

NEW

Civil Costs

Law and Practice

Dr Mark Friston, Barrister, King's Chambers, Manchester and Leeds

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Covers all aspects of civil costs coupled with practical applications, detailed reference and precedents to offer a one-stop shop for the law governing civil costs

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Civil Costs Law and Practice

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The law regulating civil costs has undergone a transformation over the past 10 years following the introduction of the CPR and the abolition of legal aid for most areas of civil litigation. The result is a complex regime of primary and secondary legislation, common law and professional conduct rules.

Civil Costs: Law and Practice is an authoritative and comprehensive new work covering all aspects of civil costs coupled with practical applications, detailed references and precedents. The work includes the text of relevant statutes, rules and cases, as well as references to many authorities difficult to find elsewhere. The result is a valuable reference work which provides a one-stop-shop for the law governing civil costs.

Civil Costs: Law and Practice is essential reading for all civil litigators (especially costs lawyers), costs draftsmen, solicitors with management responsibilities and the judiciary.

About the Author

Dr Mark Friston is an acknowledged expert in the field of costs and has appeared in many of the leading cases on costs in recent years. Chambers directory describe him as "[a] supremely forensic lawyer ... specific and precise ... able to deal with the number crunching aspects of costs with great aplomb." www.kingschambers.com

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INTRODUCTION

- The history of costs
- The language of costs
- The status of the rules governing costs

THE LAW OF COSTS

- The nature of costs
- Orders for costs
- Retainers
- Errors in retainers
- The Indemnity Principle
- Agency
- Joint and several liability
- The Bases of Assessment
- Acceptance of Part 36 Offers and "beating" defendant's Part 36 Offers
- Proportionality
- Costs capping
- Limitation, delay and costs

THE PRACTICE OF COSTS (SOLICITOR AND CLIENT)

- Invoices and Bills
- Remuneration certificates
- Suing for recovery of costs
- Obtaining an order for assessment
- *Turner & Co v Palomo* quantifications
- Solicitors' security: Lien, charging orders, etc

THE PRACTICE OF COSTS (BETWEEN THE PARTIES)

- Summary of the assessment process
- Commencement
- When to commence the assessment
- Venue for detailed assessment
- Defects in the Bill of Costs
- Sanction for delay in commencing proceedings and "unless orders"
- Replies
- Offers to settle
- Sanction for delay in requesting a hearing
- Liability for costs of detailed assessment proceedings
- Interim costs certificates and interim payment
- Final costs certificates
- Election
- Appeals
- Summary assessments

THE QUANTUM OF COSTS (SOLICITOR AND CLIENT)

- The basis of assessment
- Hourly rates
- The value element
- Time generally
- Disbursements
- Solicitor and client VAT

THE QUANTUM OF COSTS (BETWEEN THE PARTIES)

- Estimates of costs
- Apportionment
- Conduct
- Hourly rates
- "Solicitor and client" work
- Additional liability
- Disbursements
- Counsel's fees
- The costs of checking the bill
- Costs draftsmen's fees
- Fixed commencement costs
- Fixed recoverable costs
- Fixed percentage increases and success fee
- Fixed fast track trial costs
- VAT
- Interest as between the parties

COSTS (SPECIAL CASES)

- Non-parties (third parties)
- Costs payable pursuant to contract
- Trustees
- Children and patients
- Litigants in person
- Group litigation

MISCELLANEOUS ISSUES

- Representation and rights of audience
- Security for costs
- Arbitration
- Misconduct
- Tribunals other than civil courts

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