

Case Management timeline

Financial Remedy Proceedings in the Financial Remedies Court below High Court Judge level

Abbreviations:

ESb – *Statement on the Efficient Conduct below High Court Judge level dated 11 January 2022*

PP – *FRC Primary Principles dated 11 January 2022*

GEB – *Guidance on E-Bundles dated 21 December 2021 (amending and read with the General Guidance dated 29 November 2021)*

Prior to issue

The court will expect the parties to comply with the terms of the pre-application protocol which outlines the steps parties should take to seek and provide information from and to each other prior to the commencement of any application for a financial remedy (**FPR PD9A 2.1 and Annex**).

Vulnerable Persons

Where the court must either assume that the quality of a party's or witness's evidence and a party's participation in the proceedings are diminished or consider whether a party's participation in the proceedings and/or the quality of evidence given by a party or witness is likely to be diminished by reason of vulnerability, the court must consider whether it is necessary to make one or more participation directions (**FPR 3A.2A, 3A.4 and 3A.5**).

NCDR

The court must consider "*at every stage in proceedings*" whether non-court dispute resolution is appropriate (**FPR 3.1(1)**).

Deadline / Stage	Documents Required / Steps to be taken	Source Provision
1. Filing application / allocation	Allocation Questionnaire: i) PP, Schedule 3; or ii) Questionnaire on the online portal unless " <i>wholly impractical</i> ". <i>NB: The applicant should seek to consult with the respondent to complete the questionnaire.</i>	ESb, §4
2. Following allocation	Every case will be allocated to an individual judge at the earliest opportunity, and that judge will either:	ESb, §5

*(steps to be taken
by the Court)*

- i) conduct all hearings, apart from the FDR;
or
- ii) conduct all hearings up to and including the FDR, and another judge to be allocated for all hearing post-FDR (if unsuccessful), that judge to be allocated as soon as possible.

Any interim applications must be made to the allocated judge, unless impracticable or it would cause undue delay.

ESb, §16

NB: The above is subject to available judicial resources.

Every case will be listed for a First Appointment hearing (“FA”), with the following time estimate:

ESb, §7

- i) 45 minutes; or
- ii) for cases designated as “*complex*”, 60 minutes.

If parties seek a longer listing, to due exceptional complexity, this should be indicated on the Allocation Questionnaire.

IN ADVANCE OF THE FIRST APPOINTMENT HEARING

3.	At least 35 days prior to the FA	Parties to file at Court and simultaneously exchange with the other(s) their Forms E, unless the Notice of First Appointment provides differently.	FPR r.9.14
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4.	At least 14 days prior to the FA	The Accelerated Procedure:	PP, Sch. 4
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If the parties wish to use the accelerated procedure to agree directions and vacate the FA listing, they shall:

- i) agree a draft directions order, to be signed by both parties;
- ii) send the agreed and signed order to the court by the 14 day deadline;
- iii) send the following required documents at the same time:
 - the body of each parties’ Form E, without enclosures,
 - First Appointment documents as detailed at Row 6 below
- iv) Any other documentation vital to the court’s ability to approve the draft consent order, which may include:

- an explanation of why an FDR listing of more than 1-1.5 hours is required
- an explanation of why an FDR listing may need to take place more than 3 months after the listed FA date
- Details of any pFDR at per **ESb §15**

The parties should wait until a District Judge approves the draft agreed Directions Order before assuming that the FA is vacated (such approval should come via an email response at least **7 days** prior to the FA).

NB: Parties cannot use the accelerated procedure where they wish the FDR to be heard by a High Court Judge.

5.	At least 14 days before the FA	If the parties agree to use the FA as an FDR, the court must be notified in advance. Steps 6 to 9 below must also be completed.	ESb, §9
6.	14 days prior to the FA	The applicant to file at court a jointly obtained market appraisal of the family home(s). Should it not be possible to obtain that jointly, each party should provide a market appraisal (and be prepared to explain the joint failure).	ESb, §10.a.
		Each party to also use their best endeavours to file at court: i) property particulars, each party to provide 3 showing their and the other's likely housing needs (to be served on the other party as well); and ii) jointly obtained brief indicative material as to respective borrowing capacities	ESb, §10.b.
		Each party to file at court and serve on the other a questionnaire, subject to the following requirements: i) the questionnaire shall not exceed 4 pages (documents exceeding this length will only likely be approved in a case of complexity); and ii) the questionnaire shall be typed in no less than 12-point font, with at least 1.5 line spacing.	ESb, §10.c.
7.	14 days prior to the FA	Where any of the persons detailed at FPR r.9.13(1)-(3) have been served, the applicant must file at court	FPR r.9.14(6)

and serve on the respondent confirmation of names of all served.

NB: per r.9.13(6), a certificate of service for any such service must be filed 'at or before the first appointment'

8.		Court bundle – contents to be agreed if possible (see PD27A paragraph 4.1 (contents) and 5.1 (format) – summarised further below).	PD27A, paragraph 6
	At least 4 days prior to the FA	The party preparing the bundle to provide a paginated index to all other parties.	
	At least 3 days prior to the FA	A paginated bundle, agreed if possible, to be provided to any counsel instructed (provided by those instructing that counsel).	
	At least 2 days prior to the FA	Bundle to be lodged with the court by the applicant.	ESb, §23.f.
9.	1 day prior to the FA	The applicant to file at court: i) ES1 (Composite Case Summary); and ii) ES2 (Composite Schedule of Assets and Income)	ESb, §11
10.	1 day prior to the FA	Each party to file at Court a position statement, of no more than 6 pages in length, by 11am (and exchange by no later than midday)	ESb, §24.a.i ESb, §26
11.	1 day prior to the FA	Each party to file at Court and serve on the other a costs estimate in Form H	FPR r.9.27(2)
12.	At the FA	If the parties propose a private FDR, they will need to provide the identity of pFDR evaluator or, where that has not been agreed, provide details of proposed evaluators and the court will decide. Absent a pFDR, the Court will list the FDR. The Court may also list the Final Hearing.	ESb, §15 ESb, §14 ESb, §12

IN ADVANCE OF THE FINANCIAL DISPUTE RESOLUTION APPOINTMENT

13.	7 days prior to the FDR	The applicant to file at Court: i) Updated ES1 (Composite Case Summary); ii) Updated ES2 (Composite Schedule of Assets and Income; and	ESb, §13
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- iii) Chronology, recording clearly where any items are not agreed.

14.		Court bundle – contents to be agreed if possible (see PD27A paragraph 4.1 (contents) and 5.1 (format) – summarised further below).	PD27A, paragraph 6
	At least 4 days prior to the FDR	The party preparing the bundle to provide a paginated index to all other parties.	
	At least 3 days prior to the FDR	A paginated bundle, agreed if possible, to be provided to any counsel instructed (provided by those instructing that counsel).	
	At least 2 days prior to the FDR	Bundle to be lodged with the court by the applicant.	ESb, §23.f.
15.	1 day prior to the FDR	Each party to file at Court a position statement, of no more than 12 pages in length, by 11am (and exchange by no later than midday)	ESb, §24.a.iii ESb, §26
16.	1 day prior to the FDR	Each party to file at Court and serve on the other a costs estimate in Form H.	FPR r.9.27(3)

IN ADVANCE OF THE FINAL HEARING

17.	21 days after the FDR <i>(in the absence of any direction otherwise)</i>	Parties to file at court and serve on the other their open proposals for the settlement of the case <i>NB: if there has not been a FDR, this deadline is extended to 42 days</i>	FPR r.9.27A
18.	Not less than 14 days before the FH	The applicant must (unless the court directs otherwise) file at court and serve on the respondent an open statement setting out concise details, including the amounts involved, of the orders which the applicant proposes to ask the court to make.	FPR r.9.28
	Not more than 7 days thereafter	The respondent must file with the court and serve on the applicant an open statement setting out concise details, including the amounts involved, of the orders which the respondent proposes to ask the court to make.	
19.	Approximately 4 weeks prior to the FH	If the final hearing is listed for 3 or more days, a Pre-Trial Review shall take place, to be conducted by the judge hearing the final hearing (where judicial resources allow).	ESb, §17

ESb, §18-19

The final hearing timetable will be prepared at the PTR. For cases where there is no PTR, the timetable must be prepared at the **directions phase of the failed FDR** or the **mention hearing after the pFDR**.

20.	At least 28 days prior to the FH	If there is to be evidence from more than one expert, a discussion between the experts must take place (if not undertaken already).	ESb, §20
21.	At least 14 days prior to the FH	Each party to file at Court and serve on the other particulars of costs in Form H1.	FPR r.9.27(4)
22.	At least 7 days prior to the FH	The applicant to file at court: i) updated ES1 (Composite Case Summary) ii) updated ES2 (Composite Schedule of Assets and Income iii) updated Chronology, recording clearly where any items are not agreed	ESb, §21
23.	At least 4 days prior to the FH	Court bundle – contents to be agreed if possible (see PD27A paragraph 4.1 (contents) and 5.1 (format) – summarised further below). The party preparing the bundle to provide a paginated index to all other parties.	PD27A, paragraph 6
	At least 3 days prior to the FH	A paginated bundle, agreed if possible, to be provided to any counsel instructed (provided by those instructing that counsel).	
	At least 2 days prior to the FH	Bundle to be lodged with the court by the applicant.	ESb, §23.f.
24.	1 day prior to the FH	Each party to file at Court a position statement, of no more than 15 pages in length, by 11am (and exchange by no later than midday)	ESb, §24.a.iv ESb, §26

GENERAL

25.	As soon as possible prior to any hearing	If it becomes clear that the hearing will not be effective, due to agreement or otherwise, the court must be informed by telephone and email immediately. A letter, jointly signed wherever possible, must follow, providing: i) a short background summary; ii) consent (or lack of consent) from each party; iii) a draft order; and iv) sufficient information to allow the court to decide to remove the listing and make the order.	FPR r.11.1
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NB: this is separate to circumstances where the FA accelerated procedure is used

26. 1 day prior to any hearing	Position Statements to be filed with the Court by 11am on the working day before the hearing.	ESb, §26
	Parties to exchange Position Statements no later than one hour after filing.	ESb, §26
27. At each hearing	Where one or more parties are represented, the order should be drafted, agreed and lodged before the parties leave the building (attended hearing) or on the day of the hearing (remote hearing). The above is subject to circumstances where this is wholly impracticable, in which case the ‘best practice’ deadline is within 2 working days of the hearing. The maximum limit is within 7 days of the date on which the order was made by the court.	ESb, §33
28.	Court bundle – to be uploaded to the Online Portal If the Court order from the previous hearing does not set specific deadlines, the deadlines detailed at 8 above shall apply. As to the content of bundles, they must comply with PD27A, to include: i) a limit of a single file with 350 pages or less (<u>not</u> including position statements, Forms ES1 and ES2, and chronology); ii) only documents that are relevant and necessary for the court to read / will be referred to during the hearing; and iii) no correspondence, bank statements, or other financial records, unless a specific prior direction has been obtained. <i>NB: any time estimate and list of essential reading is to be including <u>within</u> the 350 page limit</i> A separate bundle of authorities is required, to be agreed between advocates, and with no more than 10 authorities, to be filed at the same time as position statements (11am on the working day before). As to the format of bundles:	FPR r.29.11(3)(a)
		ESb, §23 PD27A paragraph 4
		ESb, §24, 22 PD27A paragraphs 4 & 5
		GEB

- i) to be paginated starting with page 1;
- ii) position statements should be concise and not exceed:
 - 6 pages for a FA
 - 8 pages for an interim hearing
 - 12 pages for a FDR
 - 15 pages for a Final Hearing;
- iii) section 25 witness statements should not exceed 15 pages on a 'best practice' basis, excluding exhibits, with a PD27A maximum limit of 25 pages.

NB: both Position Statements and Witness Statements should be on A4 paper in not less than size 12 point font and 1.5 line spacing.

As to e-bundles specifically, in addition to the above principles, the following applies:

- i) bundles to be in PDF format, ideally a single Court bundle and (if necessary) a separate authorities bundle only;
- ii) additional bundles may only be produced with the permission of the court;
- iii) paginated to be computer generated throughout, starting from 1 (even where the first page is or is not an index) and following sequentially throughout;
- iv) additional pages to be in a supplemental section at the end of the original bundle, following on with the sequential numbering;
- v) each index entry to be hyperlinked to the start of the corresponding document (and if new documents are later added, there shall be a separate hyperlinked index at the start of the supplemental section);
- vi) all documents to be bookmarked, such bookmarks to include a short description and page numbers;
- vii) every page to be OCR searchable;
- viii) all pages to be in orientation such they can be read left to right (prior to pagination), and with default view at 100% zoom;
- ix) bundle resolution to be no higher than 300 dpi (and file size no more than 36MB);
- x) file names must include the case reference, case name, and content/hearing details.

If pages are added after the bundle is sent to the court, the court should be provided with the new section and a full revised bundle (subject to any different direction on enquiry).

NB: Pagination in public children proceedings remains in line with PD27A paragraph 4.2 (i.e. chronologically in sections, starting at 1). Further, bookmarks in public children cases need not state page numbers.