

OUR PEOPLE

Robert Marven KC

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LEGAL 500

"Robert has it all and is the leading silk in the costs field. He combines encyclopaedic costs knowledge with razor sharp intellect."



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Robert Marven KC is widely known as one of the leading specialists in all aspects of the law relating to costs and litigation funding, including associated professional negligence claims. He has been instructed in many of the most important cases in these areas.

Robert is also a recognised expert in the areas of group litigation and collective proceedings, the regulation of solicitors, barristers and claims managers, and in civil procedure.

The Legal 500 says: "Robert has it all and is the leading silk in the costs field. He combines encyclopaedic costs knowledge with razor sharp intellect", and that he is "outstanding on his feet, diligent and hard-working. Very clever and impressive." Chambers and Partners notes that he is: "a complete expert in thorny costs matters, he's very user-friendly, accessible and collegiate. His advocacy is a real strength – his submissions are confident and direct. He's brilliant." and "Rob Marven cuts through it all. He's sharp-witted and a heavyweight lawyer." Clients say he is "very client-friendly and communicates in a way that clients readily understand", "highly responsive and is a real pleasure to work with on every level" and "works wonders in enabling clients to successfully progress."

Robert is an editor of *Cordery on Legal Services* and a frequent author on topical issues within his areas of practice. He is also a regular speaker at many high-profile events such as the Costs Law Reports Conference, Association of Costs Annual Conference, and the Law Society Dispute Resolution Conference.

Privacy Policy

Click here for a [Privacy Policy](#) for Robert Marven KC.

Transparency Statement

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Expertise

Costs & Litigation Funding

Robert is one of the leading specialists in all areas of costs law and he has appeared in many of the most important cases. Recently Robert has appeared in cases which establish new principles on the validity of funding agreements in the light of the Supreme Court's decision in *Paccar*; the Competition Appeal Tribunal's jurisdiction to order payment of funding and other costs on settlement; a beneficiary's entitlement to challenge the costs of an executor; a defendant's entitlement to disclosure of claimants' funding agreements in group litigation.

Robert is often brought into major commercial litigation as well as many of the largest group claims and collective proceedings, to advise and make submissions on costs issues. He is also appearing in ongoing test litigation about solicitors' rights to made deductions from client damages.

Robert represents a wide range of clients including PLCs and public bodies, solicitors, claims management companies and individuals. He advises and represents many if not most of the leading commercial litigation funders and legal expenses insurers.

Robert also has an outstanding drafting and advisory practice. Many of his greatest successes are disputes which never happened as a result of his advice and drafting. He provides strategic advice on matters of commercial importance to insurers, solicitors and others involved with the management and funding of litigation. He advises on complex funding solutions for group litigation, collective proceedings and major commercial disputes. Robert advises on and drafts all forms of funding agreements, retainers such as conditional fee and damages-based agreements, and legal expenses insurance policies.

Robert is an experienced mediator, and he has an impressive track record of facilitating settlements in even the most acrimonious costs disputes.

Featured Cases

Litigation Funding

- *Omni Bridgway v Bugsby Property LLC* [2024] Costs LR 405. The first post-*Paccar* High Court case in which a funded claimant is refusing to pay its litigation funder on the basis that the funding agreement is an unenforceable damages-based agreement. Robert acts for the funder which has successfully obtained an injunction to preserve the proceeds of the litigation, and has also successfully resisted the claimant's application for fortification of its cross-undertaking in damages.
- *Mark McLaren Class Representative Ltd v MOL (Europe Africa) Ltd* [2024] CAT 47. Robert appeared for the funders and legal expenses insurers in this landmark Competition Appeal Tribunal decision which establishes that the CAT has jurisdiction to order payment of funding and other costs on partial settlement, where the collective proceedings had settled against one defendant but continued against many other defendants.
- *Chapelgate Credit Opportunity Master Fund Ltd v Money* [2020] 1 WLR 1751. Court of Appeal decision which holds that the 'Arkin cap' ie. the cap on a commercial funder's liability for adverse costs to the level of funding provided, is not a rule that applies automatically; and the court can take into account other matters and not limit the funder's liability to the amount of funding.

Solicitor-client disputes

- *Kenig v Thomson Snell and Passmore LLP* [2024] 1 WLR 3767. Important Court of Appeal decision which holds that beneficiaries are entitled to raise challenges to solicitors' costs under Solicitors Act 1974 section 71(3), even though it would not be open to the trustee or executor to raise those challenges.
- *Karatysz v SGI Legal LLP* [2023] 1 WLR 1071. Landmark Court of Appeal decision which challenges fundamentally the business model of firms who bring expensive High Court litigation to assess modest solicitors' bills. Robert acted for the solicitor who was successful in upholding the principle that the client pays the costs of the assessment.
- *Hanley v JC&A Solicitors* [2019] PNLR 5. High Court appeal decision on the extent of the court's inherent jurisdiction to order solicitors to give 'delivery up' to a former client of documents on the file. Robert acted for the solicitors who successfully established the principle that there was no jurisdiction to order delivery up of documents over which the

solicitor rather than the client has proprietary rights.

- *Parvez v Mooney Everett Solicitors Ltd* [2018] 1 COSTS LO 125. High Court appeal decision in which Robert acted for the successful solicitors in establishing the principle that the solicitors were entitled to determine the form and content of the statutory bill which they delivered; the client could not require delivery of a particular 'bill' which already existed on the solicitors' file.
- *Harrison v Eversheds LLP* [2017] 5 COSTS LR 931. High Court appeal decision on the level of cost a client should be required to pay in circumstances where the costs were very substantially higher than the estimate which the solicitors had given. It was held that that it was wrong in principle for the solicitors to rely on the increase in the other side's costs in attempting to justify exceeding their estimate.

Costs Recovery

- *St James v Wilkin Chapman LLP* [2024] EWHC 1716 (KB). Appeal which establishes that where solicitors charge a client costs that are significantly in excess of the budget approved by the court for payment by the opponent, it can be concluded that these costs are 'unusual', so that the client is not liable to pay them, without the need scrutinise individual items of costs.
- *AKC v Barking, Havering and Redbridge University Hospitals NHS Trust* [2022] 1 WLR 946. Court of Appeal decision which establishes the level of information that a receiving party's solicitor is required to provide in an *inter partes* electronic bill of costs served on the paying party. Robert acted for the successful appellant.
- *Surrey v Barnet and Chase Farm Hospitals NHS Trust* [2018] 1 WLR 5831. Court of Appeal decision which establishes the correct approach to the recoverable costs for publicly funded claimants transferring to CFA plus ATE funding.
- *Plevin v Paragon Personal Finance Ltd (No 2)* [2017] 1 WLR 1249. Supreme Court decision on establishing the correct interpretation of the LASPO transitional provisions in respect of costs claimed on an appeal.
- *Sulaman v Axa and Direct Line* [2010] CP REP 19, [2010] 3 COSTS LR 391. Court of Appeal case setting out principles applicable to reduction to costs of successful defendant who had lied.
- *The Accident Line Protect test cases* [2009] 1 WLR 1731, [2009] 4 ALL ER 526. Court of Appeal test case on whether CFA regulations obliged solicitors acting under Law Society's Accident Line scheme to declare an interest in recommending the scheme's ATE policy.
- *Crane v Canons Leisure Centre* [2008] 1 WLR 2549, [2008] 2 ALL ER 931. Court of Appeal case addressing the distinction between disbursements and out-sourced profit costs, and on the recoverability of success fees in detailed assessment proceedings.

Civil Procedure

- *Tabbitt v Clark* [2023] Costs LR 981, [2024] RTR 3. Court of Appeal decision addressing the correct approach to potential amendments to the CPR, here the QOCS rules. A claimant is not entitled to guard against anticipated amendments by seeking a pre-amendment declaration based on the unamended rules.
- *JLE (A Child) v Warrington and Halton Hospitals NHS Foundation Trust* [2019] 1 WLR 6498. High Court appeal setting out the correct approach to deciding whether it was 'unjust' to order the usual consequences in CPR r 36.17(4) when a claimant betters her own Part 36 offer.
- *JC and A Solicitors Ltd v Iqbal* [2017] CP REP 32, [2017] PIQR P18. Court of Appeal decision which establishes that costs paid under a fixed costs regime are not repayable where a claim is later abandoned.
- *Halborg v EMW Law LLP* [2018] 1 WLR 52; Court of Appeal decision which establishes that Limited Liability Partnerships of solicitors are not litigants in person, for the purposes of the litigant in person costs rules in CPR r 46.5.
- *Redfern v Corby Borough Council* [2014] EWHC 4526 (QB). One of the first appeal decisions on the costs budgeting regime. The court considered how past costs should be taken into account when revising and approving a budget for future costs. The court also considered how the new definition of proportionality applies to costs budgeting.
- *Days Healthcare UK Ltd v Pihsiang Machinery Manufacturing Co Ltd and others* [2006] 4 ALL ER 233, [2007] CP REP 1, [2006] 5 COSTS LR 788. Still the leading case on the Court's power to debar a party in breach of court orders from participating further in detailed assessment proceedings.

Group Litigation & Collective Proceedings

Robert specialises in all aspects of the management and funding of group litigation and collective proceedings.

He advises class representatives, claimants, insurers and funders as well as defendants in many of the largest and most important group and collective proceedings now taking place. He appears regularly in the High Court and the Competition Appeal Tribunal representing litigants as well as interested parties such as funders and insurers.

Featured Cases

- *Mark McLaren Class Representative Ltd v MOL (Europe Africa) Ltd* [2024] CAT 47. Robert appeared for the funders and legal expenses insurers in this landmark Competition Appeal Tribunal decision which establishes that the CAT has jurisdiction to order payment to of funding and other costs on partial settlement, where the collective proceedings had settled against one defendant but continued against many other defendants.
- *Jalla and others v Shell International Trading And Shipping Company Limited* [2024] EWHC 578 (TCC). Ongoing disputes arising from very large-scale group litigation about whether those who fund solicitors can be made liable for non-party costs, and about the circumstances in which solicitors can be held liable for costs because they did not have the authority to act for each member of the claimant group.
- *Kupeli v Cyprus Turkish Airlines & Atlasjet* [2019] 1 WLR 1235. Court of Appeal decision giving important guidance on the proper approach to costs orders in complex group litigation. Robert acted for the successful defendant in establishing the principle that in deciding which party is the winner it is not appropriate simply to ask 'who receives the cheque'; rather it is necessary to consider which party was successful in the context of the litigation as a whole.

Professional Regulation & Liability

Robert is an expert in the regulation and liability of solicitors, barristers and claims managers. Robert frequently advises on issues in respect of regulation by the SRA, the BSB and the FCA.

Robert has considerable experience in professional liability claims and wasted costs applications against legal professionals.

Robert also gives strategic advice to many claims management and credit hire companies. He regularly appears in court to argue the issues, often where a point of general importance arises.

Wasted costs

- *Hunt v Annolight Ltd* [2022] 1 WLR 701. Court of Appeal decision on the proper procedure to be adopted in wasted costs applications to the cross-examination of solicitors. Whilst there is no absolute rule barring cross-examination in a wasted costs application, cross-examination must be very much the exception rather than the rule. Robert acted for the successful solicitors.
- *Hallam-Peel & Co v Southwark London Borough Council* [2008] ALL ER (D) 200 (OCT), [2009] 2 COSTS LR 269. Court of Appeal decision that solicitors not required to pay wasted costs of last-minute adjournment resulting from new point.
- *Rybak v Langbar International Ltd* [2011] PNLR 16. Application for wasted costs, addressing issue of a solicitor's duty to the court in respect of evidence in support of a without notice injunction application.

Claims Management

- *Kindertons Ltd v Murtagh* [2024] R.T.R. 32. Appeal decision setting out the principles applicable to an application for non-party costs against a hire company which was found to have controlled the litigation.
- *Pattni v First Leicester Buses Ltd* [2012] PIQR Q1, [2012] RTR 17. Court of Appeal decision confirming the correct principles on recovery of interest in credit hire claims.

Awards



Qualifications

Robert is a member of the Commercial Bar Association, the Professional Negligence Bar Association and the London Common Law & Commercial Bar Association.

MA (Cantab), Astbury Scholar of the Middle Temple.
