



**Courts and
Tribunals Judiciary**

Gearing up for the reshaping of Costs Budgeting

March 2024

Costs Judge Jason Rowley

Timeline

Early 2022 – CJC tasked by the MR

June 2022 – initial paper with Qs

July 2022 – Costs Conference

October 2022 – Responses

April 2023 – CJC approves its report



Costs Review

Final Report

May 2023



Scope

Costs Budgeting

Guideline Hourly Rates

PAP/Portals and digital justice

Consequences of extending FRC

(majority of responses focused on budgeting)

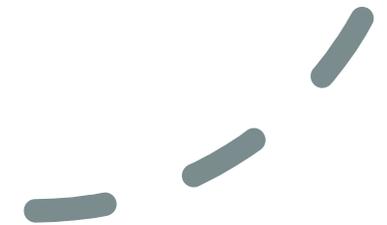


Costs Review

Final Report
May 2023



Is costs budgeting useful?



Recommendation (Context)

“Since costs budgeting was adopted, there is now evidence of real and sustained progress in the discipline and understanding around costs and this has consequently improved case management and the proportionality of costs.”

Qualified Retention

“one size does not necessarily fit all”

- a more tailored approach to costs management
- to suit different work types and / or venues
- where the litigation is conducted.”

Qualified One(way) Costs Shifting

- full budgets are dispensed with for defendants (Precedent H front sheet only)
- This would be subject to the court having the power to direct the defendant to produce a full budget

The Cost of Litigation Crisis?

Multi-Track Cases worth between £100,000 and £1million

Q. Disproportionate? But “not so high in value that full scale budgeting needs to apply”

A. Costs Budgeting Light

=> saving time for the court and costs for the parties

(Which courts? Should this include PI Cases?)

Crisis? What Crisis?



Business & Property Courts

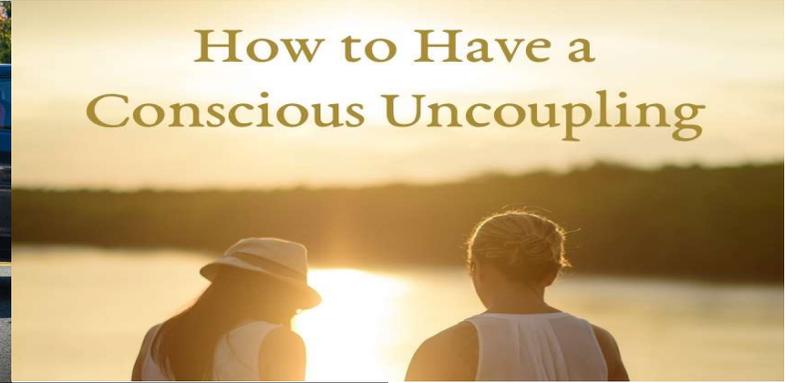
Cases worth between £100,000 and £1million – as for C/B Light

Cases worth £1million +

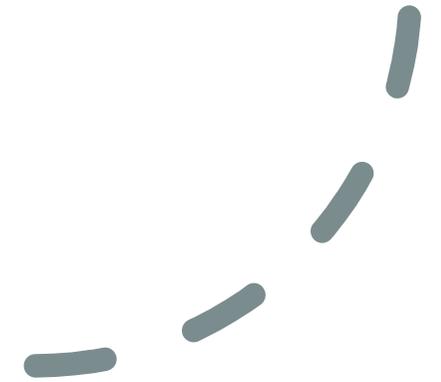
“a lighter touch”

Specialist lists / proceedings – bespoke arrangements?

Staged CCMCs...



Faster hearing times?



Staged CCMCs...



- Making assumptions clearer
- Costs Information required
- What about
 - costs between hearings?
 - effect on Budget Discussion Reports etc?
- Use of specialist judges
- Need for a Pilot?



...a sub committee is considering...



How do you gear up for the CJC's reshaping of costs budgeting?

Including

(Q) lighter touch budgeting / judges taking a more broad brush approach / uncoupling directions and costs, etc.?

Answer = more questions?

What did you do before?



**What do you need
to consider?**

**Amendment
Variation?**



- Costs Information form?
- Use of the first page rather than the detail
- Will judges take a more broad brush approach?
- Processes for costing work following directions

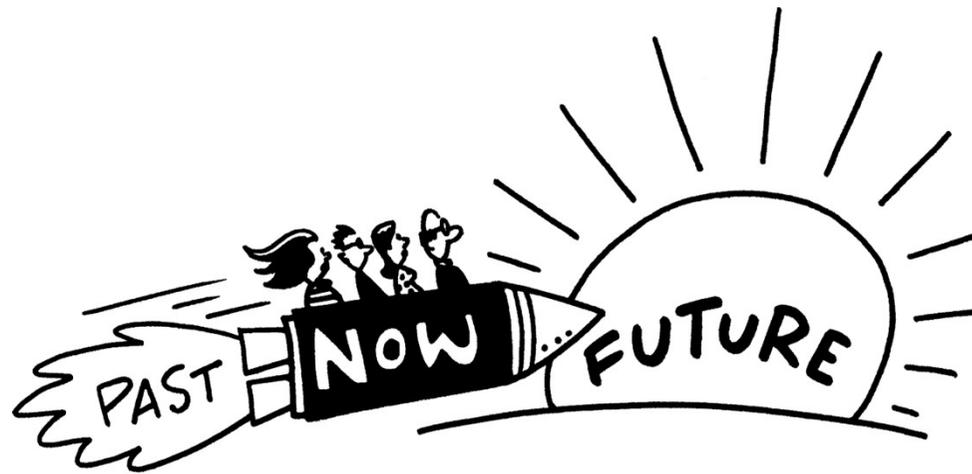
Sir Rupert Jackson in 2015

“...within ten years costs management will be accepted as an entirely normal discipline and people will wonder what all the fuss was about.”

Alternatives?

- Level of costs visible to opponent / court
- Much cheaper to produce
- Relevant to detailed assessments?
- FRC
- Something new?
- Less bespoke?

Timescale





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