



# Guide to legal costs

## Family Law Financial Cases

**Legal costs** are hard to predict with accuracy. There are lots of variables, such as the complexity of assets and issues, the seniority of lawyer instructed, the personalities of the parties, and the stage at which everything is resolved or determined. Our charges are calculated on the amount of time we spend, so the longer things take, the more it will cost. To help you understand what might be payable, here is a simplified explanation of the standard court process (when an application is made for the court's help in separating parties' finances on divorce), followed by a summary of the average range of costs for each stage. Your lawyer will talk you through your own particular case and how predicted costs might be higher or lower than these figures, depending on the circumstances of your case.



## FDA

The 'First Directions Appointment' is the first court hearing. By this stage, we'll have compiled and exchanged financial disclosure with your spouse, and had the chance to put together a list of any questions we want to ask. If your case is complex, we may have had a meeting with a specialist barrister, investigated possible experts to instruct such as actuaries, business valuers and chartered surveyors, and prepared draft instructions to them. The Judge at the hearing decides which questions need to be answered, and orders directions for the timetable of things like expert reports, replies to questions and the date of the next hearing.

## FDR

This second hearing or 'Financial Dispute Resolution' hearing is effectively a court-led mediation and if your case hasn't already been resolved by this stage, this a very good opportunity to reach an agreement. By the time this hearing takes place we should have full financial disclosure from your spouse, all the important queries answered, and the reports from any valuation experts. Most importantly, we will also have worked with you (and your barrister if one is instructed) to put together a comprehensive proposal for settlement. We should also have received your spouse's proposal. The FDR can take all day as with the Judge's help, issues are narrowed and everyone works hard to broker an agreement that's acceptable to both parties. In our experience, the vast majority of cases settle at this stage, if not sooner.

## Trial

In the rare case that you still haven't reached an agreement following the FDR, a final hearing/trial is listed by the court. Both you and your spouse will most likely have to confirm information to the Judge at the hearing and answer questions from each other's barristers. Any experts that have prepared reports during the proceedings may also have to speak to the Judge and be questioned by the barristers. Due to constraints on judicial availability, and because a trial could take several days, the timing of the trial could be at least 6 months after the FDR hearing. In preparation for the trial, we will have prepared and exchanged with your spouse a very detailed document called a 'narrative statement' setting out your case in detail, and explaining why the court should make the orders that you are requesting. We'll have met with your barrister to help them prepare, and will have had to prepare and exchange open proposals for settlement with your spouse.

# Estimated costs in contested proceedings



The estimated costs listed below shows our fees, and examples of the types of third party costs that may need to be incurred (also called 'disbursements'). We have broken the costs down into three stages, so that each stage includes all work up to and including the particular court hearing. All costs listed are **exclusive of VAT**. Costs at the lower end of the scale represent those cases that are managed by junior solicitors in the team (supervised as required) and involving straight forward assets so no expert fees are incurred. Costs at the higher end of the scale generally involve high net worth and complex assets, often involving other jurisdictions, multiple expert reports and the instruction of a senior barrister; these cases are managed by senior solicitors in the team, assisted by junior solicitors where appropriate. We do our utmost to ensure that work is delegated appropriately within the team to ensure that our clients receive the best possible service in the most cost effective way. Please note that the below estimates do not include discrete applications that may prove necessary and would therefore incur additional charges. It also does not include the cost of a private FDR Judge or Arbitrator and their charges would be discussed and agreed with you separately if it is appropriate to appoint one with your spouse's agreement.

## FDA

<b>Hedges Law</b>	<b>£5,000 - £20,000</b>
Barrister (dependent on seniority)	£1,000 - £5,000

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## FDR

<b>Hedges Law</b>	<b>£10,000 - £40,000</b>
Barrister	£1,500 - £10,000
Expert report by a pension actuary	*£1,500 - £2,500
Expert report by a chartered property surveyor	*£500 - £5,000
Expert report by a business valuer	*£5,000 - £10,000
Expert report on taxation	*£500 - £5,000

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## TRIAL

<b>Hedges Law</b>	<b>£10,000 - £40,000</b>
Barrister	£5,000 - £20,000
Expert fees to attend the hearing (per expert)	*£500 - £2,500

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## SUBTOTALS OF ESTIMATED COSTS

<b>FDA</b>	<b>£6,000 - £25,000</b>
<b>FDR</b>	<b>£11,500 - £62,500</b>
<b>Trial</b>	<b>£15,000 - £61,000</b>

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**TOTAL ESTIMATED COST:** £32,500 - £150,000

\*These disbursements are excluded from the lowest estimate and included at the top rate in the highest estimate

# Costs that could be incurred following a final financial order



These costs are estimated in line with the above approach and are listed **exclusive of VAT**. Please note that the below estimates do not include discrete applications that could prove necessary and would therefore incur additional charges.

## IMPLEMENTATION OF AN ORDER

Following an order being made, whether by an agreement or as determined by a Judge or Arbitrator, there are likely to be some matters that need implementing. These estimated charges include the time spent by our team assisting with implementation to include for example, sending the necessary paperwork to pension trustees to effect pension sharing and liaising with your chosen property lawyer to transfer any property. This estimate does not include the legal costs and disbursements that are incurred by third parties such as conveyancers when transferring property (for the avoidance of any doubt, this includes members of the Property Team at Hedges Law) and/or fees charged by pension trustees to implement pension sharing.

**Hedges Law**

**£500 - £5,000**

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## APPLYING TO THE COURT TO ENFORCE OR VARY AN ORDER

We will write to your former spouse before making a court application and seek to resolve matters out of court first. If we can't resolve the matter that way, then court proceedings are likely to be dealt with across two hearings. The process is broadly similar to the original proceedings outlined on page 1 but in a streamlined format, depending upon complexity and what is being asked of the court. For this reason, costs can still be quite high but not as large as the original proceedings. The estimate below ranges from settling matters swiftly without court proceedings, and at the higher end, concluding at a Final Hearing following court proceedings.

**Hedges Law**

**£3,000 - £30,000**

Barrister

**£1,000 - £10,000**

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# Estimated costs of non-court matters



As above, all of these estimated costs are **exclusive of VAT**.

## COHABITATION AGREEMENTS, PRENUPTIAL AGREEMENTS AND SEPARATION AGREEMENTS

To include putting together and exchanging with your spouse a basic level of financial disclosure, assisting with negotiations and drafting the agreement.

**Hedges Law**

**£2,500 - £10,000**

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## VOLUNTARY FINANCIAL DISCLOSURE

When court proceedings are not issued, we still need to have some financial disclosure in order to advise you as to what an appropriate settlement would be. Dependent upon your circumstances and the complexity of your assets, we will normally mirror the court process in terms of the exchange of information, having the chance to raise appropriate questions, and secure expert advice on matters such as pensions, and obtain valuations where necessary. Therefore the cost can be the same as costs incurred when in court proceedings.

**Hedges Law**

**£1,000 - £50,000**

Expert reports

As listed above

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## NEGOTIATING A SETTLEMENT

This includes for example, advising on offers to make and those received, drafting comprehensive proposals and counter-proposals, consulting a specialist barrister in complex cases.

**Hedges Law**

**£1,000 - £20,000**

Barrister (advising in conference - cost of each conference)

£1,000 - £5,000

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## DRAFTING AND NEGOTIATING THE TERMS OF A FINAL ORDER

You may be able to reach agreement without our assistance, whether by talking to your spouse directly, or with the help of a mediator. Our help might be limited to just advising on the best way to record your agreement in an order of the court to make it binding, and then drafting that for you. Alternatively, you may want us to advise you during the mediation process, and provide advice on the fairness of your agreement. There may be some negotiation required with your spouse's solicitor as to how to embody the terms of your agreement fairly in the final order. We will also need to help with the summary financial disclosure required by the court to be filed with the order.

**Hedges Law**

**£1,000 - £10,000**