

CAYMAN ISLANDS



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PRACTICE DIRECTION No. 3/2019



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**PROCEEDINGS IN THE FAMILY DIVISION
OF THE GRAND COURT: COSTS ESTIMATES**

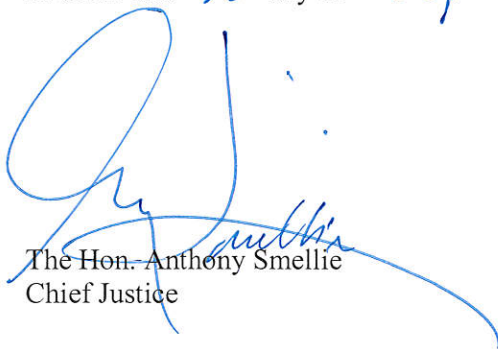
The costs incurred in the Family Division of the Grand Court are, in a great number of cases, disproportionally high in relation to (i) the value of assets involved; or (ii) the realistic amount of child/spousal maintenance being claimed, or (iii) the nature of the children issues. Often a Judge will be unable to make a realistic determination in financial ancillary relief proceedings without an indication of costs incurred and/or an approximate indication of anticipated costs of each side. It is, moreover, in the interests of the parties themselves that each should be aware, throughout the proceedings, of the actual and potential liability for costs.

Therefore:

- (1) Subject to paragraph (2), no later than 3 p.m. on the last working day prior to each court hearing each party shall exchange with each other and deliver to the court a written estimate in Form A of the costs incurred by him or her up to the date of that hearing.
- (2) Not less than 14 days before the date fixed for the final hearing of an application for ancillary relief, each party must (unless the Court directs otherwise) file with the Court and serve on the other party a statement in Form B giving full particulars of all costs in respect of the proceedings which he or she has incurred or expects to incur, to enable the court to take account of the parties' liabilities for costs when deciding what order (if any) to make for ancillary relief.

Non-compliance with this Practice Direction may have a consequence. To the extent necessary for the proper management or disposal of the case that compliance be insisted upon, orders for costs can be made against either party in default or against defaulting lawyers. Those who default may find that their case is put to the end of the court list or the case may be taken out of the list altogether.

DATED this 25th day of September 2019



The Hon. Anthony Smellie
Chief Justice

Attachments: Form A
Form B

Form A

(Heading in the Cause)

ESTIMATE OF COSTS

[Petitioner]
[Respondent] (Husband / Wife)

Estimated costs incurred up to and including the current hearing

	Apportionment (Please provide approximate breakdown, if known)			Total Costs CIS
	<u>Main Suit</u>	<u>Children</u>	<u>Ancillary Relief</u>	
1. Attorney's Costs <i>(include any costs incurred by previous attorneys, whether privately instructed or assigned by the Director of Legal Aid)</i>				
2. Disbursements <i>(include any disbursements incurred by previous attorneys, whether privately instructed or assigned by the Director of Legal Aid)</i>				
SUB-TOTAL:				

I acknowledge that these costs have been brought to my attention.

Signed

(Name of party)

Signed

(Name of Firm of attorneys)

Date:

Form B

(Heading in the Cause)

ESTIMATE OF COSTS

[Petitioner]
[Respondent] (Husband / Wife)

Estimated costs after the current or last hearing up to and including the Trial

	Apportionment (Please provide approximate breakdown, if known)			Total Costs CIS
	<u>Main Suit</u>	<u>Children</u>	<u>Ancillary Relief</u>	
1. Attorney's Costs <i>(include any costs incurred by previous attorneys, whether privately instructed or assigned by the Director of Legal Aid)</i>				
2. Disbursements <i>(include any disbursements incurred by previous attorneys, whether privately instructed or assigned by the Director of Legal Aid)</i>				
SUB-TOTAL:				

I acknowledge that these costs have been brought to my attention.

Signed

(Name of party)

Signed

(Name of Firm of attorneys)

Date: