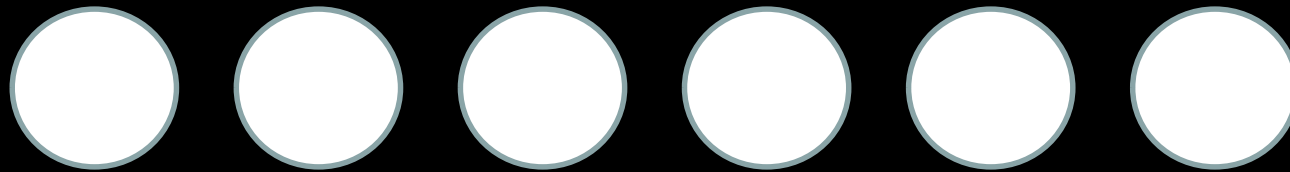


Strategic Advantages

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39 Essex Chambers



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You need a *00*

- Retainer
- Litigation Funding / ATE
- Retainer with counsel
- Security, wasted, non-party, interim, summary assessment
- CCMC & budget variation
- Final Orders – settlement and trial
- Post-trial



Commencing – Solr/Client

- Good leaver / bad leaver?
- What did the retainer actually say?
- Status of any and every bill
- Who should issue first?
- Issue for what?

Won't pay, won't pay! - Client

- Delay, delay, delay
- High Court / County Court vs. Part 8 SCCO
- Big ticket items
- Preliminary issues
- Professional negligence?

The money



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Get the money - Solr

- Consider the delay game
- Be as pro-active as you can be
- Is cash King?
- What's the client's end-game?
- Payments on account?
- Is there even an asset base?

Out of time?

Client

- No jurisdiction under Solicitors Act 1974
- Claim for ACCOUNT / DECLARATION
- Quantum? > SCCO

Solicitor

- Payment on account
- Pro-active listing

Mediation?

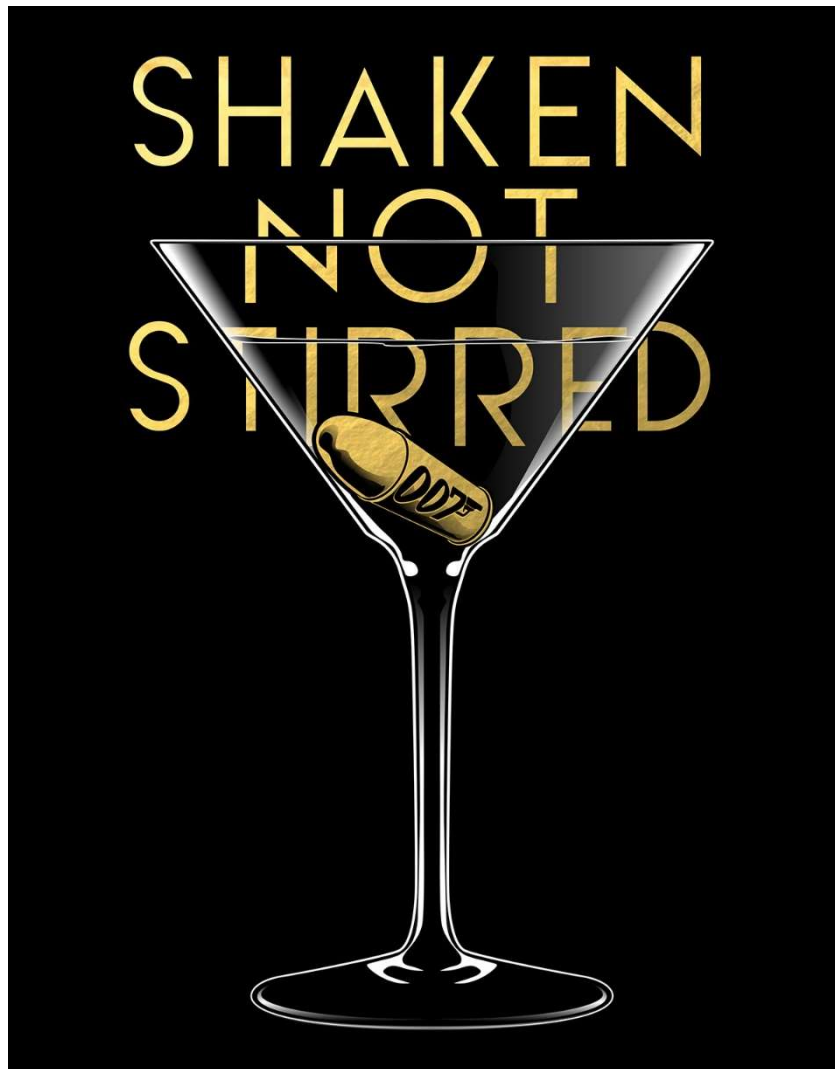
- Beat the delays
- Avoid SCCO costs altogether
- You control – when, what, where, who
- Get finality sooner
- Confidential
- Can opt for an evaluative outcome
- Choose a mediator respected by both sides

Between the Parties

- Early discussion / negotiation
- Is your house in order?
- Preliminary points
- Offers: Part 36 / Calderbanks
- Stay in proceedings
- Mediation
- Delay vs Payment on Account

Generally

- Consult a **OO**
- Keep an eye for the wood through the trees
- Consult the assault manual if Part 36 is engaged
- Predict the unpredictable: hourly rates; proportionality



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