

The Jackson Reforms

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SCCO

Background

- Interim Report
- Final Report
 - 104 recommendations
- Implementation
 - Primary Legislation LASPO
 - Secondary Legislation
 - Revised Costs Rules and PD's
- 1st April 2013

Main Areas

- Experts
- Disclosure
- Funding
 - Removal of Recoverable Success fees and ATE
 - Additional 10% Damages
 - QOWCS
 - DBA's

Rule Amendments

- Costs Capping
- Costs Management
 - Multi Track cases
 - Excluding
 - Commercial Court Admiralty
 - Chancery Mercantile TCC over 2M
- Proportionality
- Provisional Assessment

Cost Management

- CPR 3.12-3.18
 - Purpose
 - *To manage both the steps to be taken and the costs incurred by the parties to any proceedings*
 - Application
 - Multitrack
 - CMO's

Budgets

- Agreed or not agreed?
- What to put in
- What to leave out
- Form H
- Phases of litigation
- Revision
- Proportionality

Proportionality

- Amended Rule 1
 - “*Justly and at proportionate cost*”
- CPR 44.3(5)
 - *Reasonable relationship to*
 - The sums in issue
 - Value of any non monetary relief
 - Complexity
 - Conduct
 - reputation

Proportionality 2

- Reversal of *Lownds*
- Practical effect
- Arbitrary
- Relationship to costs budgeting
- Judicial input

DBA's

- Need for: DBA *versus* CFA
- What are they?
- Will they work?
- Percentage of Damages
- Recovery of Costs
 - Ontario Model
- Regulation

Additional 10% Damages

- Rule 36.14(3) CPR
- Promoting settlement not litigation
- Part 36 offers
- Maximum £75000.00 sliding scale
 - Money claims
 - Non money claims

QWOCS

- One way cost shifting
- PI claims only
- CPR 44.13-44.17
- Effect
- Exceptions
 - Fundamentally dishonest

Other Provisions

- Fixed Costs: What Happened!
- Hourly Rates: What happened!
- Costs Council: What happened!
- Transitional provisions
 - CFA's pre 31st March. Recovery applies