James Miller

Year of Call: **2017**

ST JOHN STREET CHAMBERS
Tel: 0161 278 1800
Email: clerks@18sjs.com



Costs Profile: James is a specialist costs and litigation funding barrister. He is one of very few barristers to have triple qualified as a barrister, solicitor and costs lawyer. James is also a registered mediator and can accept instructions directly from costs professionals under the Public Access scheme.

James practices almost exclusively in costs and contributed to the highly acclaimed, leading textbook on the subject, *Friston on Costs* (4th Edition, Oxford University Press). The book is frequently cited in court in this jurisdiction and elsewhere.

As a former costs lawyer and solicitor, James understands the needs of practitioners working in this field and is committed to achieving the best possible outcomes.

James undertakes drafting work for clients and advises on difficult and novel points of law. He has become the “go to” counsel for many of the country’s leading solicitors and insurers.

James is frequently instructed in high value and complex detailed assessment hearings before Regional Costs Judges and Costs Judges in the Senior Court Costs Office. He deals with test cases, appeals and all aspects of Costs and Case Management.

James is a recognised expert in Fixed Recoverable Costs cases and he regularly deals with disputes relating to misconduct and wasted costs.

James is often invited to speak at events and he delivers bespoke training sessions to solicitors and costs firms nationwide.

VIEW PRIVACY POLICY

Education

St. Bede’s College, Manchester
University of Huddersfield LLB (Hons)
Manchester Metropolitan University LPC

Professional Memberships

Affiliate Member of the Association of Costs Lawyers
The Magistracy (2016-2021)

Notable Cases

Ena Aminu-Edu v Esure (8/3/2024)

After hearing submissions over 3 hearings in relation to the contentious issue of medical agency fees, His Honour Judge Saggerson ordered that the Claimant must provide a breakdown of a Pain Management Report fee claimed in the sum of £2916, failing which it would be assessed at £900.

B v MT (6/2/2024)

3-day detailed assessment before a Regional Costs Judge, which concerned an alleged breach of the indemnity principle and application for wasted costs.

G v G (13/12/2023)

Represented the Applicant at a family hearing before HHJ McKinnell to determine the principle and quantum of costs following allegations of *"reprehensible and unreasonable behaviour".*

R v SOSHD (15/6/2023 SCCO)

2-day detailed assessment hearing before Deputy Costs Judge Lambert KC following the Claimant's successful Judicial Review claim.

Higgins v Esure (14/6/2023)

A Regional Costs Judged significantly reduced the costs claimed for a "Spinal Surgeon" Report in a fixed costs case. The judge accepted a technical argument that the discipline of orthopaedics and pre-October 2023 CPR 45.29 (2A)(b)(i) allowance of £420 applied.

AD v B (24/5/2023)

High Court appeal before Mr Justice Richie, dealing with the issue as to whether previous interim costs orders for costs fell outside the scope of a Costs Management Order.

Gohil v Advantage Insurance (11/5/2023)

Although the Claimant had beaten its own offer for fixed costs by 7 pence, the judge determined that it would be *"unjust"* for the Claimant to recover any Part 36 additional sums arising from such a narrow victory.

Michael Glaser KC (1) & Victoria Miller v Atay (10/5/2023)

Led by Ms Jacqueline Perry KC. Instructed to prepare a detailed advice covering: the court's discretion on costs, misconduct, wasted costs, the application of Part 36 and Litigant In Person costs. Although not involved in the Defendant's successful appeal against the substantive judgment (*[2023] EWHC 2529 (KB*), I was well versed on the issues relevant to the ancillary costs hearing.

JR v DOH (18/4/2023 SCCO)

3-day detailed assessment before Costs Judge Nagalingam following a birth injury claim, which settled for £2.4million plus periodical periods. The bill totalling £328,553.53 was subject to several challenges including mis-certification and budget overspend.

E v R Solicitors (9/2/2023 SCCO)

Solicitor-client detailed assessment hearing before Costs Judge Nagalingam, which dealt with the Claimant's non-EU VAT status and allegations that the solicitors failed to provide adequate funding information and costs estimates throughout.

Battersby v Esure (12/1/2023)

Successful appeal before His Honour Judge Carter concerning the proper interpretation of *"subject to detailed assessment if not agreed"* and the law of compromise.

Trzop v Watkins (9/11/2022)

The Claimant sought to overturn the decision to award the Defendant its costs of the successful application with a substituted order for *"no order as to costs".* On appeal, Her Honour Judge Bloom refused to disturb the order.

D v O Solicitors (27/9/2022 SCCO)

Solicitor-client detailed assessment before Costs Judge James, which concerned issues of procedure, informed consent and overcharging.

Osusuza v Madeira (5/9/2022)

The Defendant accepted an offer late after the pandemic and there had been several adjournments. I successfully opposed the Claimant's additional claim for costs, which were not deemed to constitute *"exceptional circumstances"* in such circumstances.

Lally v Butler (28/7/2022)

The Defendant successfully appealed a costs order made in favour of the Claimant after his solicitors unreasonably exited the Portal after an interim payment request. On appeal, His Honour Judge Bird determined that an oft-cited decision from 2015 in *Luvin v Ageas Insurance Ltd* was wrongly decided following the incorrect interpretation of the Protocol.

SRJ v AI (6/1/2022)

Costs Officer Leonard (SCCO) determined that a 100% Part 36 offer to the value of the claim was invalid and the Claimant was not entitled to CPR 36.17(4) consequences.

Jiminez v Esure [2021] EWHC B15

Important case determined by Deputy Master Friston on the validity of a Part 36 offer and interpretation of the Protocol.

R v A (19/11/2019)

His Honour Judge Gosnall awarded the Claimant more than £100,000 in damages and costs after a four-day tort of deceit trial.

N v N (19/6/2018)

In an Estate Claim, Her Honour Judge Truman determined that the Claimant's failure to engage in mediation was a key factor to be considered when assessing the level of costs.







