

OUR PEOPLE

Robert Marven KC

CALL 1994

SILK 2018

LEGAL 500

“He provides top class analytical skills and is excellent at focusing on the key issues.”

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Robert Marven KC is a specialist in all aspects of the law of costs and litigation funding.

Robert is instructed in a range of high profile cases and he is often brought into major group and commercial litigation to deal with specific costs issues. He provides strategic advice on matters of commercial importance to all involved with the costs and funding of litigation. He advises on complex funding solutions for major commercial disputes, costs disputes between solicitors and former clients, and substantial disputes concerning legal expenses insurance.

Robert also specialises in contractual and commercial disputes, civil procedure, regulatory and consumer law and insurance law as well as related issues of professional regulation and discipline. He has a growing practice in solicitors' negligence work.

Robert is also an expert in the law relating to the claims management industry.

Robert is ranked as a leading Costs practitioner by both Chambers & Partners and the Legal 500.

Chambers & Partners, 2023 says “Robert Marven has extraordinary knowledge of costs law.” and Legal 500, 2023 says “His intellect and ability is unrivalled and he provides outstanding service to his clients.”

Chambers & Partners 2022 says “[he has] a very relaxed and pragmatic view of cases and does not get caught up in the emotion. He is very client-friendly and communicates in a way that clients readily understand. More importantly, he gives very clear opinions.” “A pleasure to deal with, he is friendly and easy going.” Legal 500 2022 says he is “very thorough and second to none in his legal analysis.”

Chambers & Partners 2021 says he is “very, very knowledgeable and has first-hand experience of the most significant costs decisions. It puts your mind at ease that he’s incredibly up to date on the law.” “He has one of the sharpest legal minds and his knowledge of the subject is unbelievable – there are never any grey areas with him.” “Articulate, clever and very quick-thinking.” Chambers & Partners 2020 says he “combines thoroughness with a highly analytical brain and works wonders in enabling clients to successfully progress.” In addition, the Legal 500 2020 says he is “Very capable at analysing complex, detailed assessment proceedings and understanding strategy.” Chambers & Partners 2019 describe his as having “in depth knowledge of costs proceedings and is a very good advocate. He is also very easy to communicate with.” Legal 500 2019 says he is “not afraid to state an opinion and does not sit on the fence.” Chambers & Partners 2018 describes him as having an “enormous depth of knowledge, is highly responsive and is a real pleasure to work with on every level.”

Privacy Policy

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

Expertise

Costs & Litigation Funding

“Robert Marven has extraordinary knowledge of costs law.” – Chambers & Partners, 2023 (Leading Silk, Costs)

‘His intellect and ability is unrivalled and he provides outstanding service to his clients.’ – Legal 500, 2023 (Leading Silk, Costs)

“Takes a very relaxed and pragmatic view of cases and does not get caught up in the emotion. He is very client-friendly and communicates in a way that clients readily understand. More importantly, he gives very clear opinions.” “A pleasure to deal with, he is friendly and easy going.” Chambers & Partners, 2022 (Leading Silk, Costs)

“Very thorough and second to none in his legal analysis.” Legal 500, 2022 (Leading Silk, Costs)

“Very, very knowledgeable and has first-hand experience of the most significant costs decisions. It puts your mind at ease that he’s incredibly up to date on the law.” “He has one of the sharpest legal minds and his knowledge of the subject is unbelievable – there are never any grey areas with him.” “Articulate, clever and very quick-thinking.” Chambers & Partners, 2021 (Leading Silk, Costs)

“Outstanding on his feet, diligent and hard-working. Very clever and impressive.” Legal 500, 2021 (Leading Silk, Costs).

“Very capable at analysing complex, detailed assessment proceedings and understanding strategy.” Legal 500, 2020 (Leading Silk, Costs).

“Combines thoroughness with a highly analytical brain, and works wonders in enabling clients to successfully progress.” “Very solid and dependable, he knows his stuff.” Chambers & Partners, 2020 (Leading Silk, Costs).

“Has in depth knowledge of costs proceedings and is a very good advocate. He is also very easy to communicate with.” Chambers & Partners, 2019 (Leading Silk, Costs).

“Not afraid to state an opinion and does not sit on the fence.” Legal 500, 2019 (Leading Silk, Costs).

“He has enormous depth of knowledge, is highly responsive and is a real pleasure to work with on every level.” Chambers & Partners, 2018 (Leading Junior, Costs).

“Highly regarded for his litigation funding expertise.” Legal 500, 2017 (Leading Junior, Costs).

“Very intelligent, excellent with difficult clients and very forensic.” Chambers & Partners, 2017 (Leading Junior, Costs).

“He’s an impressive advocate, who produces excellent written work and shows great attention to detail.” “He has that well informed approach that the clients and costs judges lap up.” Chambers & Partners, 2016 (Leading Junior, Costs)

Robert is a specialist in all areas of costs law. He is also an expert on the law concerning the funding of litigation. He has been instructed in a range of high profile cases in the Supreme Court, the Court of Appeal, the High Court, the Senior Courts Costs Office and the County Court. Robert also has considerable experience in mediating costs and related disputes both as a representative and as a mediator.

His practice includes: costs issues arising from high value litigation; conditional fee agreements and contingency fee agreements; commercial funding for substantial disputes; costs budgeting and funding for major group litigation; legal expenses and ‘after the event’ insurance ; fixed costs; costs budgets and estimates; costs capping; as well as wasted and non-party costs orders.

Robert has considerable experience in advising on the effect and implications of the recent changes to the rules concerning the recoverability of costs.

Robert acts for a wide range of clients including PLCs and public bodies, solicitors, major insurers, funders, claims management companies and individuals.

Robert is often brought into major group and commercial litigation to advise and present submissions on specific costs issues.

He provides strategic advice on matters of commercial importance to insurers, solicitors and others involved with the management and funding of litigation.

Robert also undertakes drafting work, in particular conditional fee agreements, general retainer documentation, and agreements for the transfer of legal business between different firms.

Featured Costs & Litigation Funding cases

- *Hunt v Annolight Ltd* [2022] 1 WLR 701; Court of Appeal decision on the proper procedure to be adopted in wasted costs applications. Robert acted for the solicitors who successfully appealed the decisions below requiring them to give oral evidence and be cross-examined. It was held that, 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. This raises important issues about the proper procedure for wasted costs applications against solicitors, and whether a solicitor can be subjected to cross-examination either on issues in respect of which he has made a statement or on issues on which he has not made a statement.
- *AKC v Barking, Havering and Redbridge University Hospitals NHS Trust* [2022] 1 WLR 946; Important appeal decision about the level of information that a receiving party's solicitor is required to provide in the bill of costs served on the paying party. Robert acted for the successful appellant, the paying party, reversing the decision below. On appeal it was held that the level of functionality and detail in the precedent spreadsheet is required in a bill, whether or not that spreadsheet is used; and in particular each fee earner must be named, their grade stated and their work separately identified. It was also held that certification of a bill of costs requires an identified officer of the court to certify the bill. This case involves important issues about level of information a receiving party is required to include in the new electronic bill.
- *SGL Legal LLP v Karatysz* [2021] 1 WLR 5624; Important High Court appeal upholding a solicitor's right to retain the deduction it had made from its former client's damages in respect of its costs: costs as between solicitor and client are not to be presumed unreasonable just because they exceed *inter partes*. Further where a solicitor caps its costs, the amount of the solicitor's bill is the capped amount for which the bill seeks payment, not any higher uncapped amount referred to within the bill.
- *Chapelgate Credit Opportunity Master Fund Ltd v Money* [2020] 1 WLR 1751; Important 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.
- *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. It was held that the court has jurisdiction to order some but not all of these consequences. However a court cannot decline to award the 'additional amount' under r CPR r.36.17(4)(d) because of either the margin by which the offer was beaten or the extent to which the claim had been reduced. Further it is impermissible to regard the prescribed level of the additional amount as rendering unjust to award this amount; and the amount is 'all or nothing' and judges do not have the power to award it only in part.
- *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 client file. Robert acted for the solicitors who successfully established the important principle that there was no jurisdiction to order delivery up of documents, or copies of documents, over which the solicitor rather than the client had 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, when requested to deliver a bill in accordance with the Solicitors Act 1974, the solicitors were entitled to determine the form and content of the bill that they delivered; the client could not require delivery of a particular 'bill' which already existed on the solicitors' file.
- *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 group litigation. Robert acted for the successful defendant in establishing the principle that in deciding which party was the winner it was not appropriate simply to ask 'who receives the cheque' in the context of complex group litigation. Rather it was necessary to consider which party was successful in the context of the litigation as a whole.
- *Surrey v Barnet and Chase Farm Hospitals NHS Trust* [2018] 1 WLR 5831; An important Court of Appeal decision on the

reasonableness of publicly funded claimants transferring to CFA plus ATE funding, immediately before LASPO came into force. It was held that where the advice to the claimant had been flawed, the claimant could not establish that the transfer was reasonable in the absence of evidence establishing that, if full advice had been given, the decision would have been the same.

- *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.
- *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.
- *Plevin v Paragon Personal Finance Ltd (No 2)* [2017] 1 WLR 1249; Supreme Court appeal which establishes that for the purposes of the LASPO transitional provisions an appeal is part of the same 'matter' or 'proceedings' as the claim at first instance. Hence where, after the coming into force of the LASPO regime, a pre-LASPO CFA and ATE policy are extended to cover the appeal, the CFA and policy still fall under the pre-LASPO regime so that the appeal success fee and premium are recoverable inter partes.
- *JC and A Solicitors Ltd v Iqbal* [2017] CP REP 32, [2017] PIQR P18; Court of Appeal decision which establishes that where solicitors received stage 1 fixed costs in a claim under the RTA Protocol for low-value personal injury claims, but the claim did not proceed to stage 2, the defendant's insurers are not entitled to repayment of the stage 1 costs.
- *Kupeli v Cyprus Turkish Airlines* [2017] 4 COSTS LO 517; Court of Appeal decision on the application of the Cancellation of Contracts made in a Consumer's Home or Place of Work etc Regulations 2008. The Regulations do not apply to contracts signed by consumers at a meeting in a community centre which was not the traders' usual place of business, and which the clients attended as a result of advertisements and text messages; this was not an 'excursion' which had been 'organised by' the trader.
- *O'Brien v Shorrock & MIB* [2015] 4 COSTS LO 439; High Court appeal concerning various issues in relation to the CFA between the claimant and his solicitors. The CFA applied retrospectively from a back-date about a year before the CFA was actually entered into. The judge held that the Costs Practice Direction required that the notice of funding filed and served by the claimant's solicitors stated the date that the CFA had actually been entered into. As the notice actually provided only referred to the back-date, then unless relief from sanction was granted, the claimant could not recover any success fee.
- *Cashman v Mid Essex Hospital Services NHS Trust* [2015] 3 COSTS LO 411; Appeal decision considering the application of Part 36 to detailed assessment proceedings where the receiving party had beaten his own offer. The court held that it was not 'unjust' to award the receiving party the 'additional amount' provided for in CPR r 36.14(3)(d). The purpose of this provision was to penalise a paying party for not accepting a timely and realistic offer from the receiving party. The costs judge had been wrong not to award the additional amount because there had been a 'significant reduction' to the receiving party's bill.
- *Broni v Ministry of Defence* [2015] 1 COSTS LR 111; Appeal decision deciding that the fixed success fee regime for injury claims by 'employees' did not apply to claims brought by members of the armed forces, or by others who were not strictly employees such as sub-contractors. This will exclude very many cases from the fixed success fee regime, which were previously regarded as falling within it.
- *Redfern v Corby Borough Council* [2014] EWHC 4526 (QB); One of the first appeal decisions on the new 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.
- *Tasleem v Beverley* [2014] 1 WLR 3567; Decision on the operation of the fixed costs regime upon the issue of a default costs certificate. It was held that where a receiving party commences Part 8 costs-only proceedings in order to commence detailed assessment proceedings, the party can recover the assessed costs of the costs-only proceedings in addition to the fixed costs stated on the default costs certificate in respect of the commencement of detailed assessment proceedings.
- *Ultimate Products Ltd v Woolley* [2014] 5 COSTS LO 787 AND [2014] EWHC 1919 (CH); Two related High Court appeals in a substantial intellectual property claim. The first appeal considered the important issue of the proper approach to the issue of granting relief from sanction when the correct information about a CFA's success fee had not been given in notice of funding (so that unless relief were granted the success fee is irrecoverable), under the new CPR rule on granting relief. The second appeal concerned the correct approach to construing a CFA in order to determine whether there had been a 'win' as defined by the CFA.
- *Accentuate Ltd v Asigra Inc* [2013] EWHC 889 (QB); A firm whose commercial and international practice was in part conducted from an office outside London was nonetheless entitled to claim London rates for the work done. Costs which a respondent to an application incurred prior to the application being made, although they ultimately assisted the respondent in defeating the application, were not costs of or occasioned by the application; rather they were costs of the action.
- *Light on Line Ltd v Zumtobel Lighting Ltd* [2013] 1 COSTS LR 129; A receiving party who redacted a certificate of insurance

so that it did not record the stages of the premium which in the event were not payable, was not in breach of para 32.5(2) of the Costs Practice Direction.

- Letts v Royal Sun Alliance plc [2012] 3 COSTS LR 591; Appeal on whether a court can conduct standard basis assessment in accordance with pre-issue fixed costs regime if claim is issued to avoid that regime;
- Joyce v West Bus Coach Services Ltd [2012] 3 COSTS LR 540; Appeal in respect of purported acceptance of Part 36 offer after striking out of statement of case.
- Pattni v First Leicester Buses Ltd [2011] ALL ER (D) 230 (NOV), [2012] PIQR Q1, [2012] RTR 17; Court of Appeal case on recovery of interest in credit hire claims.
- Legal Services Commission v F [2011] ALL ER (D) 95 (APR), [2011] 5 COSTS LR 740, [2011] 2 FLR 1105; Case considering meaning of “financial hardship” test for payment of non-funded party’s costs by the LSC.
- Rybak v Langbar International Ltd [2011] PNLR 16; Application for wasted costs, alleging non-disclosure.
- Ashia Centur Ltd v Barker Gillette LLP [2011] ALL ER (D) 265 (FEB), [2011] 4 COSTS LR 576; Solicitors free to resile from promise to client to waive fees which was unsupported by consideration.
- Sulaman v Axa and Direct Line [2009] ALL ER (D) 116 (DEC), [2010] CP REP 19, [2010] 3 COSTS LR 391; Court of Appeal case considering appropriate reduction to costs of successful defendant who had lied.
- Tankard v John Fredericks Plastics Ltd [2009] 1 WLR 1731, [2009] 4 ALL ER 526; Fawcett Old Ltd v Hibberd [The Accident Line Protect test cases]; Whether CFA regulations obliged solicitors acting under Law Society’s Accident Line scheme to declare an interest in recommending the scheme’s ATE policy.
- Hallam-Peel & Co v Southwark London Borough Council [2008] ALL ER (D) 200 (OCT), [2009] 2 COSTS LR 269; Court of Appeal decision on whether solicitors should pay wasted costs of last-minute adjournment resulting from new point.
- Crane v Canons Leisure Centre [2008] 1 WLR 2549, [2008] 2 ALL ER 931; Court of Appeal case on the distinction between profit costs and disbursements, and on the recoverability of success fees in detailed assessment proceedings.
- Merrick v Law Society [2007] ALL ER (D) 282 (DEC); Administrative Court judgment on appeal from the Solicitors Disciplinary Tribunal on prohibition in legal aid costs regime against solicitors “topping up”.
- Evans v TNT Logistics Ltd [2007] LLOYD’S REP IR 708; Proper measure of damages where victim unreasonably refused offer of amends from tortfeasor.
- 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; Court’s power to debar a party in breach of court orders from participating further in detailed assessment proceedings.

Disciplinary

Robert practises in areas of professional regulation and discipline that relate to costs and litigation funding.

He has particular experience of issues that arise in relation to claims referrals, costs recovery and public funding.

Robert has appeared in the Solicitors’ Disciplinary Tribunal and the Administrative Court.

Claims Management

Robert is also an expert in the law relating to the claims management industry. This includes insurance, consumer credit and other regulatory issues.

He advises several claims management and credit hire companies strategically.

Robert frequently appears in court to argue the issues, often where there is a point of general importance.

Professional Liability

Robert has a growing practice in solicitors’ negligence claims which relate to costs issues.

He acts and advises in disputes where costs claims are met with allegations of poor service; and in claims which concern advice given on appropriate funding arrangements, disputes about the adequacy and effect of estimates provided and alleged conflicts of interest.

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.