



Date: **27.03.2019**
Venue: **Arundel House, 13–15 Arundel Street, London WC2R 3DX**
CPD: **2 hrs**

TGC Breakfast Costs Seminar 2019

Wednesday 27th March 8.15am–10.45am

Venue: Arundel House, 13–15 Arundel Street, London WC2R 3DX

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Speakers



Simon Browne QC



James Laughland



Joanna Hughes



Juliet Wells

8.15 am **Registration, Coffee & pastries**

8.30 am **Welcome: Simon Browne QC**

8.35 am **COSTS MANAGEMENT – From Budgeting to Detailed Assessment**

James Laughland and Joanna Hughes of Temple Garden Chambers have put together a training presentation that reviews and analyses recent cases concerning the correct approach to budgeting and the opportunities, such as they are, to influence outcomes in a budgeted case at detailed assessment.

Issues covered by the presentation include:

- The importance of focusing on proportionality at the budgeting stage, because later challenges on detailed assessment face a high hurdle
 - Differences in approach between varying a budget when there have been "significant developments" and later challenges to budgeted costs on detailed assessment for "good reason"
 - The significance or status to be attached to hourly rates when setting budgets and assessing costs
 - The often-overlooked relevance of incurred costs when budgeting
 - Update on cases concerning breaches arising from service of partial/incomplete budgets (perhaps intended to reflect a proposal for a trial on a preliminary issue) and late budgets
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9.45 am

THE CAPPED COSTS PILOT – Challenges and Opportunities

Juliet Wells of Temple Garden Chambers has prepared a training presentation that discusses the new Capped Costs Pilot that launched in the Business and Property Courts in London, Leeds and Manchester on 14 January 2019. The presentation explores the policy underpinning the scheme, drafting choices that were made during the development of the Pilot rules, and potential pitfalls that litigants might face when using the Pilot.

Juliet worked closely with Lord Justice Jackson (as he then was) during his review of civil litigation costs in 2016–2017, and was appointed by him to a working group consisting of judges and senior practitioners which was tasked with shaping the policy of the Pilot and preparing draft rules. She played a key role in the development of the Pilot from its inception through to the approval of the draft rules by the CPRC.

Issues covered by the presentation include:

- Why capped costs instead of fixed costs were chosen, given that fixed costs will be the model used for most other types of case; and discussing the philosophy of reform underpinning the Pilot rules.
- The key procedural provisions of the Pilot (including transfer in and out, the style and content of the pleadings, disclosure, and the CMC and docketing).
- Explaining the choices made in designing the costs-recovery provisions of the Pilot (including the structure of the caps, the scope of work caught by the different caps, and the decision to redesign Part 36 for the Pilot).
- Exploring potential issues and pitfalls for litigants, setting out the problems that litigants might face when proceeding in the Pilot, and how they can be avoided. The potential problems include: the defendant reneging on a pre-action agreement to proceed in the Pilot; the fact that pre-transfer costs will be caught by the caps; the fact that cases entering the Pilot late might not have been Pilot-compliant in their earlier stages; the potential for conflict with Lady Justice Gloster's Disclosure Pilot which will be running in the Business and Property Courts at the same time; and the possibility of satellite litigation about the scope of the caps.
- Summarising the benefits of the Pilot.

10.30 am

Questions & Seminar close, chaired by Simon Browne QC.

Spaces for this event is limited, therefore is by Invitation only.

If you would like to attend, please RSVP to events@tgchambers.com spaces will be reserved on a first come first serve basis.

CPD: 2hrs