

Preparing for a Financial Remedies Final Hearing

Strategic, procedural and evidential preparation for solicitors

Practical guidance on preparing, structuring and presenting cases at the final stage of proceedings

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- Clarify the judicial task at a Financial Remedies Final Hearing
- Identify the strategic decisions that should be made well before trial
- Focus preparation on the evidence that is likely to matter
- Improve advocacy through disciplined issue selection and clear case presentation

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- The court must identify the available resources, assess needs and determine a fair outcome
- The exercise is evaluative: reliable figures and practical proposals are more useful than narrative
- The judge will expect the case to be presented through a coherent asset schedule and a realistic route to order
- Preparation should make the judge's task easier, not more complex

- Decide early whether the case is primarily about needs, sharing, compensation or a combination
- Identify whether there are live arguments on non-matrimonial property, add-back, conduct or liquidity
- Reduce the dispute to a short list of outcome-determinative issues
- Ensure the client's proposal can be explained simply and defended logically

- Check that Form E disclosure remains accurate and internally consistent
- Obtain up-to-date values for property, liabilities, mortgages, pensions and business interests
- Use section 25 statements to present evidence, not grievance or commentary
- Test whether every evidential point advances the proposed order

- Asset schedule: agreed where possible, with disputed figures clearly identified
- Chronology and reading list: short, usable and focused
- Section 25 statement: structured around the statutory factors and the proposed outcome
- Skeleton argument: law, facts, application and draft order in one clear roadmap

- Housing need is often the decisive issue, especially in medium-asset cases
- Support housing positions with market evidence, mortgage capacity and realistic property searches
- Separate genuine need from aspiration or lifestyle preference
- Use income schedules that are clean, justified and proportionate

- Conduct should only be pursued where it is truly exceptional and outcome-relevant
- Add-back requires a clear evidential basis for wanton or reckless dissipation
- Weak satellite arguments dilute stronger points and can damage credibility
- The best advocacy is selective: pursue only what is likely to matter to the result

- Cross-examination should be targeted at concessions, unreliability and practicality
- Keep the focus on what order the court can safely make on the evidence
- Present alternatives where necessary, but maintain a primary, realistic proposal
- Use submissions to synthesise the case rather than repeat witness material

- Update all core financial evidence
- Narrow disputes on the asset schedule and draft order
- Check housing and income evidence against the remedy sought
- Refine the skeleton argument around the actual issues in dispute
- Review offers and settlement position with costs and litigation risk in mind

- Successful final hearing preparation is about clarity, credibility and discipline
- Well-prepared cases are easier for judges to decide and easier for clients to understand
- Solicitors add most value by identifying the real issues early and preparing evidence around them
- The aim is a focused presentation consistent with current best practice and the realities of trial