

# The Collective Redress Lawyers Association

AUTUMN 2022

## The Civil Justice Council has been considering issues of costs reform

A working group overseen by the judiciary is considering four areas of costs: *Costs Budgeting; Guideline Hourly Rates; Costs under pre-action protocols/portals and the digital justice system and; Fixed Recoverable Costs*. The group's consultation has recently closed. Members of CORLA have made submissions and attended the meetings organised by the group. The indications are that the group is likely to retain costs budgeting but remove many of the trip wires in the process that have proved so contentious. Guideline Hourly rates have been examined previously but the lack of reliable data has always been a challenge. Some changes to the current regime are likely to reflect modern practice and work patterns. There remains constant pressure also to extend the fixed costs regime under judicial pressure and it remains to be seen if the group carries that message forward. The conclusions are likely early 2023, possibly to come into effect in October 2023.

## Potential impact of Voss Report on funding of UK Collectives

The campaign against the growth of class actions in Europe led by the American Chamber of Commerce received a perceived fillip recently with the publication of the EU Parliament's Voss Report on third party funding. This seems a thinly veiled process to restrict funding for consumer class actions through regulation. The Report repeats many misunderstandings about the litigation finance industry and process but will steer the way to EU legislation. This may require registration of funders under set criteria including possible capital requirements and the capping of charges for the finance. The capping of returns has been proposed in Australia but has been largely binned because of the problems that flow from it. There is little doubt regulation will have a knock on effect of restricting the availability of litigation funding in Europe. It is difficult to assess how this would affect funding in the UK, where legislations seems highly unlikely but those funders operating in Europe are likely to apply some of the consequent principles in the UK. The consideration of the Voss Report, which has the full backing of the EU Parliament, will take a little time and the legislative process that follows is likely to extend into 2024.

## Group Litigation Orders in consumer group litigation: the renewed case for reform

Shazia Yamin, who led on the first Volkswagen emissions group action, and Claire Powell, discuss the need for reform in consumer group litigation and consider how different procedural mechanisms in other jurisdictions operate.

Group litigation orders (GLOs) are one of three main procedural mechanisms available to litigants in the English courts for obtaining collective redress. GLOs are the most widely used of the three, all of which share a common objective: to enable groups of claimants with a shared interest to pursue a remedy against the same defendant(s). GLOs are a case management regime. They require claimants to "opt-in" meaning proceedings must be issued for each individual claim, which are then collectively managed by the court.

*This article was written by Shazia Yamin, Partner, and Claire Powell, Associate Solicitor at CORLA Founder Firm Leigh Day on 21 October 2022. To read the full article, please see [here](#).*

## News Items

**Lawyers group welcomes collective actions ranking in latest Chambers directory.**

Click [here](#) for the full article.

**The latest equal pay claims against supermarkets.**

Click [here](#) for the full article.

**An exploration of the surge in crypto group actions.**

Click [here](#) for the full article.

## CORLA Events

**Autumn Conference: 24 November 2022**  
**The Law Society**

Please click [here](#) for further details and to register your attendance for this members only event. Please note, space is limited.

**AGM: 22 March 2023**

Save the date! Further details will be available in due course.

## CORLA Committee

Please join us in welcoming two new officers to the CORLA Committee:

Press Officer  
[David Standard](#)

Marketing Officer  
[Eleanor Leedham](#)

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