

PAUL HUGHES

Year of call: 2001

Clerked by: Harry Young Avais Saleem

AREAS OF EXPERTISE:
Costs & Litigation Funding



Costs & Litigation Funding

Profile

Paul is a highly experienced costs practitioner with an ever-expanding range of expertise. Whilst he maintains a busy and successful practice advising on the procedural law and the costs of high value clinical negligence and personal injury actions, including group litigation, he has considerable experience of advising on (and mediating) commercial, property and planning costs disputes. Having started practice at the Bar in personal injury, he is also an experienced cross-examiner, and is regularly instructed to deal with disputes concerning conduct, misconduct, wasted costs and non-party costs orders.

Since 2013 Paul has been heavily involved in assisting firms with managing the transition to the post-Jackson world, having given business advice and undertaken substantial non-contentious work in this regard. Seven years on, Paul still advises on managing 'broken retainers' and resolving disputes concerning the indemnity principle, from both the paying party's and the receiving party's points of view. His expertise in solicitor and own client disputes has also recently been in high demand as litigation in the sector gains pace.

As an advocate, Paul has appeared at all levels, from the County Court to Court of Appeal, and has substantial experience of advising on, litigating and mediating claims for costs in well excess of £1m. Paul is keen to expand his practice further and, in that regard, is currently advising on the costs of an application in a highly-complex and extremely high value commercial claim in the British Virgin Islands. He will be called to the Bar of the Eastern Caribbean Supreme Court in October 2020.

Paul is a longstanding member of the Recruitment Committee in Chambers and, together with Kevin Latham, has co-edited the Costs section of the Civil Court Service ("the Brown Book").

Outside of work, Paul loves spending time with his two boys, watching football and, at least up until March 2020(!), travelling the world to indulge in his passions of food (an obsessive, but very amateur, cook!), drink, languages and Swedish metal.....

Significant Cases

Crest Nicholson Operations Ltd v Gardner, Stewart and Stewart Ltd (TCC (Birmingham) 21/9/20), HHJ Watson sitting as Judge of the High Court - (led by Andrew Singer QC, interpretation of "significant developments in the litigation" in CPR PD3E para 7.6).

Wickes Building Supplies Ltd v William Gerarde Blair (No. 2)(Costs) [2020] EWCA Civ 17 (application of CPR 52.19 to the costs of an appeal against an order made in proceedings brought under the PAP for LVPI (EL and PL) Claims. Also, whether enforcement of the costs order was subject to QOCS and the scope of CPR 44.13)

Chapman v Norfolk and Norwich University Hospital NHS Trust (CC (Birmingham) 13 and 14/2/19) DJ Lumb (whether an underspend in a budgeted phase could amount to a good reason to depart from the budget)

Beardmore v Lancashire CC [2019] (CC (Liverpool), HHJ Wood QC)(WLUK 430) (whether medical agency fees are recoverable as a disbursement in low value public liability cases within CPR 45.29I)

Brewster v (1) NILGOSC (2) The Department of the Environment for Northern Ireland (Supreme Court, 2/11/17- substantive case [2017] UKSC 8) (drafted pleadings and instructed to attend regarding costs arising from the dispute relating to C's application for JR of the decision not to award her a survivor's pension in view of the absence of nomination by her deceased cohabitee. Compromised a day prior to hearing).

Woodward v Hyder (Court of Appeal A2/2017/1929) (application of fixed costs in CPR 45.29H to Defendants)

Aldcroft v International Cotton Ltd (TCC 20/1/17, Sarah Cockerill QC sitting as a Judge of the High Court) (LTL 24/9/15)

((interpretation of "significant developments in the litigation" in CPR PD3E para 7.6).)

Dash v Ludlow Healthcare [2016] EWCA Civ 1228 (permission granted by Elias L.J. for full appeal on the question as to whether it was appropriate for a Court to make an issues based costs order or percentage costs order in actions in which two claims are brought against the same Defendant)

Walker v NHS Commissioning Board & Ors (High Court, Newcastle District Registry, 12/9/16, HHJ Freedman sitting as a Judge of the High Court) (incidence of costs on discontinuance of C's clinical negligence claim against four of the five Defendants).

The Grange Medical Centre v NHS Wakefield Clinical Commissioning Group [2014] EWHC 2888 (Admin) (whether and in what circumstances a Claimant may make a claim for costs incurred prior to the decision which is subsequently the subject of proceedings for judicial review)

Mitsui Sumitomo Insurances Company (Europe) Ltd v MOPAC & Ors [2013] EWHC 2734 (Comm) (instructed to deal with preliminary costs issues in advance of the trial of the preliminary issue in a claim worth £65m)

Giles v Veolia Transport Ltd (CC (Nottingham) 31/5/12, HHJ Inglis) (LTL 14/11/12) (whether the cost of an ATE premium should be disallowed in circumstances in which enquiries about the existence of a BTE policy were not made, but would have revealed it to be unsuitable in any event)

Simcoe v Jacuzzi UK Group Plc [2012] EWCA Civ 137 (whether interest on costs is to run from the date of entitlement or the date of assessment) (with Mark Friston).

Amin & Anor v Mullings & Anor [2011] EWHC 278 (QB) (meaning of "concluded at trial" within CPR 45.16 and CPR 45.17) .

Hanley v Greening & Sykes and others (2 July 2009, HHJ Grenfell sitting as High Court Judge, Leeds District Registry) (effect of Court of Appeal costs orders in related litigation - **(Nelson v Greening & Sykes Builders Ltd [2007] EWCA Civ 1358)**).

Blackmore v Cummings & Others [2009] EWCA Civ 1276 (the test to be adopted in relation to applications for a payment on account of costs) (with Mark Friston).

Roche v Newbury Homes Ltd (CC (Manchester) 10/11/09) DDJ Smith (LTL 10/11/09) (whether the costs of a pre-action disclosure application were covered by the CFA)

Cohen v Camden Borough Council (CC(Leeds) 28/11/07) HHJ Cockroft (LTL 10/9/08) (whether it was appropriate to order C to pay 50% of D's costs of detailed assessment in circumstances in which there had been little or no attempt to negotiate).

Jones v Caradon Catnic Ltd [2005] EWCA Civ 1821 (whether a claim for a 120% success fee constituted a material breach of the CFA Regulations 2000) (with Mark Friston)

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Areas of Expertise

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Memberships

Paul is one of only three barristers to qualify as a Costs Lawyer and Commissioner for Oaths.

Paul is a qualified mediator and CADR Panel Member.

Recommendations

Paul has been ranked in every edition of Chambers and Partners for Costs & Litigation Funding since 2008.

He currently is one of just six juniors in Band One.

"Very approachable and knows the case law. He's always on point because he's seen so much; it's very rare that he doesn't have experience of a situation." "Good at handling mediations as he's calm, relaxed and in control all at the same time." Chambers UK 2021

"A very able and experienced costs lawyer." Legal 500, 2020

Chambers UK 2020 said "Always happy to help and point practitioners in the right direction on costs issues." "He presents his cases well and secures excellent outcomes."

Chambers UK 2019 described Paul as "a forward thinking practitioner with gravitas beyond his years." Clients are "equally impressed with his abilities in technical matters and on his feet", praising him for his "strong opinions and advice" and "good grasp of technical issues."

Previously, Chambers UK 2018 said "Paul has a wealth of technical knowledge and is an articulate and very persuasive advocate who can think on his feet and deal with any costs matter, no matter how large or technical."

In the Legal 500 2018 Paul is said to be 'Fiercely intelligent and a very robust advocate.'

Paul was described in Chambers UK 2015 as: "... an exceptional advocate, always very well organised and prepared, and very persuasive."

In Chambers UK 2017, Paul is said to be "very knowledgeable in respect of the costs arena."

In Chambers UK 2016, Paul was described as "robust and effective. He knows when to make the right points, when to push and when to stop talking, which is a skill" and having "great expertise and knowledge regarding costs law and a great way of putting costs arguments."

