



The Jackson Report - Review of Civil Litigation Costs

Implications for Commercial Litigation



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Please note that these notes and commentaries are brief and necessarily general and changes in the law may occur subsequently. It is, therefore, essential that professional advice is sought before any decision is taken.

Stevens & Bolton LLP 1 March 2010

1 INTRODUCTION

On 13 January 2010 Lord Justice Jackson's report entitled "Review of Civil Litigation Costs" (the "Report") was published, the result of his year long inquiry. He says in the foreword to the Report:

"In some areas of civil litigation costs are disproportionate and impede access to Justice. I therefore propose a coherent package of interlocking reforms, designed to control costs and promote access to Justice."

The Report is the first major review of the civil justice system since the Woolf reforms were implemented in April 1999. The Woolf reforms were a major overhaul of the civil litigation system as it then was and aimed to tackle the major problems of the civil litigation system at the time; delay and costs. They introduced new ideas into the civil litigation system such as pre-action protocols, the overriding objective, case management by the courts and judicial support for alternative dispute resolution ("ADR") amongst other things. For all of their success in speeding up the litigation process, the reforms are widely seen to have failed to deal with the underlying problems of costs and resulted in frontloading of costs, so that parties incurred costs earlier in the process than had been the case previously.

The Access to Justice Act 1999 (the "Act") was implemented soon after the Woolf reforms. It allowed the use of conditional fee agreements ("CFAs"), with success fees of up to 100% to fund litigation. Such fees, including the success fees, would be recoverable from a losing party. The Act also allowed a successful party to recover an after the event insurance ("ATE") premium as part of the costs of the action. Initially used in personal injury litigation, CFAs and ATE policies have been used more widely in recent years, particularly in defamation cases and in mainstream commercial litigation.

Lord Justice Jackson explains in the Report that:

"Litigation is a labour intensive process carried out by professionals in the face of skilled opposition. The costs of such process will always be substantial. It is not my function to devise ways of slashing costs as an end in itself, but to make recommendations 'to promote access to justice at proportionate cost'."

The Report runs to over 500 pages and makes extensive recommendations for reform in all areas of the civil justice system. This article focuses on the recommendations in so far as they impact upon commercial litigation. For the purposes of this article, the recommendations made in the Report are grouped into changes affecting the litigation process, litigation funding and costs recovery.

2 THE LITIGATION PROCESS

The Report recommends a number of procedural changes. The aim seems to be to impose greater control on each step of the process before it is undertaken so as to prevent “run away” costs.

Pre-action correspondence

Parties should continue to exchange pre-action correspondence and information in relation to their dispute but for general commercial disputes, the current rules which require lengthy and detailed pre-action correspondence as well as extensive exchanges of documents, should be abolished.

This change is to be welcomed. Although a degree of pre-action co-operation is necessary the requirements currently imposed on parties give rise to an extra layer of cost which cannot be recovered if the matter settles before proceedings are issued. However, parties should not be lulled into thinking that minimal preparation will be required before starting a claim; changes to case management and disclosure requirements still mean that they will need to prepare their cases thoroughly at an early stage.

General case management

A far more pro-active approach to the management of cases should be adopted. In particular:

- Docketing of cases should take place wherever possible so that one judge has responsibility for a case from start to finish. This means that judges will be familiar with their cases, saving time that might be spent revisiting issues that have already been dealt with at previous hearings.
- Interim hearings such as case management conferences should only take place where they serve a useful purpose rather than as a matter of routine. Judges should pre-read papers for interim hearings.
- The entire timetable for trial should be set as early as possible. Judges and their clerks should contact parties directly to check on progress in relation to each stage of the timetable.

The recommended changes are, to a large degree, common sense, aimed at ensuring that matters proceed to trial in an efficient and orderly manner. This new approach will be needed if the recommended changes in relation to disclosure and witness statements are implemented (see below) because the preparation required for interim hearings by parties and the judiciary will increase.

Costs Management

Consistent with the more pro-active approach to be taken to the management of cases, the Report recommends greater costs management powers are exercised by the courts with costs budgets being prepared by parties to litigation and lodged at court for approval. Whilst recognising that there is a cost associated with costs management (both for solicitors preparing and submitting costs budgets and for the court in considering them) Lord Justice Jackson takes the view that case management and cost management must go hand in hand and, conducted properly, costs budgeting should save more money than it costs. He does however recommend a “gradualist” approach to the changes so that they are introduced gradually and, initially at least, are not made compulsory.

By approving budgets in advance of the cost being incurred the court can truly affect the costs of the litigation, whereas under the current system the court’s function in practice is to simply assess what has already been spent at the end of a matter. With budgets being set, the recoverable costs will be assessed by reference to the budgeted figures, with detailed assessment becoming the exception rather than the rule. It is likely to be used only for those cases where costs exceeding the budget are sought.

It is expected that the proposals will be welcomed by litigants in commercial matters; Lord Justice Jackson’s report refers to a survey carried out by an unnamed city law firm which showed that 75% of its respondent clients thought the court should be given greater power to manage and control costs. The proposals will increase pressure on lawyers to ensure that costs are thought about in advance and managed appropriately at all stages of litigation, which can only be of benefit to their clients.

Disclosure

After exchanging statements of case and before starting disclosure parties will be expected to discuss and agree on the right approach to disclosure in their own cases, only resorting to the court if they cannot reach agreement. The current “one size fits all” test for disclosure (the search for and exchange of documents which either support or adversely affect a party’s case) should be replaced by a “menu” of options allowing the court to order anything from dispensing with disclosure altogether to ordering disclosure with a wider ambit than is currently the case. The court should also have the ability to dictate the extent of the searches for documents to be carried out by the parties. If court intervention is required it should be considered at the first case management conference, before work in relation to disclosure has started.

In relation to the particular problems posed by electronic disclosure there should be further training for legal professionals (both judges and lawyers), Lord Justice Jackson found that many lawyers and judges simply do not understand the requirements of conducting an adequate electronic disclosure exercise. New rules in relation to the search for electronic documents which were due to come into force in April this year have been postponed until at least October 2010, so as to ensure that they comply with Lord Justice Jackson’s recommendations.

The changes in relation to disclosure are to be welcomed. It can prove to be the most costly stage of the litigation process in large commercial cases because of the number of documents that have the potential to be relevant to a claim, compounded by the proliferation in recent years of electronic documents (and in particular email correspondence). Although there is already a requirement for the parties to co-operate in relation to disclosure this is often ignored by one party, leading to increased costs. The recommended changes should ensure that, although the exercise may still be costly, the disclosure process has been thought through and tailored to the circumstances of each individual dispute.

Witness statements and expert reports

In cases where it is cost effective to do so, after exchanging statements of case parties should seek to agree the identity of witnesses, the issues which each of their statements are to cover and limits on the length of their evidence. If the parties cannot

agree on these issues the court will be expected to make rulings on them at the first case management conference. Further, the court will be encouraged to impose sanctions on parties who submit excessively lengthy or irrelevant evidence.

The recommended changes in relation to expert evidence are potentially radical in that the Report recommends piloting the practice of “hot tubbing” (allowing 2 opposing experts to give evidence at the same time so that they can comment on and debate each other’s views before the judge). This practice was developed in Australia and its advocates claim that, as well as saving time and cost, it also allows the court to test expert evidence in a way which is not possible under traditional rules of evidence.

The recommended changes in relation to witness statements are likely to apply in most commercial cases because witness statements are often lengthy, driven by the large numbers of documents typically disclosed. They will mean that parties will be forced to incur costs earlier than they otherwise might in relation to witness evidence, deciding on its scope and likely length before seeing the disclosure given by the other side. It remains to be seen whether this issue will mean costs are duplicated with the scope of evidence being decided upon before disclosure and then revisited after disclosure.

Settlement: mediation and Part 36

The mechanism for encouraging parties to accept reasonable offers, set out in Part 36 of the court rules, should be given more “teeth” in the context of offers made by a claimant. Under the current rules if a claimant makes an offer which is rejected and goes on to recover more than the amount of the offer at trial, the defendant can be ordered to pay an increased proportion of the claimant’s costs or punitive interest as punishment for not accepting the offer and therefore wasting the court’s time. However, it is felt that this is not enough of a punishment for defendants. Therefore the Report recommends that a defendant that fails to beat a claimant’s offer should be ordered to pay a 10% uplift on the claimant’s damages as well as costs and interest. This change should certainly make defendants consider their position more carefully when deciding whether or not to accept claimants’ offers.

In addition the Report also advocates that the decision of the Court of Appeal in *Carver v BAA plc*¹ should be reversed. The Carver case concerned the application of Part 36 of the court rules. The claimant in the case (a personal injury matter) beat the Part 36 offer made by the Defendant but only by £51. The court held that this result was not “more advantageous” than accepting the original offer. Although practically they may have been right (no sensible litigant would, with the benefit of hindsight, go through the stress of taking a case to court for an extra £51) the effect of the case was to cast uncertainty over the operation of Part 36. Previously parties had proceeded on the assumption that to beat a Part 36 offer by £1 was enough. The decision in Carver meant that no-one knew what “more advantageous” actually meant except that it was more than £51. The recommended reversal of the decision is therefore to be welcomed.

Contrary to expectations in some quarters, the Report does not recommend compulsory mediation. Instead it recommends what amounts to a preservation of the status quo in commercial litigation; that parties should be encouraged to mediate their disputes and, if a party refuses to do so it should explain why and face costs sanctions for an unreasonable refusal. The philosophy is that parties should not be forced into settlement but should be penalised if they act unreasonably.

Small business disputes

The Report makes a number of recommendations that are designed to help SMEs involved in litigation. For example, it recommends consideration be given to devising a special streamlined procedure for lower value business disputes. The Report suggests changes to support the Mercantile Court with a single court guide and appointment of a High Court Judge to head up the Mercantile Courts. He recommends that small businesses involved in a dispute of up to £15,000 should consider agreeing that it be dealt with in the small claims track.

¹ [2008] EWCA Civ 412, [2009] 1 WLR 113

General points

Lord Justice Jackson makes a number of recommendations aimed at improving administration. For example he suggests regional centres be established to deal with county court administration, a suggestion that would be bound to improve the standard of county court administration across the board, reduce delay and save costs. He recommends improvements to IT systems. He also recommends that court fees should not increase beyond RPI increases in future.

3 FUNDING OPTIONS

ATE Premiums and CFA success fees

The Report makes a primary recommendation that ATE premiums and CFA success fees should no longer be recoverable as part of the costs of the action. Parties would still be able to enter into such arrangements; they would not however be able to recover more than their standard costs from a paying party and would have to pay their own success fees and ATE premiums.

He therefore proposes the reversal of the regime established by the Access to Justice Act which had been introduced to lower the burden on the Legal Aid fund. The idea was that by encouraging claimants to take out CFAs and to protect themselves against adverse costs risk by taking out an ATE policy, legal aid would no longer be necessary for many cases. The regime was then widened to encompass not only cases that might previously have been funded by Legal Aid but also those that would not, such as commercial litigation.

The recoverability of ATE premiums has always been thought necessary because unless an ATE policy was taken out the claimant would be at risk of having to pay costs if the case were lost. Lord Justice Jackson seeks to address that by recommending qualified one way costs shifting to protect individuals in personal injury, defamation and judicial review claims (see below). In relation to CFA success fees, as the claimant would be funding those without recoverability he recommends an increase in general damages of 10% in personal injury and defamation claims made by individuals. In commercial litigation, businesses using these arrangements (such as Risk Assist, the Stevens & Bolton Litigation Funding Model) are referred to as “super-claimants” because of the privileged position they hold in terms of cost exposure and risk. Lord Justice Jackson sees no policy reason why businesses should be able to protect themselves in this way and recommends removal of the recoverability of success fees and ATE premiums in business disputes.

Interestingly, Lord Justice Jackson seems to anticipate that these recommendations may not be accepted and so he offers a fallback position. He says that if his primary recommendation on ATE premium recoverability is not accepted then the premium should not be recovered if liability is admitted within the pre-action protocol period.

He also recommends that premiums should be capped at 50% of the damages and also recommends that an insurer's repudiation of cover should not release it from the obligation to pay the successful party.

In relation to CFA success fees, his fallback position is that success fees should not be recoverable for the pre-action protocol period. Thereafter he would recommend that fixed success fees be established for particular types of case.

The main recommendations made here are likely to be welcomed by defendants, as the premium and success fees will not be sought from them. It is likely that if recoverability of ATE premiums is abolished, the take up of ATE policies will diminish. This may in fact be regretted by a successful defendant where an uninsured claimant is unable to pay the costs.

Contingency Fees

Lord Justice Jackson recommends that contingency fees should be allowed along the lines of the model used in Ontario, subject to certain safeguards. Contingency fees are currently illegal and have been disallowed for a variety of reasons: they eat into a claimant's damages; can give rise to a potential conflict of interest; and can over compensate the lawyer.

The contingency fee a solicitor could charge would be subject to a maximum of 25% of the damages claimed. Costs would be awarded in the usual way with the successful party paying its solicitor the contingency fee agreed, less the amount recovered for costs from the opponent. The paying party's liability would be no greater than if the winner had funded its case without a contingency fee arrangement.

The safeguards recommended include the need for a client to take independent legal advice from another solicitor on the contingency agreement before it is entered into.

The benefit of this type of arrangements for a litigant is that it provides certainty in knowing that if the case is won, its liability will be no more than 25% of its damages. However, quite how realistic it is to expect that a solicitor will want to encourage a client to go to another solicitor for advice on a funding arrangement remains to be seen. A similar outcome or indeed more beneficial arrangement for the client could be achieved by simply entering into a CFA.

Given the expense incurred in taking a claim all the way to trial, it is unlikely that contingency fee agreements will be available for cases where damages are expected to be less than £500,000.

Third Party Funding

Third Party Funding is a relatively recent innovation in this jurisdiction. A third party funder can put up money to help fund a case or part of a case and will take a commercial return if the case succeeds. Often this is calculated as percentage of damages recovered or it may be a multiple of the amount invested. Currently a Third Party Funder will not be liable for the opponent's costs if the case is lost for more than the amount it has paid to or on behalf of the losing party.

Third Party Funding has so far tended to be used only for the higher value cases, where damages are likely to run into a few million pounds or more.

Lord Justice Jackson recommends that Third Party Funders should be regulated. He also recommends that they should be potentially liable for all of the opponent's costs if a case is lost.

One of the potential problems for this market is that usually Third Party Funders like to put in place CFA and ATE arrangements with the lawyers acting on the case. If success fees and ATE premiums cease to be recoverable, this may have an impact on the availability and terms of third party funding available.

Before the Event Insurance (BTE)

As a solution to problems that may arise from the abolition of the recoverability of ATE premiums, Lord Justice Jackson recommends that SMEs and householders should be encouraged to take up BTE insurance.

Although BTE insurance can often be obtained relatively easily by individuals as an add on to household insurance, the cover offered is often very limited. Similarly, BTE products currently available for businesses are limited or are sold at a price few SMEs are prepared to pay. Lord Justice Jackson seems to recognise these problems but hopes the market will develop new offerings.

4 COSTS RECOVERY

Proportionality

Lord Justice Jackson recommends a change in the law so that recoverable costs should be “proportionate”. In practice that would mean that an assessment of costs payable to the winner would be subject to a three stage test. First of all costs would be assessed to ensure that each item of cost was reasonable and necessarily incurred (as happens now). However the resulting overall figure would then be subject to a proportionality test and reduced if necessary.

Proportionality is to be defined by reference to the sums in issue, value of non-monetary relief, complexity of the litigation, conduct and any wider factors, such as reputation or public importance.

The sort of result of applying the proportionality test Lord Justice Jackson might have in mind can perhaps be seen in relation to the proposals for fixed costs.

Fixed Costs

Costs of litigation should be more predictable, particularly in relation to low value litigation. As such, a fixed costs scheme should be introduced on the fast track, dealing with claims between the values of £5,000 and £25,000 and with a trial lasting less than a day. The recommended limit on pre-trial costs is £12,000. There are currently no proposals to fix costs on the multi-track although this is to be kept under review.

This change will be welcomed for small scale commercial litigation for the certainty it provides, even though the figure may be on the low side. Where there are complicating additional factors outside of the norm, such as additional experts, multiple witnesses and defendants, the court may allow a litigant to claim additional costs.

Qualified one way cost shifting

If recoverability of ATE premiums and CFA success fees is abolished, Lord Justice Jackson envisages a qualified one way cost shifting regime being implemented for the benefit of individuals. It will only be used in personal injury, judicial review and defamation cases. It is not proposed to be implemented in commercial litigation.

Detailed assessment

With the implementation of costs management as mentioned above, the budgets fixed and managed through the course of the litigation would effectively become the benchmark for costs awards, leading to far fewer detailed assessments. The Report also recommends the abolition of the indemnity principle (the rule that a party cannot recover from its opponent more than it is itself liable to pay its own solicitor) so as to remove a source of much satellite litigation over costs.

A costs council is to be established. Its functions will include monitoring of hourly rates allowed on assessment and setting of fixed fees and benchmark fees. The report encourages greater use of benchmark fees, for example in relation to the costs of reasonably straightforward procedures such as winding up petitions and bankruptcy petitions. These would not act as fixed fees but actual costs falling within the benchmark rates would be allowed without detailed assessment.

5 CONCLUSIONS

Implementation

The response of the judiciary to the Report has been positive, with both the Lord Chief Justice and the Master of the Rolls making it clear that they support the proposals, as has the current Lord Chancellor and Secretary of State for Justice, Jack Straw. Lord Justice Jackson has accepted an invitation to oversee implementation of the reforms.

The reforms might be implemented in a variety of ways:

- Changes to the Civil Procedure Rules
- Legislative change
- Attitude of the judiciary

Changes to the Civil Procedure Rules can be implemented relatively quickly and easily. Many of the changes proposed can be made in this way. For example the fallback position proposed on ATE premiums and CFA success fees can be implemented by rule changes, as can the changes to manage electronic disclosure.

Where legislative change is required, the position is less certain. Lord Justice Jackson notes nine areas where primary legislation will be required. These include legislation to repeal section 29 of the Access to Justice Act 1999, the measure needed to implement his primary recommendations on abolition of ATE premium and CFA success fee recovery.

It is in the attitude of the judiciary that change is perhaps going to be fastest and the least predictable. There is no doubt that the Report is viewed as the most thorough and detailed review of costs in recent years and there is a momentum for change to enact many of its recommendations. The report is likely to be a reference point for both practitioners and judiciary. The reality is that many of the recommendations made are enhancements of existing powers – or even simply an encouragement to use existing powers. For example the use of budgets within the costs management recommendations are really an enhancement of existing case management powers to order detailed costs estimates, which when provided, in practice often set the

upper limit of recoverable costs. One of the consequences of the recommendations in Lord Woolf's report 'Access to Justice' published in July 1996, which were eventually implemented in 1999, is that certain members of the judiciary embraced much of its philosophy in their approach to cases before the implementation. It is likely that similar consequences will be seen with the recommendations of the Report, particularly where a court already has a wide discretion as it does on many costs and case management issues.

Implementation is most likely to encounter difficulty in the area of legislative change. With an election imminent there must be some doubt as to when legislative time will be found for these measures; there are bound to be more pressing matters for a new government. It is far from certain that Parliament would embrace the recommendations, particularly in relation to abolition of the recovery of ATE premiums and CFA success fees – perhaps it was for this reason that Lord Justice Jackson set out a fallback position. It may well be felt that far from providing access to justice, these proposals restrict access to justice for claimants.

Other elements of change fall to the market place. Whether BTE insurance providers are able to develop products that are attractive to SMEs and householders alike remains to be seen. Take up of contingency fee arrangements will depend largely on the attitudes of solicitors. The future for ATE insurance will depend on whether the primary recommendations or the fallback recommendations are implemented and consequent refinements in their offerings by ATE insurers. Third Party funding offerings will also be refined in light of the changes to ATE and CFAs and funders' potential liability for the entirety of the costs of a successful opponent.

Where recommendations might need additional funding of the Civil Justice System to make them work, it is questionable whether the government would be prepared to make the funding available. For example, the recommendations on docketing cases, additional case management in relation to disclosure, and costs management might stretch existing judicial and administrative resources. Without additional funding the proposals may not be as effective as envisaged.

Whilst Lord Justice Jackson has been at pains to point out that his proposals are to be taken as a whole and not accepted in part, there remains a very real possibility that they will be implemented on a staged basis and may not be fully implemented at all.

This was a problem encountered by Lord Woolf who made clear that his reforms depended upon the implementation of his key recommendations on the use of IT by the courts but those recommendations were never in fact implemented.

Impact on commercial litigation

The proposals made in the Report, if implemented, would have an impact on the way in which commercial litigation is conducted and its cost.

In particular, the recommendations affecting case management and disclosure are most welcome and could well lead to costs savings in many larger cases. Similarly, an approach to encourage reductions in the length of witness statements could also make a real difference in costs. The vision of costs management and budgeting set out in the Report, if enacted, would be welcome to businesses in dispute as it would provide a degree of clarity and certainty over costs and costs liability that they are seldom able to achieve at present. The idea of fixing costs in fast track claims may well mean that defendants are more inclined to defend those claims in the knowledge of a fixed adverse costs liability. However, claimants may well be more reluctant to pursue claims, or at least pursue them with the help of solicitors because of the more limited cost recovery. The recommendations for curtailing the obligations in relation to pre-action protocols may also help in avoiding some of the frontloaded costs which have arisen since the Woolf Reforms were introduced.

Whether the reforms are implemented in whole or in part, there is no doubt that change is on the way.

With this in mind there are a number of practical steps that businesses can take to control their own costs of litigation and to prepare for litigation when a dispute arises in light of the Report's recommendations. For example:

- Document management is becoming increasingly essential in a world where over 90% of business communications are conducted electronically and businesses may have obligations to provide data to third parties, not only in litigation but also under data protection and freedom of information legislation. Managing and gathering documents is critical in any dispute, particularly when litigation is likely. Businesses that can locate and identify documents quickly will have an

advantage. If they have not already done so, all businesses should implement document handling and retention policies which prescribe how employees should handle, save and retain electronic documents. Such policies should be strictly enforced.

- When a dispute arises, as much information about it as possible should be gathered. In addition to key documents, identifying key personnel and others involved in the dispute for interview is always sensible.
- Instructions should also be given to all concerned within the business to preserve documentation and not to create documentation that could prejudice a party's position if disclosed.
- Take early advice, and ensure efficient use of external lawyers, particularly for small business disputes where the potential to recover costs incurred from the other party will be limited. Early evaluation of the case, documents and potential witnesses will be key to establishing a sensible case and cost management strategy in any case. Businesses should consider assisting solicitors in their early investigation and analysis of the case. For instance, a detailed written narrative of the background to the dispute; written summaries of the comments of key personnel on relevant issues and documents (in effect, a first draft witness statement); a comprehensive and well-ordered set of potentially relevant documents all prepared for the purpose of obtaining legal advice will all be helpful.
- Options for funding cases through the use of CFAs and ATE insurance, for example under the Risk Assist scheme, remain open and are likely to remain open for some time yet. The attraction for a commercial client of becoming what Lord Justice Jackson referred to as a “super-claimant” remain, at least for the time being. Any changes to the current regime are unlikely to be retrospective.
- For businesses facing a “super-claimant” early advice and case evaluation is essential.

Businesses involved in commercial litigation have little to fear from Lord Justice Jackson's recommendations. Indeed, most commercial clients will welcome the proposed changes and should be able to turn them to their advantage in controlling both their own legal costs and in managing exposure to the costs of their opponent.

6 COMMERCIAL LITIGATION AT STEVENS & BOLTON LLP

'A City firm without the EC postcode, Stevens & Bolton is a regional success story'
(Legal Business).

Stevens & Bolton LLP is a full service law firm, independently recommended by the leading guides to UK law firms in 21 specialist areas, including Dispute Resolution. We were named 'National/Regional Law Firm of the Year' at the 2009 Legal Business Awards. Our clients include mid tier businesses (whether quoted or owner-managed), household name PLCs and other major international groups, and high net worth private clients.

The Commercial Litigation team is part of our Dispute Resolution Group with a total of 27 lawyers. It is recognised as one of the leading dispute resolution practices in the south and is top rated by Chambers & Partners Directory. Separate dedicated teams advise on contentious matters in the fields of Construction, Intellectual Property and Real Estate. Most of the team's lawyers have worked in major City or regional practices. The team has been described as *"very experienced and extremely professional...winning recognition for its 'City-style' practice"*, *"canny, alert and business-oriented"* and is rated for its *"general professionalism, efficiency, pragmatism and client focus"*.

Partners Richard King, Michael Frisby and Kate Matthews and senior associate Tim Carter are personally recommended in the principal legal directories, The Legal 500 and Chambers & Partners.

The team's lawyers include qualified solicitor advocates and mediators. The team has a wealth of experience in advising clients, ranging from UK and foreign multi-nationals and institutions to owner-managed businesses and individuals, involved in the full range of corporate and commercial disputes including commercial contract disputes, claims arising out of corporate transactions, shareholder litigation, professional negligence and regulatory (advisory and prosecutions).

The team deal with litigation, arbitration (both UK and international), adjudication, mediation and other ADR procedures, expert determination and provide strategic advice in the areas of claims avoidance and risk management.

The team has strong experience in disputes with an international dimension, advising on disputes with foreign parties and in pursuing claims outside the UK.

Risk Assist, the Stevens & Bolton Litigation Funding model, was shortlisted in the Most Enterprising Law Firm category in the Legal Business Awards 2009.

For further information please contact:

Richard King on 01483 734242 or at richard.king@stevens-bolton.co.uk

Michael Frisby on 01483 734244 or at michael.frisby@stevens-bolton.co.uk

Kate Matthews on 01483 734275 or at kate.matthews@stevens-bolton.co.uk

Andrew Quick on 01483 734249 or at andrew.quick@stevens-bolton.co.uk



The Billings, Guildford, Surrey GU1 4YD Tel: +44 (0)1483 302264 Fax: +44 (0)1483 302254
mail@stevens-bolton.co.uk www.stevens-bolton.co.uk DX 2423 Guildford 1