

TOP 12 COSTS ERRORS - HAVE YOU COMMITTED ANY?

1. **Failing to complete and file your costs budget in time** ~ This leads to your client's costs being limited to disbursements only. See *Andrew Mitchell MP v News Group Newspapers Ltd*, [2013] EWCA Civ 1537
2. **Filing an inadequate costs budget** ~ If you file a budget and subsequently exceed it in the bill you file, you are unlikely to recover more than the approved budget unless there are very good reasons for the budget over-run.
3. **Failing to note the file properly** ~ Time is money and if work is not noted on the file (or at the very least on the computer time recording system), you will not recover the costs of doing it. See [this link](#) for best practice on file noting.
4. **Failing to obtain a provision for costs in an interlocutory order** ~ Orders silent as to costs mean no costs either side.
5. **Failing to obtain a costs award for nominal parties** ~ Even if you think there was not much done on a successful Co-Party's claim, make sure there is a full costs order in their favour in the final order. Not doing so causes considerable difficulties and possibly a considerable costs loss on an assessment of the successful substantive party's costs.
6. **Neglecting to seek and obtain a costs award against a Part 20 Claimant on an unsuccessful counterclaim** ~ This too could cause considerable complications and difficulties on assessment leading to a reduced recovery of costs awarded.
7. **Neglecting to seek and obtain a percentage costs order instead of an issue based costs award** ~ It is much better to get a percentage based order rather than having costs in relation to specific issues outwith the costs order, otherwise one faces horrendous complications on assessment and possibly a much reduced recovery of costs.
8. **Client not signing the CFA** ~ No signed CFA = no agreement = no costs.
9. **Other problems with CFAs** ~ These include the CFA excluding Appeal work and overlooking not getting new retainer to cover it.
10. **Failing to serve a Notice of Funding with the CFA** ~ Additional liabilities are still recoverable in relation to some matters post 1st April 2013, so do not forget to do this on the relevant matters even for post 1st April 2013 CFAs.
11. **Failing to complete a CFA / Success Fee risk assessment contemporaneously with the CFA** ~ For pre-1st April 2013 non-prescribed success fee cases (and relevant post April cases), at the time that the CFA was entered into one has to detail the risk factors taken into account that were used to determine the success fee applied. The success fee could (probably will) be disallowed on assessment if this was not done. See *Middleton v Vosper Thorneycroft (UK) Ltd and Others*, Case Ref: 6SO05696.
12. **Failing to serve a CPD 32.5 statement with the bill** ~ Failing to serve a statement of reasons in support of the additional liabilities when serving the bill. This is a breach of CPD 32.5 and could lead to the additional liabilities being disallowed.

Please see our website at www.bedsonandchard.com for more information about our services which include bill drafting, costs budgeting and attending detailed assessments, etc.

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