



Early Neutral Evaluation Scheme.

Early Neutral Evaluation is a system in which both parties, through their lawyers, seek an impartial opinion from an experienced practitioner as to the likely outcome of their case. It works in a very similar way to the Financial Dispute Resolution Hearing in financial proceedings. It will most commonly be used where there is already an application before the courts but there is no reason why it cannot be used earlier if all of the necessary information is available.

In financial proceedings all of the papers which would be placed before the court would be sent to the barrister instructed. He or she would consider them and provide an opinion as to the likely order(s) a judge might make. This would normally be done by both parties and their lawyers attending a meeting with the barrister although the precise format can be tailored to meet the requirements of the parties provided that both sides agree. Both parties' lawyers would have the opportunity to present their arguments and the barrister will explain his or her view of the merits of those points.

Precisely the same process would apply to children proceedings.

If an agreement can be reached following that discussion then that agreement can be turned into a consent order and seek court approval. If it cannot then the parties can continue with their application before the courts and allow a judge to make a decision.

Early Neutral Evaluation can be a useful tool where the parties are almost, but not quite, agreed. It provides assistance to parties in breaking through a particular sticking point. It can also be helpful where people simply do not know where to start. It is an alternative to mediation where the parties feel that they cannot discuss their issues directly with each other but would still prefer to resolve matters without a contested court hearing. It is essential that both sides have solicitors instructed to access this process.

Fountain Mediation has a panel of barristers, all with long-standing expertise in the local court system, who are available to provide Early Neutral Evaluation services. The level of

fees charged will depend upon the complexity of the assets and issues in any particular case as well as the length of time it is likely to take to conduct the exercise. We have a protocol setting out the information we would require to be provided which is available on request.

Given the lengthy waiting lists at court to obtain a Financial Dispute Resolution hearing and the uncertainty which can continue to exist even after such hearings it is hoped that this service will prove useful to those firms wishing to resolve matters more speedily and efficiently for their clients.