

OUR PEOPLE

Matthew Waszak

CALL 2012

CHAMBERS AND PARTNERS

“Knowledgeable and has particular ability in relation to the more difficult and complex cases. His advice is thorough and clear, and he is able to deal with awkward opponents skilfully.”

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Matt specialises in all aspects of costs litigation and litigation funding, as well as in related professional negligence and commercial work. He is consistently ranked as a leading junior by the legal directories, described in their most recent editions as “*utterly brilliant*” and someone who “*knows costs inside-out*”.

Many of his cases arise following high-value litigation, or relate to costs points with market-wide significance. His cases often involve insurance coverage, regulatory and professional liability issues. A very busy practitioner who regularly appears in the Senior Court Costs Office and before Regional Costs Judges, Matt is at the cutting edge of the battle lines, developments and trends in this area of work. He is frequently brought into major litigation, including commercial and group litigation, to advise on or argue specific costs issues. He is regularly instructed as a costs specialist in respect of costs budgeting or costs budget variations, the application of Part 36 and in applications for wasted costs orders and non-party costs orders.

During his earlier years at the Bar, Matt’s specialist costs practice developed alongside a wider civil common law practice, which encompassed personal injury, inquest and public law work. He was regularly instructed by claimant injury firms and defendant insurers; appeared unled in the Court of Appeal in **Norman v Norman [2017] 1 WLR 2523**, the leading case on anonymity in financial relief proceedings; and was instructed in the high-profile **Hillsborough** and **Deepcut Inquests** (Cheryl James and Sean Benton).

His depth of civil litigation experience is invaluable to many of the costs disputes in which he is instructed. That experience, particularly of the personal injury market, leaves him uniquely well placed in respect of disputes arising from the extension of fixed recoverable costs (FRC).

Chambers and Partners, UK Bar, Costs Litigation

“Matthew Waszak is a very persuasive advocate. He fights hard for his clients, is well prepared and makes succinct points.” (2023, Band 2)

“His advice is thorough and clear and his outstanding, intricate and comprehensive costs knowledge is clearly apparent.” (2023, Band 2)

“Matthew’s very calm during hearings, and his delivery of points and arguments is very considered and to the point.” (2023, Band 2)

“Knowledgeable and has particular ability in relation to the more difficult and complex cases. His advice is thorough and clear, and he is able to deal with awkward opponents skilfully.” (2022, Band 3)

“He has developed great depth of knowledge in this area” and “gives very detailed advice on complex issues.” “Energetic and just really good to be around, he is always thoroughly charming and absolutely on top of the subject matter.” “He’s tenacious and extremely good on the more technical points that arise in a case.” (2021, Band 3)

“Very knowledgeable and competent, he displays particular ability in cases concerning the assessment of recoverable ATE premiums.” “He shows great attention to detail, has an analytical mind, and is someone who produces clear and precise opinions”. (2020, “Up and Coming”)

Legal 500, UK Bar, London Bar, Costs

‘Utterly brilliant. Matthew knows costs inside-out and gives clear, practical and strategically savvy advice.’ (2024, Band 3)

“Matt is always very well prepared, very approachable and open minded to perspectives to moot issues which often leads to new ideas and conclusions to develop the market place. He is a calm advocate, and able to guide the Court through issues seamlessly”. (2023, Band 4)

“A pragmatic individual with particular ability in relation to the more difficult and complex cases” (2022, Band 4)

“Utterly superb costs knowledge” (2021, Band 4)

Privacy Policy

Click here for a [Privacy Policy](#) for Matthew Waszak.

Expertise

Costs Litigation

Between the Parties Costs

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Matt emerged as a leading costs junior during the disputes which followed the implementation of the changes under the **Legal Aid, Sentencing and Punishment of Offenders Act 2012**. His early cases included, in relation to challenges to ATE premiums, acting for the successful claimant in **Mitchell v Gilling-Smith [2017] EWHC B18 (Costs)** and for the successful

appellant in **Pollard v University Hospitals of North Midlands NHS Trust [2017] 1 Costs 45**, cited with approval and central to the Court of Appeal's decision in **West v Stockport [2019] 1 WLR 6157**.

He has a very busy between the parties' costs practice, typically acting for major solicitors' firms and defendant insurers. "[A] very persuasive advocate...[who] fights hard for his clients", Matt appears very regularly in Court, and is at the cutting edge of the latest arguments and developments. However, always alive to his clients' commercial interests, he is also instructed in mediations, both for his focused presentation of arguments and his deft people skills.

Matt is highly numerate and known for his expertise in the use of the electronic bill. He was instructed as junior Counsel before the Court of Appeal in the important case of **AKC v Barking, Havering and Redbridge University Hospitals NHS Trust [2022] Costs LR 1095**, which concerned the CPR requirements for bills of costs. He prides himself on recognising the importance not only of points of principle and technical points, but on his clients' requirement for granular analysis. He is known for rolling his sleeves up, working as a team player and for his meticulous preparation and eye for detail.

Having initially developed his costs practice alongside broader common law work, Matt is immersed in the litigation which has flown from the implementation of FRC, as well as disputes in respect of QOCS, Part 36 and costs budgeting.

He appeared for the successful defendant in the important case of **Nema v Kirkland [2019] EWHC B15 (Costs)**, which concerned the appropriate mechanism for determining disputed disbursements in cases subject to FRC in CPR Part 45, Section IIIA, and which was subsequently endorsed by the Court of Appeal in **Doyle v M&D Foundations and Building Services Ltd [2022] 4 WLR 93**. He is uniquely well placed in respect of disputes arising from the recent extension of fixed recoverable costs (FRC).

In a broader context, Matt is regularly brought into major litigation, including commercial litigation and group litigation, for specialist advice or advocacy on a range of costs points. He is instructed as a costs specialist in respect of costs budgeting and costs budget variations, the application of Part 36, applications for security for costs and in applications for wasted costs orders and non-party costs orders. Matt is regularly instructed in appeals of first instance decisions.

Examples of his recent work include:

- Acting for the receiving party in a commercial arbitration seated in London in respect of a bill of costs of c. £1.5m.
- Acting for the defendant in relation to costs in a substantial industrial disease group claim.
- **R v Luckhurst [2022] 1 WLR 3818**: acted for the paying party in the detailed assessment of costs in the Supreme Court, involving consideration of the status of the guideline fees under Supreme Court Practice Direction 13.
- Advising on the scope of a contractual indemnity for costs in a policy of professional indemnity insurance.
- Acting for the receiving party in the assessment of costs payable pursuant to a contractual indemnity.
- Acting for a legal expenses insurer in respect of a non-party costs order sought in substantial group litigation.
- Acting in an appeal in respect of the dismissal of a non-party costs order.
- Instructed on an appeal (High Court, Kings Bench Division), subsequently compromised, in relation to a Costs Judge's strike out/dismissal of unparticularised points of dispute in relation to the electronic bill of costs.
- **Carson v Mersey Care NHS Foundation Trust**: acted for the successful claimant in a test case in the District Registry of the High Court in Manchester: a claim started under the EL/PL Protocol where the claimant subsequently loses capacity and becomes a protected party is not subject to FRC under CPR Part 45, section IIIA.
- Instructed by the paying party in respect of a successful application to set aside a default costs certificate relating to costs of c. £2.5m.
- **Lacoste v Marks and Spencer** (High Court, Chancery Division): acted for the defendant in respect of costs budgeting in a trademark infringement claim in the Chancery Division of the High Court.
- Acted for the claimant in a dispute in the High Court concerning the liability for costs of work done to establish the reasonable security of a periodical payments order after the acceptance of a Part 36 offer in a catastrophic injury case.
- Instructed in numerous cases involving the construction and application of the fixed recoverable costs rules under section IIIA of CPR Part 45.
- Acting for a defendant insurer in numerous cases involving the definition of clinical negligence cases and the scope of the MOJ Pre-Action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability Claims).
- Instructed to advise on and draft written submissions on the principle of costs in a commercial case following a five-day trial.
- Acted for the claimant in an appeal (subsequently compromised) of a costs management order where the costs budgeting judge allowed nothing for budgeted costs, on account of the level of costs incurred by the claimant.
- Acting for a respondent in the Employment Tribunal in respect of an application for a costs order sought under the **Employment Tribunals Rules 2013**.

Solicitor Client Costs

“Knowledgeable and has particular ability in relation to the more difficult and complex cases. His advice is thorough and clear, and he is able to deal with awkward opponents skilfully.” (2022, Band 3)

*“Energetic and just really good to be around, he is always thoroughly charming and absolutely on top of the subject matter.”
“He’s tenacious and extremely good on the more technical points that arise in a case.” (2021, Band 3)*

“Utterly superb costs knowledge” (2021, Band 4)

Matt is a specialist in all aspects of solicitor client costs. He is regularly instructed in respect of assessments under the **Solicitors Act 1974**, in relation to both contentious and non-contentious costs. He is sought after for advice by solicitors, and is very experienced in the regulatory and reputational issues that surround such challenges. He has acted in an increasing numbers of challenges to the fees of solicitors acting as professional executors.

Many of his cases involve substantial overlap with claims for unpaid fees and/or claims against solicitors for professional negligence. He is experienced in the law relating to claims for unpaid fees; the circumstances in which summary assessment may be sought; and of common law/non-statutory assessments.

Within his solicitor client work, Matt has retained a substantial practice in acting for claimant injury firms in respect of CPR 46.4(2)(a) assessments concerning the post-LAPSO deductions sought from client damages. He appeared in the case of **ST v ZY [2022] EWHC B6 (Costs)**, concerning costs budget overspends and the application of the presumption of unreasonableness under CPR 46.9(3)(c).

Recent work has included:

- Acting for a City firm in a substantial claim for unpaid fees, which included successfully obtaining summary judgment in the amount claimed, and successfully acting on appeal in the dismissal of the appeal against summary judgment.
- Acting for a client in a three-day assessment under the **Solicitors Act 1974** in respect of the costs charged by a firm of solicitors acting as professional executors pursuant to a charging clause in a will.
- Advising a firm of solicitors in respect of the alleged payment of ‘secret commissions’.
- Advising an international company in respect of a challenge to twenty five invoices, arising in the context of a fraud claim in substantial commercial litigation.
- Advising on the scope of a contractual indemnity in respect of costs relating to criminal proceedings.

Litigation Funding

Matt is sought after for strategic litigation funding advice. Matt is also regularly instructed for strategic litigation funding advice in relation to issues such as FRC – particularly following their extension – costs budgeting and QOCS. He advises on a wide range of retainer issues including conditional fee agreements, CFA wording and CFA assignment; ATE insurance; contractual dispute resolution agreements, including in relation to group litigation; and damages-based agreements. He is well positioned to act in cases arising from the Supreme Court’s judgment on litigation funding agreements in **R (on the application of PACCAR Inc) v Competition Appeal Tribunal [2023] 1 WLR 2594**.

Professional Liability

Matt specialises in all aspects of solicitors’ obligations, including the termination of retainers, liens and delivery up of papers. He has acted in professional liability claims arising from the conduct of costs proceedings and costs issues. Many of his claims involve acting for solicitors in claims for unpaid fees, in which claims against solicitors for professional negligence arise.

Awards



Qualifications

Brasenose College, University of Oxford: BA (History)
City University, London: Graduate Diploma in Law (Distinction)

Eastham Scholarship, Lincoln's Inn
Lord Denning Scholarship, Lincoln's Inn
Lord Bowen Scholarship, Lincoln's Inn
Hardwicke Entrance Award, Lincoln's Inn