

QOCS and set-off - Ho v Adelekun

Friday, 22 October 2021
11:00 - 12:00

This webinar will provide an analysis of this important Supreme Court decision concerning the limits of set off in personal injury cases subject to Qualified One Way Costs Shifting and what that means for your caseload.

Join APIL joint Vice President Brett Dixon for a review of this important decision:

- What is the purpose of the QOCS regime?
- What happens to adverse costs orders obtained by a defendant in a successful claim and an unsuccessful claim?
 - Can they enforce them?
- Defendant tactics in reducing their payment of costs
- Next steps for QOCS
 - Will there be rule changes?
 - If so for what purpose and to what extent is likely or possible?
 - The underlying policy imperative of balance
- Was *Howe v MIB (No.2)* wrongly decided?
 - How to deal with cases where the defendant relies on it
- How to deal with arguments from the defendant seeking to set off adverse costs orders against the claimant damages and costs at the end of a case
 - The scenarios when it might be relevant
 - Is there a relevant cap and when does it apply?
- Is there anything I need to do with my cases now?



Brett is a consultant solicitor with higher rights of audience for all civil proceedings. His specialism is civil procedure and a specific interest in catastrophic personal injury work. He also owns and runs a firm providing training and consultancy services in relation to personal injury, technology and practice development.

He has been the president of the Association of Personal Injury Lawyers on two occasions and is the current vice president. He is also a Law Society council member and the chair of the Law Society Civil Justice Committee. He is a senior fellow of APIL and chair of the Senior Fellow Appointments Committee. He is involved in decisions in relation to interventions in civil proceedings recently including *Belsner v Cam* and *Ho v Adelekun*.

He has been a member of the Civil Procedure Rule Committee for six years. In addition to responsibility for general rule making he has direct involvement in:

- The amendment of the overriding objective to support vulnerable witnesses and parties in civil proceedings
- He is a member of the Damages and Money Claims Sub-Committee responsible for the current development of the digital reforms in the County Court and was previously involved in the development of the Online Civil Money Claims project
- The development of the rules supporting the introduction of the Official Injury Claims (Whiplash Portal) system
- Amendments to personal injury pre-action protocols including the disease and holiday illness protocols
- The liaison with the Civil Justice Council

Separately, he is a member of the advisory group to the Ministry of Justice on the Official Injuries Claims system and has assisted 3rd sector groups in preparing guidance documents to that system. He is currently working with the Civil Justice Council on its report on updating pre-action protocols and MOJ officials in relation to dispute resolution.

He is a member of the Lexis Nexis Consulting Editorial Board and is currently writing a guide to accidents at work. He is the case and digest editor for the Journal of Personal Injury Law produced by Thomsons Reuters. He is regularly consulted by the legal press in relation to personal injury matters and has spoken at Westminster Policy Forums, the ABI conference, the APIL conference and Law Society conferences, Radio 4, local radio and BBC News.

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