

CADR CASE STUDY

EARLY NEUTRAL EVALUATION

In high value Group Litigation, the Defendant had agreed terms with claimants in a selected handful of test cases, with the settlement including the payment of their legal costs.

Rather than go to court for the assessment of costs in the hundreds of other claims which had been affected by the decision in the test cases, the parties agreed to an Early Neutral Evaluation of the hourly expense rates which the court would be likely to allow for the work the claimants' solicitors had undertaken in all the cases.

The issues for evaluation also included whether it had been reasonable to instruct solicitors in London rather than in the towns and cities in which the claimants resided.

Having obtained the opinion of the CADR expert on these points, the parties were able to reach agreement both on the reasonableness of the instruction of London solicitors and the hourly expense rates which it would be fair and just for the Defendant to pay, thereby saving the expense of going to court for decisions in each of the hundreds of claims which the Group Action involved.