

Spenser Poultney

From: "Greg Clark" <Greg.Clark@LawSociety.Org.UK>
To: "Spenser Poultney" <spenser_poultney@hotmail.com>
Sent: 23 February 2004 09:27
Subject: RE: CDT/33561-2003

Dear Mr Poultney

Thank you for your e-mail messages dated 21, 22 and 23 February 2004.

With reference to your "quick yes/no" question I was not basing my response on the Civil Procedure Rules (CPR) but on Principle 17.03 of the Guide to the Professional Conduct of Solicitors. This states that sufficient opportunity should be given to agree costs borne by the other party on an informed basis or an application for assessment should be made. The Guide can be accessed on-line at www.guide-on-line.lawsociety.org.uk <<http://www.guide-on-line.lawsociety.org.uk>> .

This would be in addition to any obligation arising under s13.5 of the CPR.

I hope that this clarifies the position.

Yours sincerely

Greg Clark

-----Original Message-----

From: Spenser Poultney [mailto:spenser_poultney@hotmail.com]
Sent: 22 February 2004 23:38
To: Greg Clark
Subject: CDT/33561-2003

Dear Greg Clark,

This will probably only requires a quick "Yes" or "No" answer. It need not really distract you from more important matters...

In your letter of 8th January you stated 3 times that FDC Law SHOULD have provided sufficient information to allow me to agree costs BEFORE they applied for them. Is the Directive below (i.e. from 26th April 1999) the substance on which you based your statement?

NB... if "No" then an alternate reference would be useful :-)) but please don't let that slow down the basic answer :-)

Many thanks, in anticipation of an "instant" answer.

Spenser Poultney

Note the practice: by CPD, s 13.5, each party who intends to claim costs must prepare, and file and serve not less than 24 hours before the date fixed for the hearing, a written statement, signed by him or his legal representative, of the costs he intends to claim, showing separately, in the form of a schedule which should follow as closely as possible Form N 260:

- a) the number of hours to be claimed;
- b) the hourly rate to be claimed;
- c) the grade of the fee earner;
- d) the amount and nature of any disbursement to be claimed, other than counsel's fee for appearing at the hearing;
- e) the amount of solicitors' costs to be claimed for attending or appearing at the hearing;
- f) the fees of counsel to be claimed in respect of the hearing (but see 13.34); and
- g) any VAT to be claimed on these amounts.

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