



Date: **01.02.2017**  
Venue: **Grange Tower Bridge Hotel, 45 Prescott Street, London E1 8GP**  
CPD: **5 hrs**

# TGC Costs Conference 2017

Retainer to Recovery,  
A Journey through Modern Litigation  
Wednesday 1st February 2017

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# Retainer to Recovery, A Journey through Modern Litigation

**Temple Garden Chambers Costs Conference**  
1st February 2017

Whether we like it or not, in the current climate, civil litigators at all levels need to be experts in costs issues, whether when grappling with cost budgets, understanding 'proportionality' or dealing with fixed costs.

This Conference will bring together a variety of experts from the costs industry. They will explore the modern day costs issues in this fast developing field. The conference format is deliberately structured to inform and excite debate with a series of topical presentations.

In addition to barristers from TGC we have a keynote speech from Lord Justice Burnett, insight from Master Roberts on the fixed fee proposals, the new outlook from the SCCO from recently appointed Costs Judge Whalan, and interactive participation regarding modern day ATE insurance and Litigation funding.

Temple Garden Chambers is widely regarded as one of the leading chambers in the field of costs litigation. The variety of experience, ranging from silks to numerous well-regarded juniors, has resulted in consistently high rankings for TGC in the legal directories for costs work.

We invite you to attend this complimentary one day conference which is intended to cover all modern day costs issues throughout the litigation process. Refreshments and lunch provided followed by a complimentary drinks reception to conclude the event.

## **Venue**

**Grange Tower Bridge Hotel,  
45 Prescot Street, London E1 8GP**

## **Delegates**

**Solicitors, Costs Lawyers, Insurers,  
Funders & Experts**

## **Cost**

**Complimentary  
(registration required)**

## **CPD**

**5 hrs**

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**#tgc costs**

9.00	<b>Coffee &amp; Registration</b>	
9.30	<b>Key Note Address</b>	Lord Justice Burnett & Simon Browne QC (Seminar Chair & Co-ordinator)
9.45	<b>Retainers &amp; Assignments</b>	Shaman Kapoor & Master Rowley, Costs Judge, Senior Courts Costs Office
	<b>Retainer</b>	
	<ul style="list-style-type: none"> <li>• Drafting pitfalls</li> <li>• Identifying parties; client; opponent; case; subject matter; hourly rate; annual increases, impact of assessment; cancellation regulations / provisions; definition of "WIN"</li> </ul>	
	<b>Assignment</b>	
	<ul style="list-style-type: none"> <li>• Why assign? – pre-April 2013 CFAs carry success fee</li> <li>• Law of Assignment</li> <li>• Law of Novation</li> </ul>	
10.15	<b>Litigation Funding – Panel Discussion</b>	Chair: Simon Browne QC
	Open panel discussion about how funders are assisting in	Harbour Litigation Funding: Stephen O'Dowd
	<ul style="list-style-type: none"> <li>• Making litigation more accessible;</li> <li>• Making litigation commercially runnable;</li> <li>• Underwriting criteria;</li> <li>• Availability to (what commercial litigators consider to be) low value litigation sub GBP10m;</li> <li>• High value commercial litigation;</li> <li>• Personal injury and clinical negligence work.</li> </ul>	Therium: Nick Moore
		Balance Legal Capital: Simon Burnett
		Temple Legal Protection: David Pipkin
10.45	<b>ATE Premiums</b>	Richard Boyle & Matthew Waszak
	A talk on the issues facing practitioners when seeking to recover or oppose recovery of ATE premiums. The talk will consider the recovery of pre-LASPO ATE premiums and whether the LASPO changes have had any influence on recovery of those premiums. The talk will also consider the recovery of post-LASPO ATE premiums and how the LASPO changes have affected the recovery of these premiums.	
11.15	<b>Coffee Break</b>	
11.45	<b>Proportionality: how is the changed rule operating in practice?</b>	James Laughland & Philip Daval-Bowden, Senior Managing Partner, Masters Legal Costs Services LLP
	<ul style="list-style-type: none"> <li>• How is proportionality dealt with in cases that include costs incurred both before and after 1.4.13</li> <li>• The differing interpretations of proportionality that have been applied by different judges</li> <li>• Should there be a different test for proportionality depending on the value of the claim</li> <li>• How is proportionality treated differently in different types of cases</li> <li>• Is proportionality only to feature as an issue at the assessment stage</li> <li>• Is an approved costs budget a complete answer to proportionality?</li> </ul>	

12.30	<b>Costs Budgeting</b> A look at recent developments in relation to cost budgeting, including the latest cases on sanctions for late filing of budgets and consideration of the issue of revising budgets	Richard Wilkinson
13.00	<b>Networking Lunch</b>	
14.15	<b>Part 36</b> A talk on the most recent changes to Part 36 and common issues which arise in its application. The talk will cover tactical considerations for litigators and recent cases of interest	Ben Casey & David White
14.45	<b>QOCS</b> <ul style="list-style-type: none"> <li>• Appeals</li> <li>• Part 20 proceedings</li> <li>• Strike out</li> <li>• Fundamental dishonesty</li> <li>• Bringing proceedings on behalf of another</li> </ul>	Mark James
15.15	<b>Coffee Break</b>	
15:45	<b>Fixed Costs</b> <ul style="list-style-type: none"> <li>• Summary of the fixed costs regime</li> <li>• Normal exceptions to the regime, applying for additional costs in exceptional circumstances and what that means</li> <li>• Part 36: the benefit of beating an offer, costs assessed on the indemnity basis from date of expiry</li> <li>• Removing a case from the fixed costs regime</li> <li>• Update on extension of the fixed costs regime</li> </ul>	Lionel Stride & Master Roberts, Master of the Queen's Bench Division & Civil Procedure Rules Sub-Committee member dealing with fixed costs
16.15	<b>Assessment &amp; Recovery</b> A talk on recent developments on the assessment and recovery of costs, to include detailed assessment in cases where there has been a Costs Management Order, and a view from the coal face on other 'hot topics'.	James Arney & Master Whalan, Costs Judge, Senior Courts Costs Office
16.45	<b>Questions &amp; Debate</b>	All speakers moderated by Simon Browne QC
17.00	<b>Closing Remarks</b>	Simon Browne QC
17.05	<b>Drinks Reception</b>	