

Costs update: spring 2018

Thursday, 29 March

12:00 - 13:00

Part 36 update

- When is a Part 36 offer not a genuine attempt to settle?
- Do adverse Part 36 costs run from the end of the 21 days or the date that information was available?
- Appropriate interest rate on indemnity costs

QOCS and fundamental dishonesty update

- QOCS and notice of discontinuance
- Test for fundamental dishonesty and loss of QOCS
- S57 Criminal Justice and Courts Act 2015 - fundamental dishonesty and damages for the defendant

Assessment of costs

- Meaning of proportionality at assessment
- When is a bill to a client not a bill?
- Disclosure of file to a client challenging deductions
- Does indemnity costs defeat provisional assessment costs cap?
- Should refusal to mediate always affect costs?
- What behaviour justifies indemnity basis costs?

General costs issues

- Application for extension of time for a review of a master's costs decision about costs related to an appeal
- Assessing a recoverable ATE premium
- Switching funding methods at a late stage
- Revising a budget and cost already spent
- Fixed costs for claims over £25,000 that start in portal



Brett Dixon is a fellow of APIL. He works as a personal injury solicitor in Lancashire dealing primarily with employers' liability matters and catastrophic injuries.

Appointed in 2015 as a solicitor member of the Civil Procedure Rule Committee and a member of their sub-committee tasked with rewriting the disease and illness pre-action protocol.

Brett is an active member of the APIL executive committee and has been elected by the membership of APIL to be the vice president 2016-2017.

He delivers training regularly on behalf of APIL via webinars and face to face courses including at the annual conference and national costs conferences. Brett also tours the UK annually providing the 'Accidents at work' update course.



Gary Barker qualified as a solicitor in 1982. He spent 20 years with two high street practices, specialising in civil litigation and personal injury work. At both firms he took on responsibility for practice development which was to see a fourfold increase in their growth.

He also took on a part-time training role, working for a number of course providers and, with the advent of the Woolf reforms, was soon presenting courses virtually full time. From 2001 to 2004 he was head of practice development at the Law Society.

Gary is now a practising solicitor again, which he combines with being a costs consultant and a freelance trainer. Gary is an assistant lecturer at the Open University.