



- The Defendant Costs Specialists

Costs Law Update – 11/1/08

Morgan v Llandow Metals - £160,000 costs saving

Gibbs Wyatt Stone recently secured a costs saving of approximately £160,000 in the case of *Morgan v Llandow Metals* (Newport County Court).

The Claimant's solicitors presented a Bill of Costs for approximately £160,000. An offer of £100,000 was made on behalf of the Defendant supported by an interim payment in the same sum. The offer was rejected and at this stage GWS were instructed to assist. It became apparent that there were serious problems relating to the claim for costs. These centred around myriad potential breaches of the Conditional Fee Agreement Regulations 2000 as well as serious concerns over the authenticity of the CFA document itself. The Defendant's offer was withdrawn on the advice of GWS. Detailed assessment proceedings were commenced and the matter was referred to a Regional Costs Judge.

There followed four preliminary hearings to deal with the directions of the assessment proceedings, given the complex issues that arose, prior to the matter even being listed for a detailed assessment hearing. Specialist costs counsel acted for the Claimant and GWS for the Defendant. The matter was eventually listed for a preliminary two-day hearing to deal with some of the allegations concerning the authenticity of the CFA. However, shortly before the hearing, the Claimant's solicitors agreed to drop their claim for costs in its entirety, repay the £100,000 and make a substantial contribution to the Defendant's costs of assessment.

Although the facts of this case were unique, the outcome reflects the technical expertise that GWS can help bring to high value, complex costs litigation.

14th Annual Solicitors Costs Conference

We are pleased to be able to announce that Simon Gibbs of GWS will be a speaker at this year's prestigious CLT's *14th Annual Solicitors Costs Conference*. He will be speaking on the subject of "Costs and the Paying Party". The event will be held on 29th January 2008 in London. A copy of the Conference Brochure is attached.

We are able to arrange a 20% discount on the normal delegate fees to any of our clients. Please contact us if you would like to take advantage of this discount.

2008 Guideline Hourly Rates

The Advisory Committee on Civil Costs is in the process of a thorough review of the guideline hourly rates. However, pending its findings, the Committee has advised that the guideline rates from 1st January 2008 should be increased in line with the increase in average earnings in the private sector, currently 4%.

The new rates are as follows:

Band	Grade			
	A	B	C	D
Band One	203	180	151	110
Band Two	191	168	139	105
Band Three	174	156	133	99
City of London	396	285	219	134
Central London	304	231	189	121
Outer London	219- 256	165- 219	158	116

In accordance with our standard Terms of Business, GWS's rates will follow this modest increase. However, for ongoing cases in which we are already instructed our rates will be left unaltered.

Contact

If you wish to discuss the contents of this update in more detail contact:

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Gibbs Wyatt Stone

Dedicated to providing the level of expertise expected from specialist costs counsel and the range of services provided by traditional costs draftsmen.