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The Court of Appeal rule on *Belsner v CAM Legal Services Limited*

If the insurance industry noticed the reports on the Court of Appeal judgment in *Belsner v CAM Legal Services Limited*, it was probably due to the collective sigh of relief from PI claimant lawyers.

As far as the distinguished panel of judges in the Court of Appeal was concerned, it's apparent from their written judgment (and even more so upon watching the YouTube video of the hearing) that their main reaction was astonishment - laced with a degree of disdain - that a claim relating to a couple of hundred pounds worth of legal costs should be brought before them in the first place.

The Court of Appeal was asked to consider the interesting question of whether a claim settled at Stage 2 in the Claims Portal was contentious business, as set out in Section 74(3) of the Solicitors Act 1974. If so, does the CFA and retainer signed by the client constitute a written agreement expressly permitting payment to the solicitor of more than the £500 fixed costs payable by the insurer?

The answer to the first question was no. The Court suggested that Section 74, written long before CFAs, fixed costs and Portals were ever thought of, should perhaps be revisited. The claimant's second argument, that she had not been given sufficiently clear advice on costs, was upheld to the extent that the documents were deemed complicated and misleading. However, since the Court considered the amount she had been charged to be reasonable, the appeal was successful.

In the hope of deterring similar cases like this being brought before them in future, the Court indicated that such cases should be dealt with by the Legal Ombudsman, rather than pursued through the courts at huge expense. Let's hope that this sound advice is observed.

