

The New Format Bill

*Andrew Post QC,
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The New Format Bill

- What's it all about?
- How likely is to be strangled at birth?
- Or to be subject to radical reform?

Why the New Format?

- It's another piece of the Jackson package
- Widespread dissatisfaction with the traditional bill
- Time recording software holds the answer?

What should it achieve?

- More transparent
- User-friendly, presenting a clear overall picture
- Inexpensive

The story so far

- Two-fold task – J-Codes and new Format Bill
- Morgan Committee led by Jeremy Morgan QC
- Now Hutton Committee

Why slow progress?

- Ambitious target
- J-Codes first
- Expected to produce bills, budgets, statements of cost

So what is the New Format Bill?

The BoC is a self-calculating, self-summarising spreadsheet document based on the J-Codes, which is capable of being generated automatically by use of the J-Codes and adopting the same structure

Benefits of New Format Bill

- Self calculating
- No need to recast where rate reduced or different grade of fee earner allowed
- Useful in negotiation

Problems of New Format Bill

The challenge in developing a spreadsheet (as opposed to using the traditional blank piece of paper on which to write a bill of costs) is that one has to try to think of every eventuality and factor them all into the construction of the spreadsheet template.

Problems of New Format Bill

- Multiple parts
 - (a) costs budgeting
 - (b) solicitor client bills
- Complicated document with many active worksheets

Problems of New Format Bill

- Changes to formula boxes
- Need for expertise
- Judicial resources and training

Response to the Consultation

- No enthusiasm
- Complexity and expense
- Retrospective J-Coding

Response to the Consultation

- ACL: not workable in current form
- Interim form of bill to be used as transitional format

The SCCO Pilot

- SCCO 1/10/15-1/4/16
- Very limited take-up
- Problems with the few cases that have been seen

The SCCO Pilot

- Both drawing the bill and responding to it expensive and prolonged
- Hidden rows and columns
- Difficult to get overview

The SCCO Pilot

- No assessments yet
- Recent interlocutory hearing

Mandatory use of the New Bill?

- Unwillingness to invest until compulsory
- Proposal for mandatory from October 2016
- Rules Committee defer decision

The Future

- Self-calculating spreadsheet on its way
- But transition difficult
- Transitional regime?

The Future

- Only for work after defined date?
- Simplified ACL proposal?
- Fewer live boxes?

The Future

- How does it fit with fixed costs?
- How does it fit with costs budgeting?
- A regime for high value cases?

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