Evident Valuations

CLARITY WHEN VALUE MATTERS

A PRACTICAL RESOURCE FOR LEGAL PRACTITIONERS

Family lawyer's valuation briefing pack.

Prepare a clear business or share valuation brief for a family law financial matter.

Use the pack in three stages

- ☐ **Before sending documents**
  Describe the proposed assignment and ask about conflicts, suitability and availability. Send only the minimum identifying information requested for those checks.

- ☐ **When settling the brief**
  Identify the exact interest, relevant date, questions to be answered, appointment arrangements and intended use. Your legal team settles the instructions and court process.

- ☐ **After engagement is agreed**
  Provide authorised records through the agreed secure channel, with an index and a clear account of gaps, disputed facts and deadlines.

A preparation aid for the conversation

This pack is not a letter of instruction, expert report, court form or legal advice. It does not appoint Evident Valuations or establish that a particular engagement will be accepted. Scope, competence, independence, conflicts, timing and written terms must first be agreed.

Do not attach privileged communications, court bundles or sensitive client financial records to an initial website enquiry. Discuss authority, relevance and the transfer method with your legal team before disclosure.

Business and unlisted share valuation enquiries across Australia, from Milsons Point, Sydney.
evidentvaluations.com.au/contact/ | info@evidentvaluations.com.au

01 / DEFINE THE ASSIGNMENT

The interest.
The date. The question.

Clarify these points before deciding on a report format or timetable. A company, its operating business and a particular shareholding are different valuation subjects.

Legal owner, business/entity and exact asset or ownership interest:

Share class, percentage interest, rights and restrictions to consider:

Valuation date(s), purpose and why each date is relevant:

Specific valuation questions, proposed basis of value and intended users:

Proposed appointer, instructing lawyers and appointment status:

Report deadline, mediation/hearing dates and timetable constraints:

Flag whether the proposed role is a jointly instructed single expert, a court appointment or another form of advice. Ask about availability for any proposed later questions, conference or attendance; these are not automatically included in a report engagement.

02 / SETTLE INSTRUCTIONS AND PROCESS

Give the analysis a clear framework.

The instructing lawyer should confirm the applicable jurisdiction, current rules, practice directions and orders. FCFCOA materials below are a starting point; check the requirements of another court where relevant.

- ☐ **Written instructions and questions**
  Rule 7.13 addresses written instructions, the report request, anticipated or actual proceedings, the issues and relevant information. Settle agreed facts or the required treatment of disputed facts before briefing.

- ☐ **Independent role**
  Under rule 7.18, an expert witness's duty to the court takes priority over the obligation to the instructing or paying party. Frame questions neutrally and identify material that may point against an initial position.

- ☐ **Court process and reliance**
  The lawyer settles appointment and permission questions, disclosure, report form, service and intended reliance. Check rules 7.10-7.22 and relevant orders; this pack does not establish compliance or admissibility.

- ☐ **Current directions**
  Provide the applicable rules and directions. FCFCOA's AI Practice Direction, paragraph 4.10, also addresses providing that direction to a private expert and certification that it has been read.

- ☐ **Engagement and communications**
  Confirm accepted scope, fees, payment arrangements, deliverables, timetable and an appropriate communication protocol. Record how further instructions, corrections and requests for documents will be handled.

Orders, disputed assumptions or process points for the lawyer to resolve:

Sources: FCFCOA (Family Law) Rules 2021, Part 7.1; FCFCOA Practice Direction: Use of Artificial Intelligence. Recheck at the time of instruction.

03 / PREPARE AN INDEXED EVIDENCE PACK

Records to discuss with the valuer.

The final document request should follow the agreed scope. Record the period, source, version and status of each item. Explain missing records rather than replacing them with unsupported estimates.

- ☐ **Ownership and agreements**
  Structure chart, share register, constitution, shareholder agreements, trust or partnership documents where relevant, options and recent ownership changes.

- ☐ **Financial performance and outlook**
  Annual financial statements and tax returns for requested periods; current management accounts; monthly trading; dated forecasts with assumptions and budget comparisons.

- ☐ **Balance sheet and funding**
  Cash, borrowings, shareholder and related-party loans, aged debtors and creditors, stock, fixed assets, leases, guarantees and contingent liabilities.

- ☐ **Owner roles and earnings adjustments**
  Responsibilities, time commitments, remuneration and benefits; related-party rent and charges; proposed non-recurring items with explanations and supporting records.

- ☐ **Commercial drivers and risks**
  Revenue mix, customer concentration, material contracts, key staff, supplier dependence, intellectual property and licences. Use aggregated or redacted information where appropriate.

- ☐ **Relevant transactions and dated events**
  Prior valuations, share issues, offers, sale discussions and material changes. Preserve information relevant to the valuation date and identify when later information became available.

Keep the document index aligned with the files supplied. Let the lawyer address privilege, confidentiality, disclosure restrictions and authority to share. Agree any necessary redaction without obscuring relevant valuation evidence.

04 / TURN THE BRIEF INTO A WORKABLE PLAN

Outstanding questions. Next steps.

☐ **Confirm readiness**
Have conflicts and suitability been considered, the appointer identified and written engagement terms accepted? What remains conditional?

☐ **Agree the evidence timetable**
Who will coordinate each record, resolve gaps and provide answers? Allow time for analysis after the relevant information is available.

☐ **Check the handover**
Confirm authorised recipients, intended use, report format and any separate scope for clarification, updates, conferences or attendance.

Unresolved question / responsible person / target date:

Next action agreed:

Discuss a proposed assignment

Start your valuation enquiry or contact Evident Valuations.
info@evidentvaluations.com.au
Suite 805, 6A Glen Street, Milsons Point NSW 2061

Keep the initial enquiry to purpose, broad business type and timing. We can then discuss the information needed to consider the proposed engagement. An enquiry does not create an engagement or guarantee acceptance.

Official reading
FCFCOA (Family Law) Rules 2021 - Part 7.1
FCFCOA - Expert witnesses in family law
FCFCOA - Use of Artificial Intelligence Practice Direction

Evident Valuations is a brand and division of Platinum Accounting Solutions Pty Ltd (ABN 52 135 921 676). General preparation guidance only. We do not provide direct real-property valuations. No court appointment, approval, acceptance of evidence or outcome is represented or guaranteed.