

**FOIL****Prepared by Kysen PR**

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## Insurance lawyers back fixed costs

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The Forum of Insurance Lawyers (FOIL) has welcomed proposals to extend fixed recoverable costs, as set out this month in *Transforming Our Justice System*, a consultation paper by the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals.

FOIL set up a fixed costs working group to focus on the issue in May, and has called for fixed costs on the fast-track and lower reaches of the multi-track in civil claims.

Duncan Rutter, FOIL president, says: "In his speech on fixed costs in January, Lord Justice Jackson said that a fixed costs regime could be delivered within the course of this year, if the political will were there.

"It is encouraging to see that the government, together with the Lord Chief Justice, is showing some determination to extend fixed recoverable costs, not only for clinical negligence and personal injury claims but across the civil justice system. With the work already undertaken on fixed costs by Lord Justice Jackson and the Department of Health it is to be hoped that proposals can be developed and consulted upon within a matter of months."

Elsewhere, however, lawyers have urged caution on the proposals, which include a £700m pledge to modernise civil courts and tribunals, conduct more litigation online and close "many" of the existing 400 court buildings over the next four years. One of the government's aims is for the "entire process of civil money claims" to be automated and digitised by 2020, for all civil cases to be started online and for suitable cases to be dealt with entirely online.

Steve Hynes, director of the [Legal Action Group](#), says: "The biggest barriers to access to justice remain financial and the government seems unwilling to address these."

Chantal-Aimée Doerries QC, Chairman of the Bar, warns there is "a real risk of entrenching a two-tier justice system, providing a different type of justice to claimants and defendants, depending upon the size of the money claims in dispute".

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