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Early Neutral Evaluation (ENE)

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Early Neutral Evaluation (ENE)

Early Neutral Evaluation (ENE) is a form of Non Court Dispute Resolution. A neutral third party, often an experienced solicitor or barrister, assesses the merits of the case early on in the case. This process can be used for both children and financial matters. Having received full details as well as the parties respective positions, the neutral evaluator provides an objective analysis, helping the parties understand the strengths and weaknesses of each party's case. This indication to encourages agreement. This evaluation can be provided by way of a paper exercise or the parties can agree for them and the evaluator to attend in person to try and encourage a faster paced negotiation.

Purpose of ENE

- Offer an impartial assessment of the case early on in the process.
- In turn this manages expectations and encourages realistic settlement discussions.
- Clarifies key issues and evidence.
- Reduce litigation costs and time.

Benefits of ENE

- **Cost-Effective** Reduces the financial burden compared to full litigation.
- **Time-Saving** Expedites dispute resolution.
- **Confidential** Offers a private setting, unlike public court proceedings.
- **Non-Binding** The evaluator's opinion is advisory, not mandatory.

Process Overview

(1) Selection of the Neutral Evaluator

Parties mutually agree on a qualified neutral evaluator with expertise relevant to the dispute.

(2) Pre-Evaluation Submissions

Each party submits the details of their case, key evidence, and what they consider to be pertinent legal arguments.

(3) Evaluation Session

The neutral evaluator reviews submissions, listens to presentations from both sides, and may ask clarifying questions.

(4) Feedback and Analysis

The evaluator provides an unbiased assessment, identifying strengths, weaknesses, and potential outcomes should the case proceed to a final hearing, where a judge or arbitrator will impose a decision on the parties.

(5) Post-Evaluation Discussions

Parties may engage in settlement negotiations, informed by the evaluator's feedback. This can be done in a number of ways and we will advise you the most effective way depending on your circumstances.

Frequently Asked Questions (FAQs)**What types of cases are suitable for ENE?**

Both children and financial matters, which arise upon separation or divorce. ENE may not be suitable for all disputes, particularly where parties are unwilling to compromise or when factual disputes are complex and require extensive evidence.

Is participation in ENE mandatory?

Participation is voluntary but should be considered as a means of non court dispute resolution prior to issuing court proceedings.

How long does an ENE session typically last?

The duration varies depending on the case complexity but generally ranges from a few hours to a full day. Or the evaluation can be a written exercise with both parties then using the evaluators opinion to negotiate.

Can the evaluator's opinion be used in court?

No. The ENE process is confidential, and the evaluator's opinions are not admissible in court proceedings.

What if we don't reach a settlement after ENE?

If no settlement is achieved, parties can proceed with litigation or explore other ADR methods like mediation or arbitration.

Do I still need a solicitor if I participate in ENE?

Yes, having legal representation ensures your interests are effectively presented and you receive proper legal advice throughout the process, ensuring that you are able to negotiate with informed pragmatism.



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