

Remote Private FDRs in Family Finance Cases: A Service and Guide for Solicitors

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Introduction

1. **Members of the Family Finance Team offer solicitors a service to conduct remote private FDRs through St John's Chambers: selecting the private FDR Leader of their choice who conducts the FDR remotely via a video-conferencing platform.**
2. Private Financial Dispute Resolution meetings ('PFDRs') have always been an excellent option for parties looking to settle their family finance disputes quickly, confidentially and cost-effectively. They are also encouraged as a method of Alternative Dispute Resolution by the new Financial Remedies Court (FRC) Protocol.
3. The recent COVID-19 crisis underlines the usefulness and flexibility of the PFDR. The PFDR meeting is normally held in Chambers with all parties present (and in person); however, whilst Government restrictions on people's movements are in place, the PFDR meetings are extremely well-suited to being conducted remotely.
4. This short document sets out the **Remote PFDR** service now offered by members of the Family Finance Team at St. John's Chambers.
5. PFDRs are suited to almost all legal disputes in the arena of family finance including financial remedy on divorce or dissolution of a civil partnership, Schedule 1 claims and trust and other related property disputes between unmarried couples. As the FRC Protocol points out, PFDRs may be used to resolve discrete issues as well as to settle the whole claim.

The PFDR in outline

6. The PFDR is a meeting led and managed by the 'Judge', who is a senior, specialised and experienced member of Chambers: this person is called the **PFDR Leader**. The parties are able to instruct the PFDR Leader of their choice. The parties' discussions and negotiations during the PFDR are, of course, without prejudice.
7. The PFDR Leader is dedicated solely to the parties and their case for the duration of the day. The parties are represented by their solicitors and/or Counsel and are also present at the meeting. The PFDR Leader is sent an e-bundle of agreed documents prior to the meeting and those documents will have been read in advance. The main component of the PFDR is the Leader's 'indication' – very similar to the procedure adopted by a Judge in court – as to the likely outcome for the parties to the dispute or in relation to any contested points of legal principle: this is termed the **Leader's Guidance**. Without the practical and contextual pressures of 'being at court', the parties are encouraged to use the day to negotiate but can revert to the PFDR Leader at any point for further guidance on any outstanding issues. If the parties reach an agreement, the lawyers are able to submit the consent order to the Family Court with a recital explaining that the agreement was reached at a PFDR meeting.
8. For any solicitors who need assistance with compiling an e-bundle or in using a remote video platform for the PFDR, members of the Family Finance team are happy to assist and offer any support that may be required.

The Remote PFDR in outline

9. The Remote PFDR is conducted in a similar manner to the in-person PFDR, albeit that the Leader, the parties and their lawyers attend remotely and via an agreed video conferencing platform. All the people involved in the meeting can attend remotely from their own locations: all that is needed is a reliable internet connection.

10. Members of the Family Finance Team are able to use and host PFDRs using a number of agreed video-conferencing platforms including, for example, Zoom Pro. The agreed bundle of documents and any skeleton arguments are sent to the PFDR Leader in advance (in PDF format) so that all parties have access to the same set of electronic papers. Instructions to join the PFDR are sent to the lawyers in advance and the management of the remote PFDR is conducted by the Leader.
11. The video-conferencing platform is flexible and intuitive and enables the Leader to host plenary meetings (with all participants present) alongside private digital 'breakout' rooms for both lawyer-to-lawyer discussions and for lawyer(s)-to-client conferences, as and when required during the remote PFDR meeting. Contact can also be maintained through other communication channels as the lawyers and clients may choose, for example, WhatsApp.
12. Documents or pages within the PFDR bundle can be shared and exchanged on-screen during the meeting or via email, as appropriate. Offers and proposals can also be exchanged between the parties via email or in the dedicated lawyer-to-lawyer channel.
13. Security and confidentiality is important. It is essential that all participants have confidence in the remote process. We will discuss and agree a video conferencing platform on which all participants are content to depend for the remote PFDR. One option is Zoom Pro, which is intuitive and is being used to conduct trials in the High Court (involving Sir Mark Hedley and Judd J, just to name a few examples); it is GDPR compliant (paragraph 5.20.1 of 'Remote Access Family Court Version 3) and features in the Remote Access Family Court guidance as a useful platform for court hearings. The PFDR Leader will set up private channels prior to the PFDR meeting to which only certain named participants can gain access. These private channels provide the digital 'breakout' rooms for the lawyer-to-client conferences and, separately, the lawyer-to-lawyer discussions. These private channels will, as best as possible, imitate the practices we are so used to during FDRs in the Family Court.

14. Prior to the remote PFDR the Leader will set up a practice link to ensure that all participants are able to join and participate in the meeting on the day.

The Remote PFDR benefits

15. The Remote PFDR has a significant list of benefits for lawyers and clients alike, particularly in the context of the COVID-19 crisis:
- a. **Cost:** the parties split the cost of instructing the PFDR Leader between them;
 - b. **Focus:** each PFDR is tailored to the circumstances of the case and the nature of the particular dispute;
 - c. **Time:** the meetings are scheduled for the day, on a date to suit the parties, faster than a court listing (and without the current obvious risk of adjournment), and the time pressures of court attendance are removed;
 - d. **Quality:** all documents will be read in advance and the parties can be assured of a fully-informed PFDR;
 - e. **Flexibility:** each PFDR meeting can respond to the nuances of the particular dispute and the direction and pace of the parties' negotiations on the day.

NB, depending on the dispute and the chosen method of Alternative Dispute Resolution, Chambers also offers remote mediation and arbitration.

Further information and contact details

16. For further information and to discuss instructing a Member of the St John's team to act as a PFDR Leader, please contact the clerks below:

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17. The members of the Family Finance team offering the remote PFDR include Christopher Sharp QC, Nick Miller, Andrew Commins, Jody Atkinson, Zoe Saunders, Richard Norman, Jacqueline Humphries, Dianne Martin and Lucy Reed.