

Case Review Notes: Professor Dominic Regan - Belsner v Cam in the Court of Appeal



The Court of Appeal aborted the hearing on February 23rd. The Master of the Rolls has directed that the matter be relisted for a 2-day date hearing but with a 3rd day set aside in case it is needed.

Whilst a transcript has been ordered of what took place on February 22nd and 23rd, it was made clear that the new hearing will be not be a continuation but rather a fresh start.

Consequently, the parties are to provide new skeleton arguments sequentially, with the claimant first, the defendant second and the intervening Law Society last.

Permission was granted to exceed the 25 page limit for each skeleton.

It was directed that the hearing take place by July 31st. The constitution of the Court will not change so the Bench will comprise Vos M.R., Flaux LJ and Arnold LJ. This time the Senior Costs Judge is to be drafted in as an Assessor.

Ben Williams QC, PJ Kirby QC and David Holland QC will continue to represent the parties. The MR doesn't want the timetable thrown if junior counsel is not available, the show must go on.

At the conclusion of the Appeal the Court will determine the outcome. It will sensibly not throw the case back to the District Judge.

I guarantee that judgment will be delivered within 3 months of the hearing. Sir Geoffrey Vos is adamant that every decision be promulgated within that time and indeed I think there is a real prospect of judgment being delivered much more quickly than that.

Meanwhile, 900 related cases remain stayed.

It dawned upon the Court that the status of Pre - Action Protocol activity was uncertain. Was that contentious or non- contentious work? Quite apart from the annual 600,000 claims that go through the RTA portal, legislation is in the pipeline to capture much more work in a Pre- Action regime. It is crucial to determine the status of that work and that could have a significant impact upon retainers, deductions and costs.