



Peter Hurst LLB MPhil FCI Arb*

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Peter Hurst LLB MPhil FCI Arb was the Senior Costs Judge of England & Wales at the Royal Courts of Justice from 1992 to 2014.

During a judicial career which has spanned 30 years, he was also Judicial Taxing Officer of the House of Lords from 2002 to 2009 and of the United Kingdom Supreme Court from 2009 to 2014 and also of the Judicial Committee of the Privy Council from 2002 to 2014. He sat not only as a costs judge in the Supreme Courts Costs Office but also as a recorder in civil and criminal matters, including costs appeals from district judges. He sat as an assessor with High Court judges dealing with numerous costs appeals. He was invited to sit with the Court of Appeal as an assessor when that court was dealing with difficult or complex costs appeals.

He was appointed Greffier substitute of the Royal Court of Jersey in 2005. He was elected an Honorary Bencher of Gray's Inn in 2007.

He worked closely with Lord Woolf on the Access to Justice Reforms and was an assessor to Lord Justice Jackson's Review of Costs and visited several overseas jurisdictions in that capacity. He has been heavily involved in the implementation process with Lord Justice Jackson and Mr Justice Ramsay both in the Civil Procedure Rule Committee and with Ministry of Justice officials. He chaired the sub-committee charged with redrafting the costs rules and practice directions.

He was a member of the Advisory Committee on Civil Costs, which was disbanded in favour of the Civil Justice Council Costs Committee of which he was deputy chairman.

He is the author of *'Civil Costs'* (Sweet & Maxwell Litigation Library) now in its Sixth edition, and *'Criminal Costs'* (OUP). He was, until retirement, a member of the Senior Editorial Board of Civil Procedure (the *'White Book'*, Sweet & Maxwell) as well as being an editor contributing the commentary on all the costs rules and practice directions. He is now an advisory editor of the *'White Book'* and the main editor of *'Costs & Funding'* following the Civil Justice Reforms, now in its ninth (shortly to be tenth) edition. He was a contributor to Butterworth's Costs Service (Lexis Nexis). He has contributed to a number of books on costs over the years and written numerous articles concerning costs for various legal periodicals both in this jurisdiction and in Europe.

Recently, he has dealt with costs approvals in the Foskett Re-Review of the HBOS IAR Fraud.

He has lectured frequently at costs conferences and seminars, including at the Westminster Legal Policy Forum, University College London and Clare College Cambridge.

Examples of some of the cases which he dealt with either as a costs judge or as an assessor with the Court of Appeal or High Court judge are given below.

Areas of expertise

Costs and Litigation Funding

Arbitration & Mediation

Costs and Litigation Funding

Costs and litigation funding is the area of Peter Hurst's expertise. This covers all sectors of litigation as well as solicitor/client disputes which may arise out of non-contentious matters as well as out of litigation. He is instructed as an expert in relation to costs and funding in numerous cases.

Cases of note:

- a significant costs claim arising out of a successful arbitration of an insurance claim in respect of an environmental disaster in the USA: Tennessee Valley Authority (TVA) suffered losses in excess of \$1bn from the largest fly ash spill in US history. In the course of one hour, an 84-acre ash impoundment collapsed and released 5.4 million cubic yards of fly ash into the Emory River, wiping out entire ecosystems and clogging large portions of the river. Fly ash is a waste product from burning coal in a boiler to produce electricity. The claim for costs was strongly resisted by the insurer but was eventually settled without the need for a hearing. (*TVA v Zurich Insurance*).
- Peak Hotels and Resorts Ltd, Re, also known as: *Crumpler v Candey Ltd*, [2017] EWHC 3388 (Ch), His Honour Judge Mark Raeside QC – instructed as an expert in respect of the valuation of services provided under a fixed fee agreement the subject of a floating charge. Judgment for the defendant solicitors.
- *Persona Digital Telephony Limited & Sigma Wireless Networks Limited and The Minister for Public Enterprise, Ireland and the Attorney General, and, by order, Denis O'Brien and Michael Lowry*. [2017] IESC 27 – Whether a third party funding agreement was champertous. Primary legislation required to permit TP funding.
- *Harlequin Property (SVG) Ltd v Wilkins Kennedy*, [2016] EWHC 3233 (TCC) – Concerning the validity of DBAs. Settled before trial concluded.
- *Energy Venture Partners Ltd v Malabu Oil & Gas Ltd* [2013] EWHC 2118 (Comm) – Validity of third party funding arrangement.

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