

Andrew Hogan

Year of call 1996

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I am one of the most highly ranked junior barristers for costs and litigation funding work in Chambers and Partners.

I travel nationally through England and Wales, attending courts and visiting clients. For most of my career, I have had a special interest in costs and funding. I have advised upon and argued costs cases in the county court, High Court, Court of Appeal and Supreme Court, as well as other tribunals including the Lands Tribunal.

I accept instructions in the field of costs on the basis only of a privately-paid retainer. I do not undertake work in this field on a conditional fee basis.

If we haven't spoken before, then I would suggest telephoning me for a chat about your case and how I might be able to help. I am fortunate enough to be quite busy and my diary fills up quickly. If you would like to instruct me to represent you in court, I would suggest booking me 2 to 3 months in advance of the hearing, as otherwise I will probably already be engaged doing something else. My diary changes on a daily basis as cases come into and go out of the diary, so you can always ask my clerk to take your case as a second booking and assuming the case first in the diary settles, I will be able to take your case instead. My clerk tries to fit conferences within the gaps between court work and in the afternoons and evenings when court has finished for the day. In terms of paperwork such as drafting pleadings or a written Advice, I try to work to a 10 working day turnaround period. I can, if there is real urgency undertake work more quickly than that.

A large part of the work that I do, is providing advice on issues of costs and also drafting documents for the purposes of court hearings. Whilst I do not draft bills of costs, which are better drafted and more cheaply, by a costs lawyer or costs draftsman, I frequently draft points of dispute and replies.

I can advise by way of a written, paper or email advice, on levels of costs likely to be awarded by the courts, or on particular points of law. I also advise orally in conference, which can be either on a face to face basis, or increasingly these days by telephone or video conferencing. I also draft non-contentious documents, such as Conditional Fee Agreements, Collective Conditional Fee Agreements, Standard Terms and Conditions and retainers.

I have significant experience in costs budgeting, having attended numerous costs and case management hearings over the years since 1st April 2013. I can advise on costs budgets, both in respect of formulating a party's budget, advising on recoverable costs and also in attacking a costs budget, including devising strategies for limiting costs. I am able to undertake both the case management and costs budgeting aspects of hearings. I can either attend alone, or in company with trial counsel in the more substantive hearings including large scale commercial disputes and group litigation.

I am frequently instructed in detailed assessment hearings, appeals from decisions on detailed assessments and to argue points relevant to costs in substantive litigation. I have argued cases about costs in the county court, High Court, Court of Appeal and Supreme Court, as well as other specialist tribunals.

I have a longstanding interest in and particular expertise in the fields of wasted costs against legal representatives, and non-party costs against maintainers of litigation or others such as liability insurers, ATE insurers and trade unions.

I have a deep knowledge of personal injury and clinical negligence costs, and have significant experience of dealing with issues concerning Qualified One Way Cost Shifting (QOCS), having been instructed in five separate cases in the Court of Appeal to argue points of principle.

I am an expert in group litigation costs, be that costs issues concerning test cases, group actions proceeding under Group Litigation Orders (GLO) and collective or other class actions. I draft retainers, litigation funding agreements, waterfall agreements, appear at case management and costs hearings and undertake the detailed assessments.

For many years, as part of my common law practice, I have undertaken professional negligence actions against solicitors, the first being in 1998. I am able to

provide advice and representation, for all aspects of such claims but with a particular emphasis on costs and funding issues. These include cases where solicitors fail to provide appropriate costs advice at the inception of a claim, fail to advise on “unusual costs”, fail to advise on options for protection against adverse costs Orders and fail to advise on the timely inception of ATE insurance. I can advise on the necessary evidence in order to progress this type of claim and the likely quantum of damages. This aspect of my work fits naturally alongside other areas of my expertise including the wasted costs jurisdiction and the increasing number of applications made against solicitors under the non-party costs jurisdiction.

A significant part of my practice is in the field of solicitor/own client disputes. I act both for solicitors and their former clients, on solicitor/own client detailed assessments under the Solicitors Act 1974. I also act for solicitors and their former clients, in substantive litigation, where not only the quantum of costs is in dispute, but where allegations of professional negligence and fraud are made. Solicitor/own client assessments typically are heard in the High Court and actions for costs/professional negligence will typically now be issued in one of the specialist courts in the district registries. In 2019 I appeared in the Court of Appeal in the landmark case of *Herbert v HH Law Limited* [2019] EWCA Civ 527 concerning section 70 assessments, the basis upon which success fees could be calculated, and whether ATE insurance premiums could be contested in a solicitor-own client assessment.

Sometimes a section 70 assessment or litigation of any kind may not be in a client’s best interests, particularly if the dispute is over a small sum of money, or where the real complaint relates to shortcomings in client care. In such circumstances a complaint to the Legal Ombudsman may be a better option. I can draft letters of complaint for a client to submit in support of their claim for a remedy.

I have a good working knowledge of claims management law and practice including the workings of the former Compensation Act 2006, and the secondary legislation made under it as well as the “new law” now that supervision of the industry has passed to the FCA. I have advised claims management companies on the legality and enforceability of their retainers. I can advise claims management companies or solicitors on the legality of referral arrangements of claims and in particular how to ensure that the referral fee ban in LASPO 2012 is complied with. I am familiar with data protection law, and the law of confidence, issues which can arise when personal data is transferred between claims management companies and solicitors. I have advised individuals how they may challenge improperly drafted Damages Based Agreements.

A particular area of interest to me, is advising on funding arrangements for litigation, claims management companies, and alternative business structures. I advise upon the effect of the ban on referral fees and how claims capture services can be properly structured. I am familiar with third party funding, BTE insurance, ATE insurance. I have considerable expertise in financial services regulation, insurance law and regulatory law. I can advise on how best legal services can be delivered, by an appropriate vehicle which maximises costs recovery within the current regulatory frameworks.

Ever since I first published an article on the “new” Arbitration Act 1996, in the *Construction Law Journal* [1997] Volume 13 Number 6, nearly twenty years ago, I have maintained an interest in the practice of alternative dispute resolution, particularly arbitration. I have a niche practice advising on recoverable and irrecoverable elements of costs incurred in the pursuit of arbitral proceedings. I can draft written submissions on behalf of either the winning or the losing side, seeking to maximise or minimise the recovery of costs, either on my own or in conjunction with teams of arbitral counsel or costs lawyers as the case may be. I can advise on claims for interest, which can go some way to defraying the cost of litigation funding, which can only increase as a source of capital for parties engaged in large scale commercial disputes, with or without an international flavour. I can appear either at the arbitration or if the quantification of costs is transferred to the SCCO for assessment, will be happy to appear in London at any detailed assessment hearing.

In addition I have an interest in the Scottish law of costs and also accept instructions for work in the British Dependent Territories, including the Cayman Islands. I have a particular interest in the growing amount of work in Dubai, arising from litigation conducted in the Dubai International Financial Centre. I am a member of the International Bar Association.

The majority of my work takes place in London, particularly in the SCCO, the Central London County Court, the High Court and costs arguments in the Court of Appeal and Supreme Court. I am accordingly happy to advise in conference in London, either at solicitors offices or chambers in the Temple. I travel nationally across England and Wales: from Truro to Newcastle or wherever the work takes me.

Expertise

Costs and Litigation Funding

Credit Hire Litigation

Other work

Significant Cases

Excalibur and Keswick Groundworks Limited v McDonald [2023] EWCA Civ 18

Adcock and others v Blemain Finance Limited [2022] EWHC 3280 SCCO

Chappell v Mrozek [2022] EWHC 3147 KB

University Hospitals of Derby and Burton NHS Foundation Trust v Harrison [2022] EWCA Civ 660

Moutarde v SIG Logistics & Anor [2021] EWHC 1670 (QB)

Serbian Orthodox Church v Kesar [2021] EWHC 1205 (QB)

Nicky Herbert v HH Law Limited [2019] EWCA Civ 527

Jeremy Cartwright v Venduct Engineering [2018] EWCA Civ 1654

Corstorphine v Liverpool City Council [2018] EWCA Civ 270

Michael Dennis Dalton v British Telecommunications [2015] EWHC 616 (QB)

Various Claimants v Bryn Alyn Community Holdings and RSA [2003] EWCA Civ 783

Bradley Hollins v HS Russell and other appeals [2003] EWCA Civ 718

Memberships

- Personal Injury Bar Association
- Association of Personal Injury Lawyers
- International Bar Association

Qualifications

- LLB(Hons) Bristol, LLM Sussex, BVC, Member of the Inner Temple

Appointments

- Direct Access Qualified

Publications

Over 100 articles in various legal journals, including a regular column in Litigation Funding magazine.

www.costsbarrister.co.uk

www.credithirebarrister.com

Recommendations

Chambers UK 2023

“One of the best costs lawyers; a brilliant speaker and very knowledgeable.”

“Andrew is extremely bright, personable, articulate and able to get to the crux of issues very quickly.”

Chambers & Partners 2022

“A thoughtful and calm advocate who doesn’t let the opposition rile him.” “He’s a powerful force in the region.”

Chambers & Partners 2021

“Andrew is like a god when it comes to costs.” “He’s very articulate, very knowledgeable and someone who understands cases quickly. Approachable and committed to resolving problems, he looks at cases from all angles and produces strong arguments. His experience of costs cases is very wide.”

Legal 500 2020

‘A costs specialist’

Chambers & Partners 2020

‘A man of deep experience who’s very good at forecasting what might happen in court.’

Accreditations

