



CJC URGED TO THINK MORE CREATIVELY ABOUT COSTS

2 December, 2008

Claimant lawyers have urged the Civil Justice Council (CJC) to show more imagination in its approach to costs, following closure of its consultation period on collective actions.

Amanda Stevens, president of the Association of Personal Injury Lawyers (APIL), said the organisation broadly welcomed the CJC's proposed new procedure for collective actions, but warned of a missed opportunity to address the funding issues which often cause group actions to collapse.

“There is no doubt that the procedure for dealing with collective actions in is need of a radical overhaul,” she said, “and we are pleased something is being done to address this.”

Stevens said that if the CJC's recommendations were given the go-ahead, the new mechanisms should have a broad remit and high level of flexibility, in order to cope with whichever judicial approach is deemed appropriate in a particular case.

“It is important that any new procedures are flexible enough to fit all types of group actions, as this is not a ‘one size fits all’ area. We would also be extremely concerned if the costs issue was not explored further,” she added. “The CJC has suggested full cost shifting in all cases, yet there are other solutions which are much more viable. Why not let the judges use their discretion and examine different ways of dealing with costs - perhaps at different stages of the action, for example?”

-ends-

Note to editors:

APIL responded to the Civil Justice Council paper: ***Developing a more efficient and effective procedure for collective actions***

For more information contact:

Lisa Wardle, Press & PR Officer, APIL, t: 0115 9388715