



List of Annexes to the Report of the Working Party Damages Based Agreements (Contingency Fees)

Annex 1 - The terms of reference of the Working Party, as set out in Lord Justice Jackson's dated 1st March 2012 during the passage of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 Bill. (Lord Justice Jackson)

Annex 2 – Whether recoverable costs are part of the contingency fee amount (Professor Rachael Mulheron)

Annex 3 –Contingency fees – how they might work with Inter Partes Costs (Colin Stutt)

Annex 4 – Several documents prepared on caps and controls that might apply to DBAs:

a) Should a cap be imposed on the contingency fee to be deducted from damages? Do different considerations apply to commercial cases? (John Spencer/Peter Smith)

b) What cap, if any, should be imposed on the contingency fee to be deducted from damages in personal injury cases? (draft options) (John Spencer)

c) Options for contingency fee caps and controls (Colin Stutt)

d) Cap on success fees (PIBA – Personal Injury Bar Association)

e) *Why ten per cent?* (Speech by Lord Justice Jackson) -

<http://www.judiciary.gov.uk/publications-and-reports/review-of-civil-litigation-costs/lectures/lj-jackson-speech-why-ten-percent-290022012>

f) Client protection and the ability to challenge costs charged under a damages based agreement (Nicholas Bacon QC)

g) Legal aid reform: application of the supplementary legal aid scheme (SLAS) (MoJ consultation paper) -

<http://webarchive.nationalarchives.gov.uk/20111121205348/http://www.justice.gov.uk/downloads/consultations/legal-aid-reform-consultation.pdf>

h) DBAs in employment cases (Professor Richard Moorhead) - <http://www.law.cf.ac.uk/researchpapers/papers/6.pdf>

i) Something for nothing : employment tribunal claimants' perspectives on legal funding (Professor Richard Moorhead) - <http://www.bis.gov.uk/files/file51880.pdf>

j) Caps on Success Fees in CFA cases and contingency fees in DBA cases (John Pickering)

Annex 5 – Contingency fees and collective actions (Professor Rachael Mulheron)

Annex 6 – Several documents prepared on the regulations that might apply to DBAs (all papers by David Greene)

- a) Statutory Background and proposals for Contingency fees
- b) Regulations of DBAs
- c) Contents of the DBA
- d) Draft DBA Regulations
- e) Explanatory Notes to the Draft DBA Regulations

Annex 7 – The Availability of ATE post-LASPRO for DBA funded cases (Peter Smith)

Annex 8 – Adverse Costs Rules & DBAs – Should the existing rules be changed? (Nicholas Bacon QC)

Annex 9 – Relevant Ontario case law (Professor Rachael Mulheron)

Annex 10 – Legislation considered by the Working Party, including:

- a) Section 45, Legal Aid, Sentencing and Punishment of Offenders Act 2012
<http://www.legislation.gov.uk/ukpga/2012/10/section/45/enacted>
- b) Section 58AA, Courts and Legal Services Act 1990
<http://www.legislation.gov.uk/ukpga/1990/41/section/58AA>
- c) The Damages-Based Agreements Regulations 2010
<http://www.legislation.gov.uk/uksi/2010/1206/contents/made>

d) Written Ministerial statement on QOCS (MoJ) -

http://www.parliament.uk/documents/commons-vote-office/July_2012/10-07-12/11-MOJ-Civil-Litigation-Funding.pdf

e) Solicitors Act Ontario Regulation 195/04 (Contingency Fee Agreements) –

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_040195_e.htm

Annex 11 – The eighteen recommendations made in the Working Party report