

# Alternative resolution conference (ARC) - a new approach to resolving financial disputes in divorce

**The alternative resolution conference, or ARC, is a new way for separating and divorcing couples to resolve financial disputes without need for court proceedings.**

The service, pioneered by a network of Gloucestershire law firms, offers private, independent settlement meetings for those locked in dispute over finances, while avoiding the costs, delay and stress often associated with court proceedings.

## How does an ARC work?

You and your spouse or partner are represented separately by your own expert solicitor. An independent, specialist family barrister assumes the role of 'the judge', hearing the arguments put forward by both solicitors. He then provides his assessment of what is likely to happen if the case were to proceed to a court hearing.

## Where does the conference take place?

An ARC can be arranged at a place convenient for the couple. Often but not necessarily, it will be in one of the lawyers' offices.

## What about the cost?

The cost of the ARC is shared equally between the couple since the expert barrister is instructed on a joint basis.

## What are the advantages of ARC?

- The scheme is voluntary and confidential and can be accessed at any stage.
- The process is tailored to the couple's own circumstances rather than to rigid, standard and often long-drawn-out court procedures.
- Resolution may be achieved much more quickly than by the traditional process.
- The individuals have more control and are able to ask questions and make further representations if they wish.
- Crucially, the barrister has the opportunity to consider the papers well in advance of the meeting and is able to identify any missing information (something that often leads of delay in the court process).
- The barrister is able to consider the papers in much greater detail than a busy court judge.
- Early neutral evaluation is an effective way to achieve early settlement and avoid costs escalating.

## Who runs the scheme?

The scheme, believed to be the first of its type in the UK, is a collaboration between three Gloucestershire law firms, Willans LLP, Tayntons LLP and Rickerbys LLP, in association with Albion Chambers in Bristol.

This group of family law professionals have come together as a network to offer a speedier and more flexible approach, with a choice of solicitors to act for both parties.

## How does ARC differ from the traditional court route?

One key difference is that currently, a couple who disagree on the financial split will generally attend three court hearings and possibly more. The second of these is normally a financial dispute resolution hearing (FDR). This takes place before a judge, who indicates the likely outcome if the case proceeds to a final hearing. He then encourages the couple to try to reach a compromise based on his indications. If they cannot reach a compromise, the case would proceed to a final hearing.

By contrast, ARC generally involves only one conference. The couple go to a barrister, who has been fully briefed by the solicitors acting for each of them. The solicitors present the case fully to the barrister. After considering all the documentation and the submissions put forward on behalf of the couple, the barrister gives his assessment of what is likely to happen if the case were to proceed to a final hearing. Effectively, ARC is an FDR-type hearing without having to involve the court.

## Why not just follow the traditional court route?

For many, a court is not the best forum in which to resolve the difficult financial issues associated with the break-up of a relationship. This view has been endorsed by Parliament in the Family Procedure Rules, introduced in April 2011, which state: *"There is a general acknowledgement that an adversarial court process is not always best suited to the resolution of family disputes ..."*.

## Is the agreement binding?

As with court-based financial dispute resolution, all discussions are on a 'without prejudice' basis. When agreement is reached, the details can be prepared for approval by the court. Once approved, this becomes a binding court order known as a consent order.

## Contact

For more information or to discuss arranging an ARC, please contact James Grigg, head of our family law department.

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