

Boost for Jackson costs reforms

Proposals to make sweeping costs reforms in civil litigation received significant fresh impetus yesterday. The Government has announced that it intends to consult on implementing Lord Justice Jackson's recommendations on the reform of funding arrangements. The consultation in the autumn will look particularly at reform of Conditional Fee Agreements (CFAs) and whether the ban on lawyers entering into contingency fee agreements in litigation should be lifted. The announcement also appears to be a clear sign of the Government's concern about the expense of claims brought against public sector organisations.

In its ministerial statement the Government also announced progress in relation to other areas covered in Jackson's review, including the issue of referral fees, which is being considered by the Legal Services Board, and a Voluntary Code of Conduct for third party funders, on which the Civil Justice Council is consulting. The Government will also want to consider any recommendations made in Lord Young of Graffham's "Review of Health and Safety Law and the Compensation Culture". In addition, a range of pilots in relation to costs management, the costs of expert evidence, and assessment of disputed costs are being implemented by the judiciary in different courts across the country.

Lord Justice Jackson published his final report in his review of civil litigation costs in January 2010. The report proposed substantial reforms aimed at tackling the problem of escalating litigation costs in this jurisdiction. At the time, it was unclear whether the proposed reforms would ever become law, or if so, how quickly. It now seems that some, if not all, of Jackson's reforms are increasingly likely to become a reality in the years to come and that important changes are on the way.

A copy of our briefing note in relation to Jackson's report is available here:

www.blg.co.uk/pdf/Review%20of%20civil%20litigation%20costs.pdf

The ministerial statement is available here:

www.publications.parliament.uk/pa/cm/cmtoday/cmwms/archive/100726.htm#d2e1381

If you would like to discuss any aspect of Jackson's report or the Government's statement in more detail, please do not hesitate to contact us, or your usual BLG contact.

Kind regards

Andrew Horrocks, Janet Lambert, David Knapp, David Abraham and Paul Dowle