

The new bill format... the difference between knowledge and wisdom....

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Attain | Legal
Costs
Management

W5

Who

What

Where

When

PD 47

Civil Procedure Rules

Why

Who?

Why?

“A new format bill of costs should be devised, which will be more informative and capable of yielding information at different levels of generality...

Software should be developed which will (a) be used for time recording and capturing relevant information and (b) automatically generate schedules for summary assessment or bills for detailed assessment as and when required.

The long term aim must be to harmonise the procedures and systems which will be used for costs budgeting, costs management, summary assessment and detailed assessment.”

Why?

Transforming our Justice System

The Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals – Sep 2016

- The decisions made by our judges and the outcomes of cases should be regarded as **just** by all partiesThe judiciary must be supported by modern, transparent processes that are consistent, and allow for like cases to be treated alike.
- We must make sure that the justice system is **proportionate** in order to save people time, shrink their costs, and reduce the impact of legal proceedings on their lives.
- Our justice system should be **accessible**. This means that the procedures and remedies should be available and intelligible to non-lawyers.
- In addition, it is time for **innovation** in our system..... We need to embrace new methods and approaches, and avoid and contain disputes as well as solving them.

When?

‘Transition Day’ is 6th April 2018 (PD47 5.1)

Transitional provisions

Where work was done both before and after the Transition date (PD47 5.A4)

Where?

- Part 7 Multi track claims
- Recoverable inter partes work is done after 6th April 2018

Exceptions

- Fixed costs
- Scale costs
- Receiving party is unrepresented
- Court orders otherwise

What?

Precedent S

Any other
Electronic
spreadsheet which
is compliant

(PD 47 5.A1 to 5.A4
And 5.7 to 5.21)

Any other spreadsheet format is permitted which:-

- Reports and aggregates costs based on the phases, tasks and expenses defined in Sch 2
- Reports summary totals in a comparable form
- Identifies work undertaken in each phase in chronological order
- Automatically recalculates intermediate and overall summary totals
- Contains all calculations and reference formulae in a transparent manner making its functionality available to the court and all other parties

Schedule 2 = J-codes?

Next steps

Creating bills of costs

Precedent S or.....?

What will detailed assessment look like?

Service

Whenever electronic bills are served or filed at the court, they must also be served or filed in hard copy, in a manageable paper format as shown in the pdf version of Precedent S

sccoebills@hmcts.gsi.gov.uk

A copy of the full electronic spreadsheet version must at the same time be provided to the paying party and filed at the court by e-mail or other electronic means.

5.1A of PD 47

What will detailed assessment look like?

Negotiations

POD

Replies

Hearings

Top tips for Costs Lawyers - Precedent S

1. Familiarise yourself with Precedent S, especially the summaries
2. Experiment with the version of Precedent S which contains example data
3. <http://utbms.com/jackson-ew-utbms/>
4. Watch out for the updated SCCO guide - Section 8

Top tips for Costs Lawyers - Training and Products

1. Ask your bill drafting software supplier what they are doing?
2. Make sure your Excel skills are up to date
3. How do your clients time record - is it compatible with the new format?
3. Look at how you receive time recording data from your clients - work with them. See what their plans are for the future.....

What is on the horizon?

1. Changes to the N260 for summary assessment and Precedent H guidance
2. Further reform of the detailed assessment process?

Deutsche Bank AG v Sebastian Holding, Inc
and Alexander Vik

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Conclusion