

**FOIL**

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## LETTERS

## Jackson's outstanding legacy

*Lord Justice Jackson has made a valuable contribution to changing the litigation costs landscape – and it will continue beyond retirement*

» In his pre-retirement swansong lecture to the Cambridge Law Faculty, Lord Justice Jackson posed the question, 'was it worth it?'. It would be remiss not to take the opportunity to record FOIL's view that it certainly was.

The most effective elements of Jackson: the reform of the CFA regime; the introduction of costs management; and the reform of the costs assessment process, including the introduction of provisional assessment, tackled some of the least efficient and most dysfunctional parts of the civil justice system.

The road to reform has not always been smooth, as Andrew Mitchell MP will be aware, but it has resulted in very significant costs savings without impacting on access to justice. (As a costs practitioner, I respectfully disagree, however, with the assertion in the speech that costs are neither glamorous nor sexy.)

Lord Justice Jackson may be retiring but there is still work to do. 'Hot-tubbing', DBAs, improved disclosure and proportionate costs are all still 'works in progress' (won't they always be?). But most important is the implementation of the Supplemental Report on Fixed Recoverable Costs. The new CJC working group on lower-value clinical negligence claims is a good start, but the government needs to press on urgently with the other proposals: to extend fixed costs, control incurred costs, and introduce the intermediate track.

In Lord Justice Jackson's view, litigation costs are still too high – FOIL agrees. His contribution to changing the litigation costs landscape has been outstanding and it will continue beyond his retirement.

**Stephen Hines**

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