

AnthonyGold



*White Paper Costs 2026:
Horizon scanning*

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5. *FRC Reviews*

- MoJ Stocktake Consultation [31 October 2025] – closed awaiting MoJ response
 - Delayed, to some extent by expected lack of empirical evidence
 - Will there be anything more than anecdotal comment?
- Proposed three-year review, proposed for 'late' 2026.
 - It seems inevitable that the full three year review will be delayed
 - Until when – 2027, 2028?
 - Key policy decision will be whether to extend the Intermediate Track



4 Clinical Negligence

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- National Audit Office Report October 2025
 - “claimant legal costs continue to rise with legal costs for low value claims (£25,000 or less) greatly exceeding the level of damages.”
 - High value claims?
- David Lock’s review (July 2025) – report awaited
- CJC process 2017
 - Jackson largely exempted from standard FRCs because expected an industry scheme up to £25k
- DoH subsequent proposals
 - Not published and fell with the Conservative Government in 2024
 - The current government is still considering its policy



3. CJC Reviews

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- Litigation Funding – response published June 2025
 - Litigation funding regulation – PACCAR
 - CFA/DBAs – major overhaul recommended
- Solicitor and client costs
 - Belsner v Cam
 - CJC Working Group chaired by Senior Master Rowley
 - Consultation paper awaited...

2 OPRC, portals and track limits

- Online Procedure Rules Committee
 - Consultation on draft rules closed, response awaited
 - Co-ordination with CPRC
 - Portals and the pre-issue space
 - Housing
- CJC Track limits – awaited
 - Fast Track (£25,000 to ?)
 - Intermediate Track
 - Jackson proposed £250k



Online Procedure Rule Committee

1 AI

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- Impact on litigation work
 - Conference and attendance notes
 - Disclosure
 - AI agents
 - Witness statements?
 - CJC consultation paper out
- Impact on costs work
 - Reviews of bills, points of dispute etc
- Pricing
 - Value pricing and hourly rates
 - More FRCs?
 - End of loser pays?

Questions

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