

“Costs budgets are now working better”

Thanks to Gordon Exall and Rachel Rothwell for tweeting interesting and salient comments and quotes made at this years' APIL conference. Those tweets included – “Harrison is coming any day”, “Merrix may largely be upheld with clarification of incurred costs”, “costs budgets are now working better”

Here are a few of those comments:

Rachel Rothwell's tweets:



Master Roberts: costs budgeting is a much more precise tool than fixed costs; more refined

DJ Besford: the appeal judgment in Harrison is coming 'any day' (budgeting case).

DJ Besford: Court of Appeal likely to largely uphold the views of Mrs J Carr in Merrix; and may also clarify some incurred costs issues

Gordon Exall's tweets:



Costs Budgets are now working better. Costs budgeting is a fairer & more equitable approach (Master Roberts).

Costs budgeting is an aid to access to justice. Fixed costs ignores complexity of some cases.

Some courts state that if Precedent R not filed then budgets are as drawn (Leicester CC). I have asked a question - not a common practice, only Leicester. So read directions personally.

Assessment now unlikely to be a line by line assessment. Still issue of incurred costs & whether costs are in the correct phases.

At moment change of burden: it is for paying party to show why receiving party should not recover less than budgeted amount.

Similarly receiving party has to show why it should recover more than the budget

Confusion as to what happens to "incurred costs" when get to the end of the process. Different decisions.

When trial overrun because of Ds conduct of trial, additional costs had been allowed.

Thanks again to Rachel and Gordon for their continued devotion to provide updates on costs law.