

GUIDANCE NOTES ON PRECEDENT H

1. This is the form on which you should set out your budget of anticipated costs in accordance with CPR Part 3 and Practice Directions 3E and 3F. In the deciding the reasonable and proportionate costs of each phase of the budget the court will have regard to the factors set out at Civil Procedure Rules 44.3(5) and 44.4(3) including a consideration of where and the circumstances in which the work was done as opposed to where the case is heard.

2. This table identifies where within the budget form the various items of work, **in so far as they are required by the circumstances of your case**, should be included. Allowance must be made in each phase for advising the client, taking instructions and corresponding with the other party/parties and the court in respect of matters falling within that phase.

Phase	Includes	Does NOT include
Pre-action	<ul style="list-style-type: none"> • Pre-Action Protocol correspondence • Investigating the merits of the claim and advising client • Settlement discussions, advising on settlement and Part 36 offers • All other steps taken and advice given pre-action 	<ul style="list-style-type: none"> • Any work already incurred in relation to any other phase of the budget
Issue/statements of case	<ul style="list-style-type: none"> • Preparation of Claim Form • Issue and service of proceedings • Preparation of Particulars of Claim, Defence, Reply, including taking instructions, instructing counsel and any necessary investigation • Considering opposing statements of case and advising client • Part 18 requests (request and answer) • Any conferences with counsel primarily relating to statements of case 	<ul style="list-style-type: none"> • Amendments to statements of case (see below)
CMC	<ul style="list-style-type: none"> • Completion of DQs • Arranging a CMC • Preparation of costs budget for first CMC and reviewing opponent's budget • Correspondence with opponents to agree directions and budgets, where possible • Preparation for, and attendance at, the CMC • Finalising the order 	<ul style="list-style-type: none"> • Subsequent CMCs
Disclosure	<ul style="list-style-type: none"> • Obtaining documents from client and advising on disclosure obligations • Reviewing documents for disclosure, preparing disclosure report or questionnaire response and list 	<ul style="list-style-type: none"> • Applications for specific disclosure • Applications and requests for third party disclosure

	<ul style="list-style-type: none"> • Inspection • Reviewing opponent's list and documents, undertaking any appropriate investigations • Correspondence between parties about the scope of disclosure and queries arising • Consulting counsel, so far as appropriate, in relation to disclosure 	
Witness Statements	<ul style="list-style-type: none"> • Identifying witnesses • Obtaining statements • Preparing witness summaries • Consulting counsel, so far as appropriate, about witness statements • Reviewing opponent's statements and undertaking any appropriate investigations • Applications for witness summaries 	<ul style="list-style-type: none"> • Arranging for witnesses to attend trial (include in trial preparation)
Expert Reports	<ul style="list-style-type: none"> • Identifying and engaging suitable expert(s) • Reviewing draft and approving report(s) • Dealing with follow-up questions of experts • Considering opposing experts' reports • Meetings of experts (preparing agenda etc) 	<ul style="list-style-type: none"> • Obtaining permission to adduce expert evidence (include in CMC or as separate application) • Arranging for experts to attend trial (include in trial preparation)
PTR	<ul style="list-style-type: none"> • Bundle • Preparation of updated costs budgets and reviewing opponent's budget • Preparing and agreeing chronology, case summary and dramatis personae (if ordered and not already prepared earlier in case) • Completing and filing pre-trial checklists • Correspondence with opponents to agree directions and costs budgets, if possible • Attendance at the PTR 	Assembling and/or copying the bundle (this is not fee earners' work)
Trial Preparation	<ul style="list-style-type: none"> • Trial bundles • Witness summonses, and arranging for witnesses to attend trial • Any final factual investigations • Supplemental disclosure and statements (if required) • Agreeing brief fee • Any pre trial conferences and advice from Counsel • Pre-trial liaison with witnesses 	Assembling and/or copying the trial bundle (this is not fee earners' work) Counsel's brief fee and any refreshers
Trial	<ul style="list-style-type: none"> • Solicitors' attendance at trial • All conferences and other activity outside court hours during the trial • Attendance on witnesses during the trial • Counsel's brief fee and any refreshers • Dealing with draft judgment and related 	<ul style="list-style-type: none"> • Preparation for trial • Agreeing brief fee

	applications	
Settlement	<ul style="list-style-type: none"> • Settlement negotiations, including Part 36 and other offers and advising the client • Drafting settlement agreement or Tomlin order • Advice to the client on settlement (excluding advice included in the pre-action phase). 	<ul style="list-style-type: none"> • Mediation (should be included as a contingency)

3. The 'contingent cost' sections of this form should be used for **anticipated costs** which do not fall within the main categories set out in this form. Examples might be the trial of preliminary issues, a mediation, applications to amend, applications for disclosure against third parties or (in libel cases) applications re meaning. **Costs which are not anticipated** but which become necessary later are dealt with in paragraph 7.6 of PD3E.

4. Any party may apply to the court if it considers that another party is behaving oppressively in seeking to cause the applicant to spend money disproportionately on costs and the court will grant such relief as may be appropriate.