

Dealing with financial remedies through the Courts – the Court process

1. Once an application is made to the Court, the Court will set a timetable for the parties:
 - a. To exchange full and frank financial disclosure (usually called Form Es)
 - b. To exchange questionnaires and financial summaries
 - c. To attend a first hearing.
2. From issuing an application for financial remedies to the FDA usually takes around three months.
3. At the first hearing (known as a First Directions Appointment or FDA), the Court considers whether both parties have filed evidence in relation to their financial position. If that has been done, the Judge can give an indication as to what he believes the likely outcome would be after a trial. This is a helpful basis for future discussions and negotiations
4. If all the necessary evidence has not been filed, the Court can give directions for this to be done and list a second hearing, called a Financial Dispute Resolution Hearing (FDR).
5. A FDR is usually two to three months after the FDA.
6. At the FDR, the Judge will give an indication of what he believes that the outcome of your case would be after a trial. This hearing is “without prejudice” which means that the discussions which take place are not binding on either party and cannot be referred to at the final hearing. This also means that the Judge who deals with the FDR cannot deal with subsequent hearings except for a further FDR. The Judge’s indication is then used as a basis for negotiations.
7. If matters are not resolved at FDR a final hearing will have to take place. This is a hearing where both parties give evidence and a Judge decides on division of assets and liabilities between the parties. It is unusual for matters to have to be resolved at a final hearing, most often they can be resolved at the FDR if not before.
8. From the FDR to a final hearing usually takes around four months. All in all therefore, Court proceedings can take anywhere in the region of three months up to one year.