



Crown Costs Consultants Limited,
Parade House
135 The Parade
High Street, Watford
Herts. WD17 1NA

Costs Seminar 18 August 2006

Topics

- CFA funding, the current position
- Court of Appeal's decision in Myatt and Garrett
- Medical Agency fees – are they profit costs or disbursements?
- Backdated and retrospective CFAs
- Disclosure of retainers
- Costs Estimates

CFA funding, the current position

.....Following on from the Court of Appeal's decision in Hollins –v- Russell where the court effectively decided that they were not concerned with minor infringements of the Regulations, the Court has recently given further guidance on the question of appropriate enquiries into alternative methods of financing claims.

In Myatt & Ors –v- National Coal Board, the Court of Appeal upheld Master Wright's decision to

.....When hearing the case of Myatt, the Court of Appeal also dealt with another issue on the enforceability of CFAs. In Garrett –v- Halton Borough

Council, the issue before the court was whether and to what extent a solicitor needs to

AGENCY FEES

The findings of Senior Costs Judge Hurst in Woollard –v- Fowler

The issue - are the fees of medical agencies for obtaining medical reports to be considered as profit costs for the purpose of calculating fixed recoverable costs under CPR 45 or are they to be considered a disbursement?

Finding - In the lower court, it was found that agency fees.....

BACKDATED OR RETROSPECTIVE CFAS.

Backdating a CFA is unlawful but

DISCLOSURE OF FUNDING ARRANGEMENTS

You can disclose the CFA (see Hollins v Russell) but **do not**

PROVIDING ESTIMATES OF COSTS TO YOUR CLIENTS AND THE COURTS.

Whilst paying parties cannot seek to rely on the lack of estimates so as to make the retainer unlawful.....

.....Courts are becoming increasingly interested in the level of costs **during** the proceedings.....