



Gavin Smith

Gavin Smith has over 25 years' experience as a specialist family law barrister, dealing with all types of financial remedy proceedings following relationship breakdown. In addition to his general practice, his main areas of expertise are: the international and domestic enforcement of maintenance orders (on which he has written widely); disputes concerning international jurisdiction and forum; financial applications for children under the Children Act 1989; drafting pre- and post-nuptial agreements, separation agreements and cohabitation agreements. Gavin also undertakes private law disputes concerning children. He accepts Public Access instructions in suitable cases.

In parallel with his work as a barrister, Gavin has an expanding private dispute resolution practice as an arbitrator, mediator and private FDR judge.

Gavin is described by Chambers and Partners as 'well regarded for his well-established arbitration practice.'

He qualified as a family arbitrator at the outset of the IFLA scheme in 2012. His arbitrations range from full final hearings, at which the parties are represented by counsel, to adjudications made on the basis of written evidence and submissions alone. He is co-founder of the award-winning website FamilyArbitrator.com and its parallel LinkedIn discussion group.

Gavin was the arbitrator in the two cases involving the IFLA scheme to have been reported thus far. In the landmark case of *S v S* [2014] EWHC 7 (Fam) the President of the Family Division endorsed the principles of the scheme and gave important guidance on how judges should deal with applications for court consent orders based on arbitration awards. After that arbitration one of the solicitors involved wrote "We agreed upon Gavin Smith as someone whose judgment and technical knowhow would deliver on [the] goals and whose personal skills would make it as benign an experience as possible." (Resolution Review, March/April 2014).

In *DB v DLJ* [2016] EWHC 324 (Fam) Mostyn J rejected a challenge to Gavin's award

based on a supervening Barder event and / or mistake as to the value of a property. Mostyn J described the award as “a thorough, conscientious and clear piece of work. Its quality is a testament to the merit of opting for arbitration.”

At the end of another arbitration one of the counsel wrote: “May I say how impressed [the instructing solicitor] and I were with the way in which you handled everything ... The whole experience was a million times better than the lottery at the CFC.”

Gavin is available to undertake arbitrations of all kinds, from single issue disputes to those involving the full range of financial remedy claims, and from high value cases to ones where the parties’ resources are very modest. Details of his availability and fees may be obtained from his clerk James Collier at james@1hc.com.

Gavin also conducts private FDRs, alongside his mediation practice, and is qualified as a collaborative lawyer. He keeps up to date with legal change by co-editing the financial practitioners’ ‘bibles’, At A Glance and @eGlance, and co-authoring the Financial Remedies Practice (published annually). He has an excellent working knowledge of French and has some German.