

St.Mary's

# Private FDR

A guide to the Private FDR  
services we offer



# What is a Private FDR?

A Private FDR , also referred to as a Neutral Evaluation, 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 papers submitted in advance may be inadequate or incomplete. The court may not have had adequate time to pre-read. Furthermore, it is not easy to retain a clear separation of the relevant facts of the several cases so listed”.

Thorpe LJ in *Rose v Rose*  
[2002] 1 FLR 978

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 estimated success rate for negotiating settlement at a Private FDR is approximately 90% compared to 45% in Court based FDR hearings.

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 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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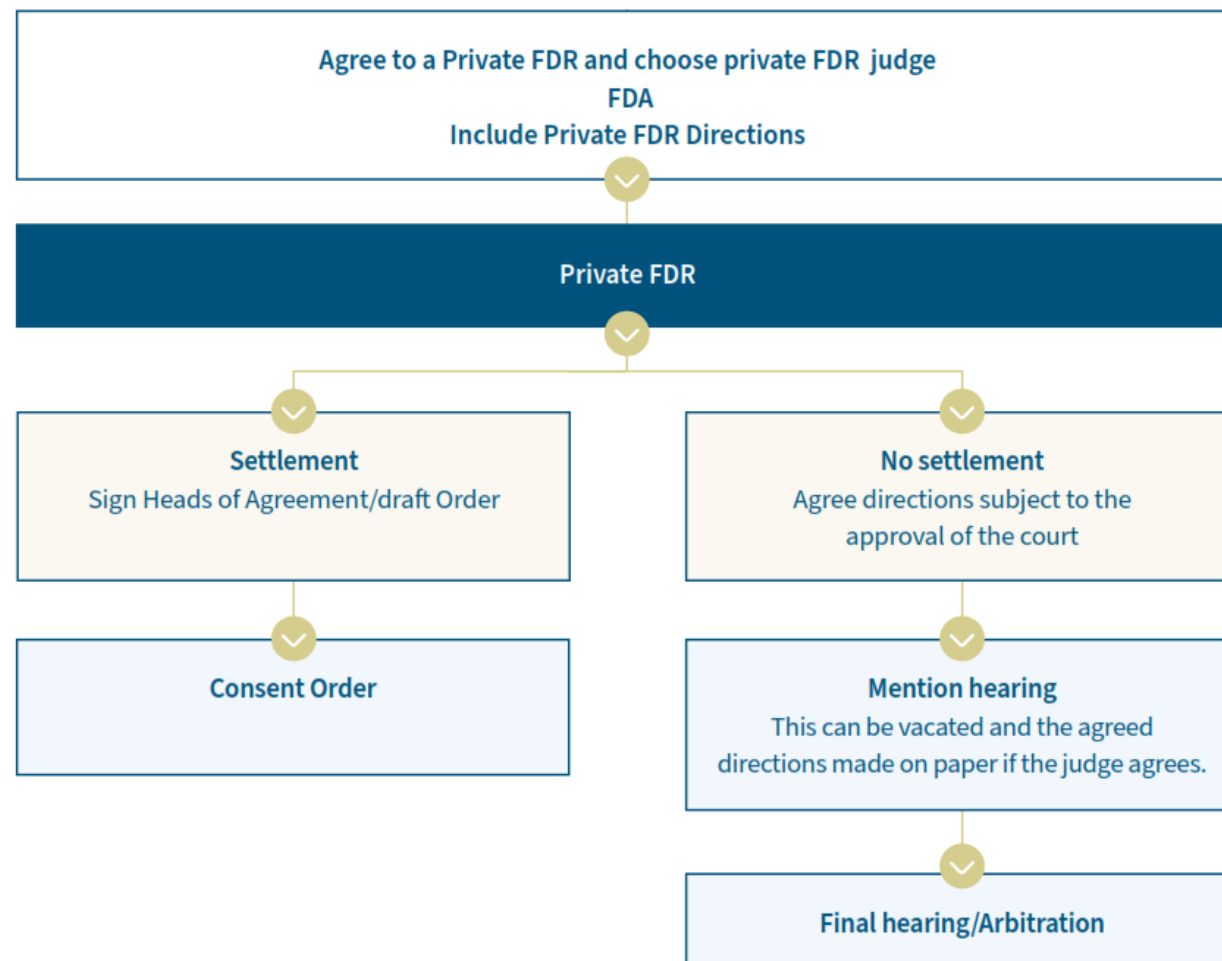
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# What is the process?



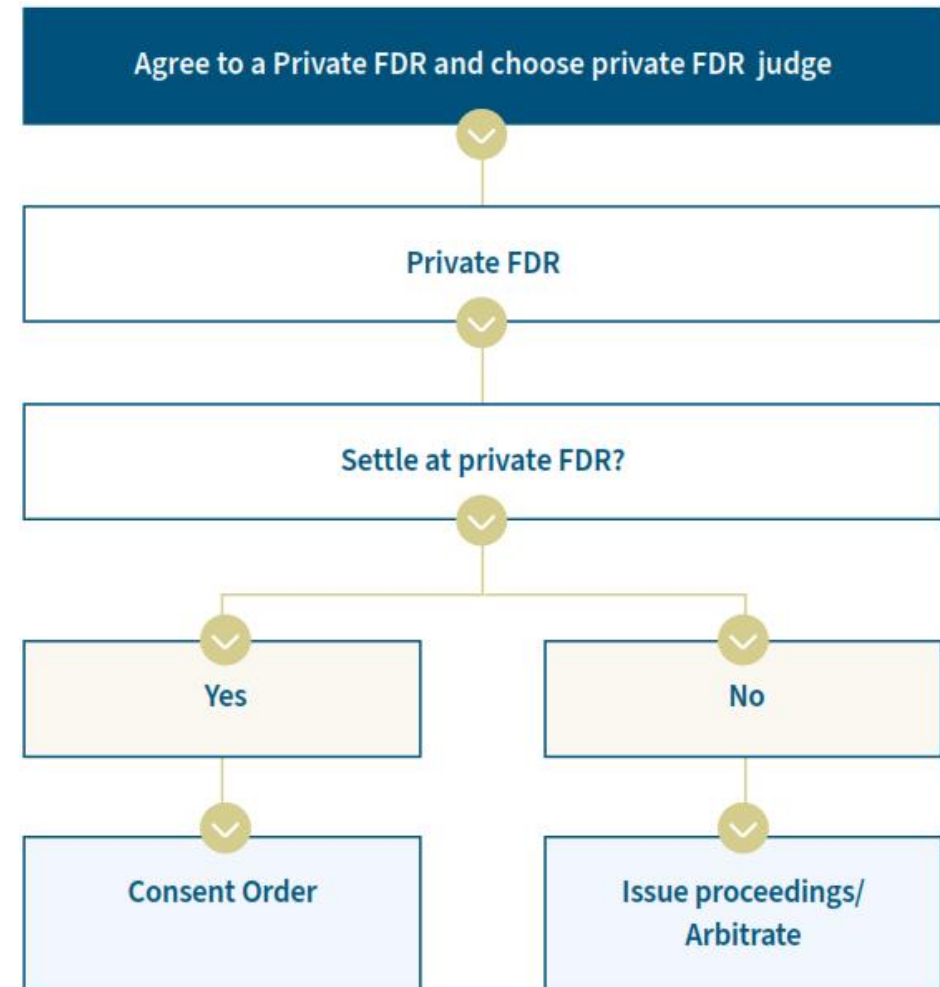
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# Financial Remedy proceedings





# No proceedings



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# What are the costs?



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These are indicative fees for a Private FDR evaluator for 2022.

For a fixed fee quote for your case please contact us.

Each case is unique and subject to a tailor-made fee. However, to assist with budgeting these indicative fee scales provide some guidance. The bands have quite a broad range to allow for the specific complexity within the band and/or the seniority of the chosen evaluator.

**Band A - £4,000 to £6,000**

Multiple companies, nuptial settlements, trusts, farming element, foreign pensions.

**Band B - £2,500 to £4,000**

Main capital asset is FMH, other capital assets (including overseas properties, savings, etc), more complex issue with pensions (actuarial reports).

**Band C - £1,500 to £2,750**

Only significant capital asset is FMH, overall capital assets modest, straightforward pensions (no expert report).

A fixed fee quotation will be provided when you make a booking enquiry.



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We have a modern, purpose-built office in Nottingham City Centre with the facilities to host Private FDR at no additional cost.

We can also conduct hybrid or remote Private FDR.

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# Private FDR Evaluators



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# 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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# 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](#)





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# 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](#)



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# 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](#)



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# 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](#)





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# 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.



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# 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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