

St.Mary's

Private FDR

A guide to the Private FDR
services we offer



What is a Private FDR?

A Private FDR involves the use of an independent third-party evaluator, adopting the role of “judge” to assist the parties in reaching an agreement in their financial remedies case.

This takes place outside the court forum at a time and location convenient to the parties.

The evaluator will read all the papers submitted by the parties in advance of the hearing and on the day hear submissions from each parties' legal representatives before giving their view as to the likely outcome of the case.

A Private FDR is an effective means to negotiate a settlement and thus avoid the cost and delay of a contested court hearing.



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Why choose a Private FDR?



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“A district judge in a busy hearing centre may have several FDRs in his list each with a one-hour time estimate.....the court may not have had adequate time to pre-read.....it is not easy to retain a clear separation of the relevant facts of the several cases so listed”.

Thorpe LJ in Shaw v. Shaw
[2002] EWCA Civ 1298

A whole day is allocated to assist the parties.

It can take place at a day, time, and location convenient to the parties.

The process is more informal and less intimidating than going to Court.

The parties can choose their evaluator, who will be someone with specialist financial remedies expertise.

The evaluator will have had time to fully prepare for the hearing and will only be dealing with that case on the day.

A quicker resolution can be reached with respect to parties' finances as delays in the Court process can be avoided, which in turn can be far more cost effective.

The Farquhar Report stated that the success rate for negotiating settlement court-based FDR is less than 50%, our Private FDR service has a success rate of just about 80%.

A Private FDR can take place prior to Court proceedings being issued or at any stage of the proceedings.

The settlement agreed at a Private FDR will be submitted to the Court as an order and formally approved.

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When to use a Private FDR



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“At present, demand on court resources has led to instances of over-listing of FDRs. A high settlement success rate is not likely to be achieved if the district judge’s list for the day has more than five FDRs in it.”

Sir James Munby

Former President of the
Family Division

There are no strict rules on when a Private FDR can be used.

There is scope to use a Private FDR before proceedings have been issued as a means of resolving matters before costs start to build up.

It can be as part of ongoing court proceedings and can replace the normal court-based FDR hearing.

It is particularly useful where the court has vacated an FDR hearing at short notice and the parties are facing having to pay counsel’s brief fee for a hearing that isn’t taking place.

There may also be other wasted costs associated with vacated hearings as valuations may need updating ahead of an adjourned date which could be some months away.

In such circumstances a Private FDR can normally often be arranged at short notice, potentially on the same day as the adjourned court hearing.

This can potentially save clients large sums which would otherwise be wasted.

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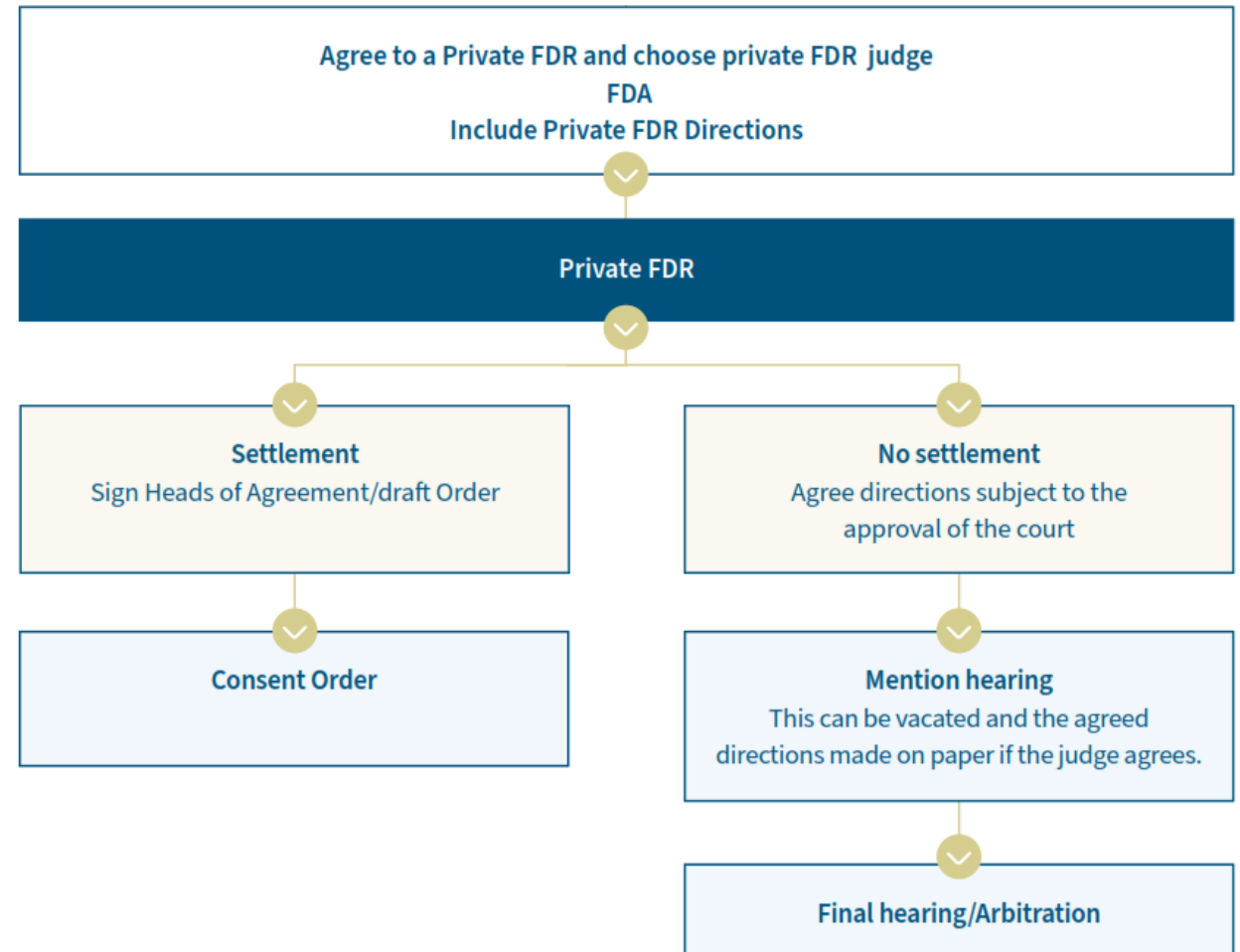
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What is the process?

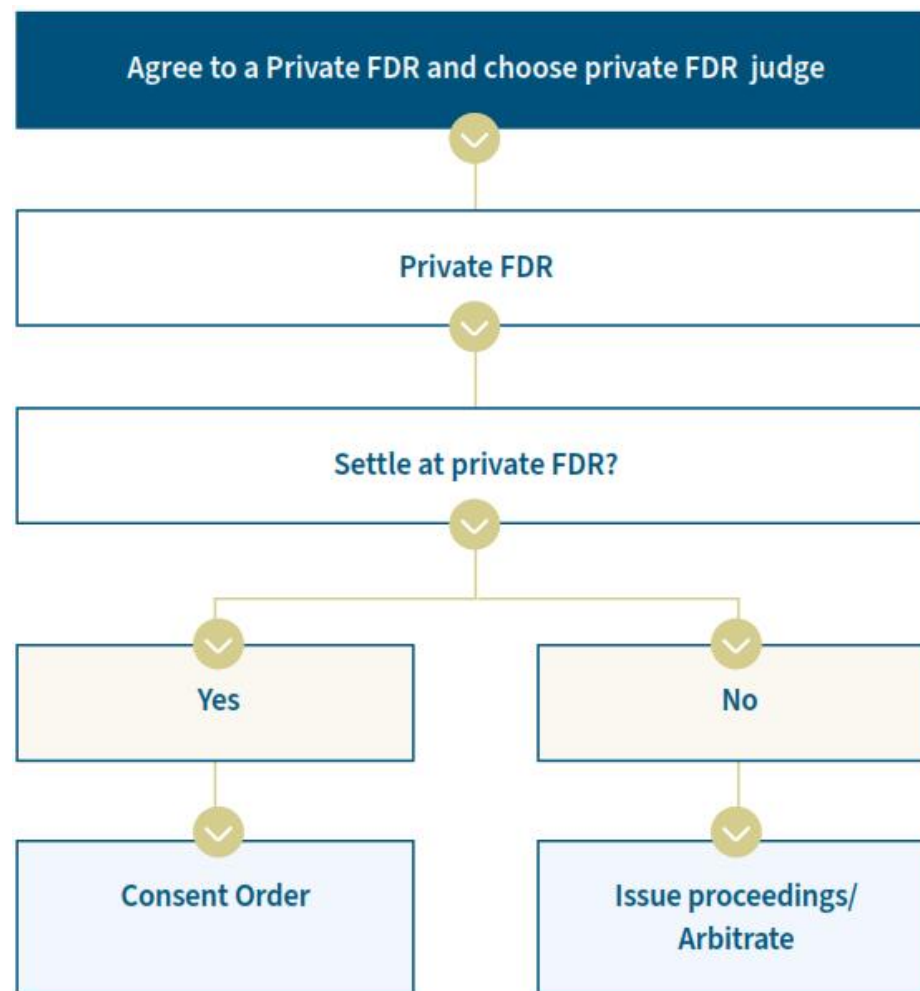


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Financial Remedy proceedings



No proceedings



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What are the costs?



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What are the costs?

The cost of a Private FDR evaluator normally ranges from £1,750 to £6,000.

For exceptionally complex cases we may need to agree a fee outside this scale.

If you have a case with very few assets where the parties are working to a tighter budget, we may be able to accommodate a lower fee than the normal scale.

The fee covers the evaluators attendance for the entire day at the Private FDR hearing.

Where the Private FDR is held at our offices the fee also includes room hire, refreshments, and lunch.

Each individual evaluator has their costs set out on their profile on our website.

Click the relevant links in the Private FDR Evaluators section of this brochure for more details.

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We have a modern, purpose-built office in Nottingham City Centre with the facilities to host Private FDR.

We can also conduct hybrid or remote Private FDR.



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Feedback on our Private FDR service



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Don't take our word for it, the quotes opposite are from barristers and solicitors who have used our Private FDR service.

I was not at all sure that the parties would be able to settle. That they did so was largely due to the evaluator's thoughtful and measured indication.

Good amount of space between rooms so no concerns about being overheard

Really nice quiet and calm space to work in lovely to have a window in each room, bizarrely it really makes a difference to energy levels

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The FDR was a very tricky one, and I'm sure that the comfortable surroundings helped both clients and us to negotiate.

I was very pleased with the set up at St Mary's. Everyone we dealt with was friendly and helpful, the rooms were well-appointed and everyone on my team enjoyed their lunch.

Great IT infrastructure, lovely rooms and general atmosphere, very helpful staff, great Wi-Fi.



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Private FDR Evaluators



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Private FDR

His Honour Mark Rogers

HH Mark Rogers was called to the Bar in 1980 and was previously a member of Chambers and sat as a Deputy District Judge and Recorder before he was appointed as a District Judge in 2007. He was appointed as a Circuit Judge in 2009 and a Deputy High Court Judge in 2011. He was the Designated Family Judge for Lincolnshire from 2014 to 2019 and for Nottinghamshire from 2017 until his retirement in June 2021. He was also the lead Financial Remedies Judge for the East Midlands during that time.

[More details](#)



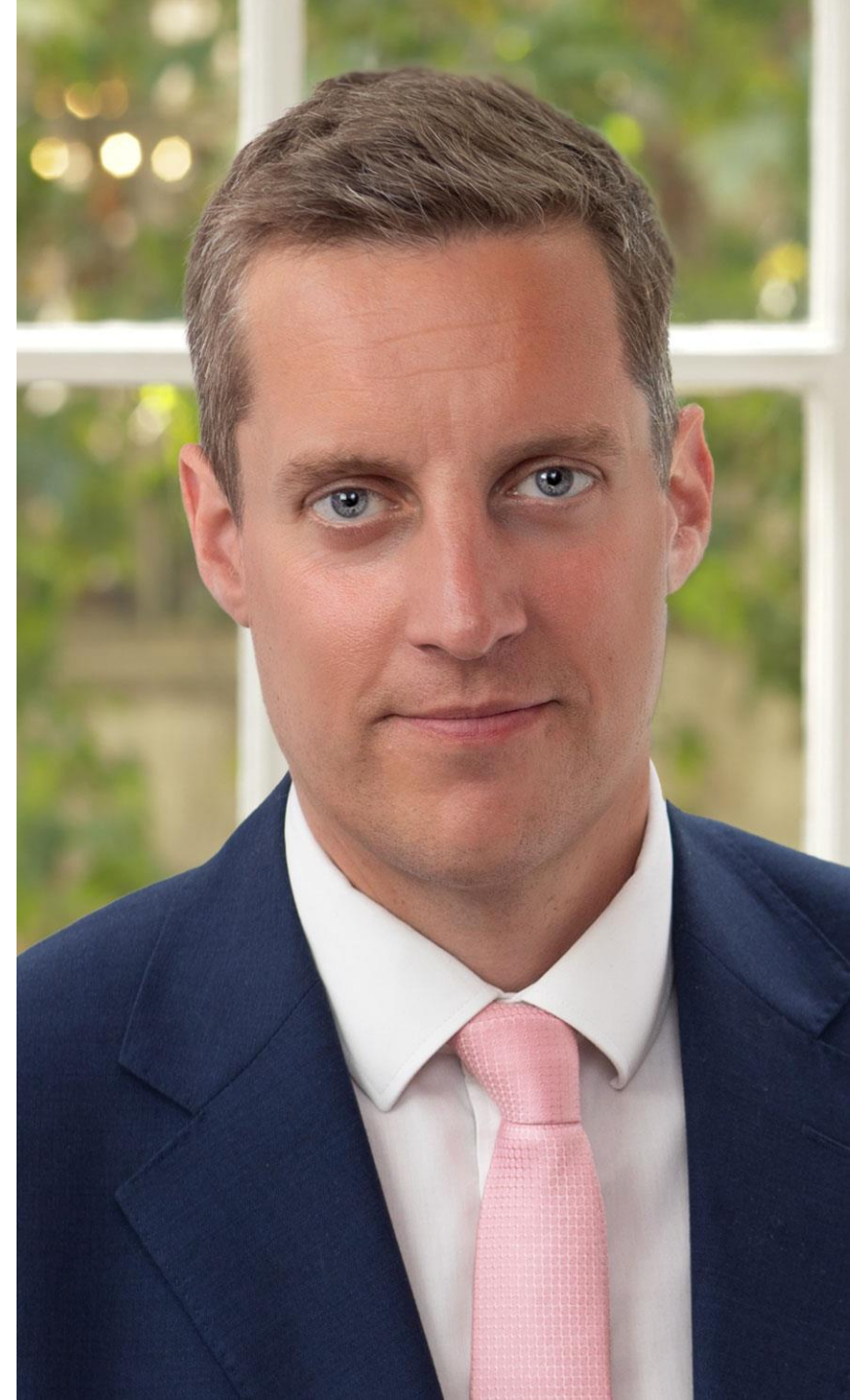
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Duncan Brooks KC

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. He has conducted more than 100 Private FDRs as the evaluator.

[More details](#)



Private FDR

Nick Davies

Nick was called to the Bar in 2006 and was appointed as a Deputy District Judge in 2015. He practiced as a financial remedy barrister at a set in Cambridge until his retirement in 2022. He now sits as a Deputy District Judge and as a Private FDR Evaluator.

Prior to joining the Bar Nick qualified as an accountant and used the experience gained here in his practice at the Bar which focussed on cases involving complex business arrangements, trusts, farms, pensions and overseas assets.

[More details](#)



Private FDR

Nigel Page

Nigel is recognised as one of the leading financial remedy specialists in the East Midlands. He deals with some of the most complex and high value divorces.

Nigel undertakes private FDRs and neutral evaluations in financial remedy cases. He is very well placed to support settlement of very high value cases.

[More details](#)



Private FDR

Gareth Jacques

Gareth specialises exclusively in financial remedies and TOLATA applications and has been consistently ranked as a leading practitioner in the field by the Chambers and Partners and Legal 500 directories, describing him as “exceptional, approachable and extremely knowledgeable.”

Gareth sits regularly as a Private FDR evaluator and is one of the leading individuals in this field in the East Midlands. Gareth is a qualified Arbitrator under the IFLA Financial Scheme allowing him to arbitrate financial remedy, TOLATA and Schedule 1 disputes.

[More details](#)



Private FDR

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 can be instructed to support married and unmarried parties in resolving their financial disputes as a neutral evaluator, providing private and without prejudice assistance in separation disputes.

[More details](#)



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Stephen Williams

Stephen has extensive experience in Financial Remedies cases and is known and respected for his detailed knowledge of the law and the relevant facts.

Stephen sits in Financial Remedies as a Deputy District Judge and was appointed as a Recorder in May 2023; he draws on this experience to assist when sitting as a Private FDR evaluator.

[More details](#)



Private FDR

Fiona Apthorpe

Fiona is a partner at Geldards where she heads up the family team. She is an experienced family law solicitor, family mediator, family arbitrator, collaborative family lawyer and sits as a Deputy District Judge.

Fiona is known and respected for her down to earth, friendly and pragmatic approach to all aspects of her work.



Private FDR

Paul Hollow

Paul was a barrister on the South Eastern Circuit for over 30 years specialising primarily in financial remedy cases and now sits part time as a Deputy District Judge.

During his time in private practice Paul served two terms as Head of Fenners Chambers and he was also a trustee of Cambridge Family Mediation.



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Advocacy

We can offer a highly skilled team of specialist Financial Remedies barristers to represent parties at a Private FDR.

The process for a Private FDR is the same as is used for an in-court FDR.

Both parties will be represented by their choice of lawyers.

The parties will negotiate any disputed issues through their representatives.

When required the parties and representatives will appear before the Private FDR evaluator who can provide their view on disputed issues.

Where the parties can achieve a settlement, an order will be drafted by the advocates, this can then be lodged at the court.

Our Team



For more information about
our Private FDR service:



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