we offer

stmarysfamily.co.uk

What is Arbitration?

Family arbitration is a form of private dispute resolution in which the parties enter into an agreement under which they appoint an arbitrator to adjudicate upon a dispute and make an Award/Determination to resolve their dispute.

Family arbitration is ideal for those who want to resolve their disagreement without delay, confidentially and without all the expense and challenges of the court process.

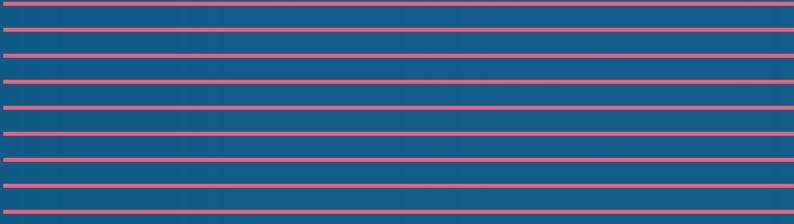
There are two types of family arbitration:

- Financial Scheme
- Children Scheme

Why choose Arbitration?

Family arbitration is a viable alternative to the court process and can help resolve disputes without the delays, expense and challenges that the court process can bring.

- 01** It is completely confidential.
- 02** It is flexible and takes place at a time, format and venue that the parties agree to, giving the parties more control than in court proceedings and avoiding the risk of hearings being removed from the list at short notice.
- 03** It can be dealt with quickly with the parties able to have their dispute resolved quicker than through the court process.
- 04** It is versatile and the parties can decide whether the case should be decided on documents, via remote hearings or in-person hearings.
- 05** The parties can choose their own arbitrator and can appoint an expert in the area of law which their dispute pertains.
- 06** It is focused as the parties can decide what they want the arbitrator to decide on.
- 07** It can save parties costs.
- 08** At the end of the arbitration there will be a decision which resolves the dispute, and the parties can apply to the court for an order to be made.



What is the process?

The process for both the Children and Financial scheme are broadly similar and is explained in the flow chart on the next page. Both schemes require the parties to complete the ARB1 form as explained on the next page. These are available to download from the Institute of Family Law Arbitrators website and are linked below:



ARB1CS (CHILDREN SCHEME)



ARB1FS (FINANCIAL SCHEME)

Both parties decide they wish to resolve their matter without going through the [full] Court process.



Parties are advised by their own legal advisors as to arbitration and can seek to agree an Arbitrator and make initial contact.



Arbitrator arranges a meeting with the representatives of both parties to elicit further information and establish agreement on procedure and process.



Parties both sign ARB1[FS] or [CS] depending on which scheme – agreeing to arbitrate and adopt IFLA Rules.



Arbitrator is offered the appointment by the IFLA.



Standard terms and conditions will be sent out by the arbitrator and parties agree to them. Once signed by all parties, the arbitration commences.



Preliminary Meeting / Case Management Hearing to determine directions required (if not agreed) and to decide procedure (if not agreed).



Interim applications or hearings as appropriate.



Hearing of the case either orally or in writing.



Award given in writing with reasons.



Parties apply to an “appropriate court” for an equivalent order – usually by consent.

The parties have the right to appeal to the court for an award made under MCA 1973 [Financial Scheme] OR the parties can also invite the court to set aside the award if there has been a serious irregularity or legal error.

What are the costs?

Each arbitrator has their own fee scales the costs shown here are an indicator of the **lowest fees** currently available.

Financial Scheme



£750 + VAT for any preliminary hearing under 3 hours

£1,500 + VAT for any preliminary hearing in excess of 3 hours

£3,000 + VAT for a 1-Day arbitration hearing, with one A4 bundle of papers not exceeding 350 pages, to include the hearing of evidence, submissions and the writing of the award

£500 + VAT for each additional A4 bundle of papers (maximum 350 pages per bundle) to be considered at the arbitration

£1,500 + VAT for each additional day required for the arbitration up and above 1 day

Children Scheme



£395 + VAT for a preliminary hearing conducted remotely

£950 + VAT for a substantive hearing up to ½ Day in duration

£1,495 + VAT for a substantive hearing up to 1 Day in duration

£495 + VAT for a determination writing

We have a modern, purpose-built office in Nottingham City Centre which has the facilities to host arbitrations in person, remotely or on a hybrid basis.

Each party has their own conference room, a hearing room, and a room for discussions between the advocates. Our clerks will be on hand to assist with any technical arrangements, and lunch and refreshments are provided throughout the day.

Additional costs

In many cases arbitration is a cost-saving exercise. It can avoid the significant costs involved in the court process which can quickly escalate, particularly with hearings being adjourned at short notice.

The fees for our arbitrators will always be a fixed cost which we will advise you of upfront. There may be additional costs for venue hire if the parties choose to hold the arbitration at a venue other than our offices, but this can be agreed upon between the parties in advance.

Just like in the court process there will be additional fees for experts, if the arbitrator determines that an expert is required, and the parties will have their own legal representation costs too.



Our Arbitrators



Stephen Williams



Stephen has extensive experience in representing and advising Husbands, Wives and interveners at all stages of Financial Remedy proceedings.

Stephen regularly sits in the Financial Remedies Court as both a Deputy District Judge and a Recorder and draws on this experience to assist him when acting as both a Private FDR evaluator and Arbitrator.

Stephen can be instructed to arbitrate in financial remedy matters, TOLATA and Schedule 1 of the Children Act claims.

[More details](#)



Duncan Brooks KC



Duncan specialises in financial provision following separation. He represents high and ultra-high net worth individuals and is used to dealing with complexities arising from trusts, business accounts, taxation and international disputes. He regularly deals with cases involving the music, art, finance, private equity, legal, farming and business industries. He is often instructed where there are knotty points of law.

Duncan has been a Family Law Arbitrator since 2013 and has concluded over 35 arbitrations as arbitrator.

[More details](#)



Hannah Markham KC



Hannah is renowned for her ground breaking work in children cases, both private and public law, and is instructed in the most complex of cases including international relocation, sexual abuse, alienation and non-accidental injury.

Hannah is a Children Arbitrator, is head of 36 Family, Chair of the Family Law Bar Association (FLBA), and co-chair of Women in Family Law.

[More details](#)



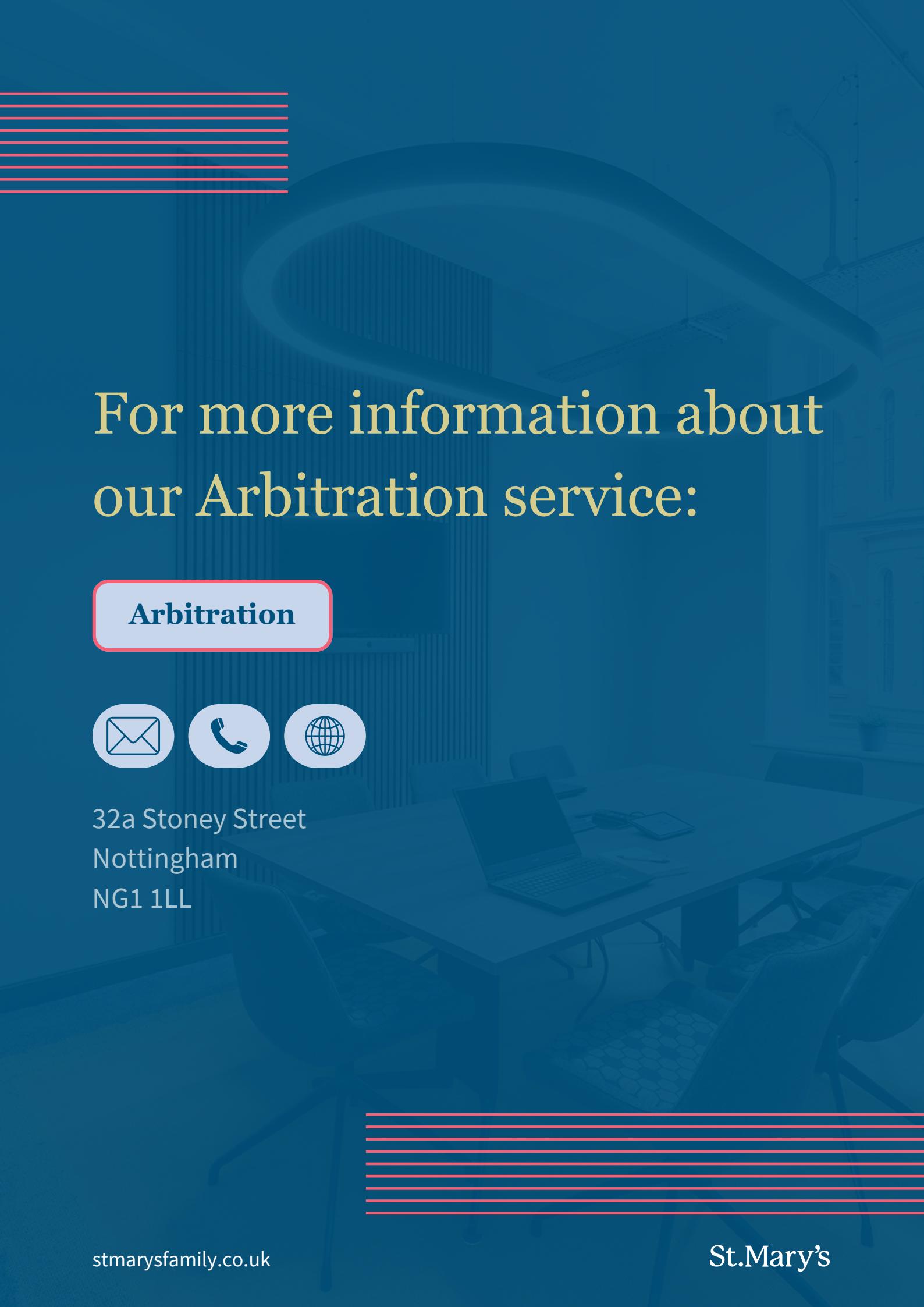
Matthew O'Grady



Matthew's expertise is in division of married and unmarried couples' property after separation. He is a barrister in England and Australia (Victorian Bar) and advises clients on their international family and sports law issues across these jurisdictions.

Matthew is a qualified Arbitrator under both the IFLA Financial Scheme and IFLA Children Scheme allowing him to arbitrate financial remedy, TOLATA, Schedule 1 and Children disputes.

[More details](#)



For more information about
our Arbitration service:

Arbitration



32a Stoney Street
Nottingham
NG1 1LL