hailshamchambers

Clerks: **020 7643 5000**

Andrew Hogan

Call: 1996



Overview

Andrew is a specialist in **costs and litigation funding**, and Head of the Costs Group at Hailsham Chambers. Called to the Bar in 1996, he has a national practice and extensive experience of complex and high-value disputes concerning the costs, funding and financial consequences of civil litigation.

He appears regularly in the Senior Courts Costs Office, High Court and Court of Appeal, as well as in the County Court. He is ranked **Band 1 for Costs Litigation by Chambers UK and Tier 1 by the Legal 500.**

Andrew acts for both paying and receiving parties. His practice encompasses costs arising from major commercial litigation, personal injury and clinical negligence claims, solicitor-client disputes, litigation funding, retainers, security for costs, non-party and wasted costs orders, Part 36 and QOCS.

Alongside his core costs and funding practice, Andrew undertakes related work in **insurance coverage, complex credit hire litigation and claims management disputes and regulation**. These areas frequently intersect with questions of funding, contractual liability, recoverability and the commercial arrangements through which civil claims are pursued.

The common theme of his practice is the **cost, funding, insurance and commercial structure of civil litigation**.

Cost Litigation

Andrew advises and appears in all aspects of contentious costs litigation. He is instructed at the outset of substantial litigation to advise upon costs strategy and risk, during proceedings on costs management and funding issues, and following judgment on the incidence, assessment and enforcement of costs.

His practice includes:

- costs management and costs budgeting;
- detailed assessment proceedings;
- costs appeals;
- Part 36;
- Qualified One-Way Costs Shifting;
- indemnity costs;
- proportionality;
- fixed and recoverable costs;
- security for costs;
- costs arising from commercial litigation;
- costs in personal injury and clinical negligence litigation;
- costs arising from group and collective proceedings;
- wasted costs orders;
- non-party costs orders; and
- costs mediation and negotiated resolution of costs disputes.

Costs management

Andrew appears at Costs and Case Management Conferences and advises in advance upon budgets, assumptions, costs strategy and tactics.

He is particularly interested in substantial cases where costs management has a material effect upon the commercial conduct of the underlying litigation.

Detailed assessment

Andrew has very substantial experience of detailed assessment proceedings, both between parties and between solicitors and their clients.

He regularly deals with preliminary issues capable of determining substantial parts of an assessment before individual items are considered, including questions concerning retainers, indemnity, contractual liability, the form and content of bills and points of dispute, and the recoverability of particular categories of expenditure.

Solicitor-client costs and retainers

Andrew acts for solicitors and former clients in disputes under the Solicitors Act 1974.

His work includes disputes concerning the existence, construction and enforceability of retainers; estimates and costs information; contentious and non-contentious business agreements; billing; special circumstances; success fees; deductions from damages; and the statutory machinery governing solicitor-client assessment.

He also advises solicitors upon the drafting and revision of retainers and funding documentation before disputes arise.

Commercial costs

Andrew deals with the costs consequences of substantial commercial litigation, including detailed assessment, consequential hearings, costs orders following applications and trials, Part 36 and other offers, security for costs and the strategic use of costs arguments during the course of litigation.

He has experience of costs disputes arising from litigation involving very substantial underlying commercial transactions.

Personal injury and clinical negligence costs

Andrew has longstanding experience of costs arising from personal injury and clinical negligence litigation.

He has particular expertise in Qualified One-Way Costs Shifting, having appeared in a series of Court of Appeal cases addressing points of principle concerning the operation and enforcement of the QOCS regime.

Litigation Funding

Andrew has a particular interest in the law and practice of litigation funding.

He advises solicitors, claimants, defendants, funders and insurers upon the legal and commercial arrangements through which litigation is financed and the costs consequences that follow from them.

His work includes:

- litigation funding agreements;
- conditional fee agreements and retainers;
- third-party litigation funding;
- ATE insurance;
- legal expenses insurance;
- security for costs;
- enforceability and construction of funding arrangements;
- priority and liability between participants in funding structures;
- non-party costs liability;
- funding issues arising in group and collective litigation; and
- the costs consequences of funded litigation.

Andrew's involvement in litigation funding extends back to the development of conditional fee litigation in the late 1990s and early 2000s. He appeared in *Hollins v Russell* [2003] EWCA Civ 718, one of the major early Court of Appeal authorities concerning conditional fee agreements.

He subsequently appeared in *Essar Oilfields Services Ltd v Norscot Rig Management Pvt Ltd* [2016] EWHC 2361 (Comm), concerning the recoverability in arbitration of the costs of third-party litigation funding.

Insurance Coverage

Andrew accepts instructions in **insurance coverage disputes**, particularly where insurance overlaps with litigation funding, ATE insurance, legal expenses insurance or the conduct and financing of civil litigation.

His developing practice encompasses questions concerning:

- policy construction;
- the scope of indemnity;
- exclusions and conditions;
- notification;
- ATE insurance;
- legal expenses insurance;
- the relationship between insurers, insureds, solicitors and funders; and
- the costs consequences of insurance arrangements.

He has particular expertise in the relationship between **ATE insurance, litigation funding and costs**, allowing coverage questions arising from funded litigation to be considered in their wider commercial and procedural context.

Credit Hire

Andrew has extensive experience of **credit hire litigation** extending over many years and maintains a specialist website devoted to developments in credit hire law and practice.

He now concentrates principally upon complex, substantial and appellate credit hire work, including cases involving:

- mitigation of loss;
- impecuniosity;
- period and rate of hire;
- enforceability and contractual issues;
- evidential and procedural questions;
- allegations of dishonesty;
- interaction with motor insurance and the Motor Insurers' Bureau;
- non-party costs orders against credit hire organisations; and
- the relationship between credit hire, claims management and litigation funding.

His reported credit hire cases include *Gentry v Miller* [2016] EWCA Civ 141, T*escher v Direct Accident Management Ltd* [2025] EWCA Civ 733 and *Motor Insurers' Bureau v Houston* [2025] EWHC 3178 (KB).

In Tescher, Andrew appeared with Benjamin Williams KC for Direct Accident Management Ltd in the Court of Appeal in proceedings concerning when a credit hire

organisation may be made liable for the costs of unsuccessful underlying litigation by way of a non-party costs order.

In *Houston*, Andrew successfully represented the respondent to a High Court appeal concerning credit hire, mitigation, impecuniosity, financial disclosure and the period of hire.

Claims Management: Regulation and Disputes

Andrew also accepts instructions concerning **claims management companies and the businesses operating around civil claims.**

This work sits at the intersection of his experience of credit hire, funding, costs, consumer contracts and insurance.

Areas of particular interest include:

- contractual arrangements between CMCs and consumers;
- enforceability of claims management arrangements;
- regulatory obligations affecting claims management businesses;
- the consequences of regulatory requirements for civil claims and retainers;
- disputes between CMCs, solicitors, funders, insurers and other market participants;
- charging structures and consumer liabilities; and
- claims management issues arising in credit hire and other volume litigation.

Andrew does not approach claims management regulation as an isolated regulatory discipline. His particular expertise lies in disputes in which the regulatory framework interacts with the contractual, funding and costs arrangements through which claims are generated and pursued.

Group and Collective Litigation

Andrew advises upon costs and funding issues arising from test cases, group litigation, representative proceedings and collective proceedings.

His experience includes Group Litigation Orders, collective proceedings and other forms of mass litigation, including questions concerning the allocation and recoverability of common and individual costs, litigation funding arrangements and the exposure of funders or other non-parties to adverse costs.

Wasted Costs and Non-Party Cost

Andrew acts both for applicants and respondents in wasted costs and non-party

costs applications.

He has advised and represented solicitors, liability insurers, ATE insurers, trade unions, litigation funders and credit hire companies in relation to potential liability for the costs of litigation.

Such applications can involve significant reputational as well as financial consequences. Andrew's approach is to identify at an early stage the legal basis upon which liability is said to arise, the evidential case required to establish or resist it and the relationship between the application and the conduct and funding of the underlying litigation.

Selected Recent and Significant Cases

Global Sports Data & Technology Group Ltd v IPS Law LLP [2025] EWHC 1910 (SCCO)

Andrew appeared unled for the claimant in substantial solicitor-client detailed assessment proceedings before the Senior Costs Judge.

The proceedings included several days of oral evidence and cross-examination and concerned fundamental preliminary issues relating to the existence and terms of the solicitor's retainer and the basis upon which fees had been charged.

Tescher v Direct Accident Management Ltd [2025] EWCA Civ 733

Andrew appeared with Benjamin Williams KC for Direct Accident Management Ltd.

The Court of Appeal considered the circumstances in which a credit hire organisation which has supported or facilitated underlying litigation may be made liable for the defendant's costs by way of a non-party costs order, and the relationship between such applications and QOCS.

Motor Insurers' Bureau v Houston [2025] EWHC 3178 (KB)

Andrew represented the successful respondent on appeal to the High Court.

The appeal concerned credit hire, mitigation, impecuniosity, the effect of an order relating to financial disclosure, the duration of hire and storage charges.

St Francis Group 1 Ltd v Kelly [2025] EWHC 125 (SCCO)

Andrew acted for the defendants in substantial detailed assessment proceedings arising from commercial litigation connected with a management buy-out of businesses sold for more than £100 million.

The costs proceedings raised questions concerning the indemnity principle, the proper formulation of Points of Dispute and the degree of particularity required in substantial inter partes assessments.

Tabbitt v Clark [2023] EWCA Civ 744

Andrew appeared unled for the appellant in the Court of Appeal in proceedings concerning QOCS, enforcement of costs orders and the effect of impending changes to the Civil Procedure Rules.

Excalibur & Keswick Groundworks Ltd v McDonald [2023] EWCA Civ 18

Andrew appeared unled for the successful respondent.

The Court of Appeal considered discontinuance, abuse of process and the QOCS exception then contained in CPR 44.15.

University Hospitals of Derby and Burton NHS Foundation Trust v Harrison [2022] EWCA Civ 1660; [2023] 4 WLR 8

Andrew appeared unled for the successful respondent in an important Court of Appeal decision concerning QOCS and the consequences of the late acceptance of a Part 36 offer.

Herbert v HH Law Ltd [2019] EWCA Civ 527

An important Court of Appeal authority concerning solicitor-client costs, deductions from damages and success fees.

Cartwright v Venduct Engineering Ltd [2018] EWCA Civ 1654

A significant Court of Appeal decision concerning QOCS and the enforcement of costs orders following settlement.

Gentry v Miller [2016] EWCA Civ 141

Andrew successfully represented the appellant in this Court of Appeal case arising from substantial credit hire charges and an application by an insurer to set aside a judgment on allegations of fraud.

Essar Oilfields Services Ltd v Norscot Rig Management Pvt Ltd [2016] EWHC 2361 (Comm)

A leading authority on whether the costs of third-party litigation funding may constitute recoverable costs in arbitration.

Hollins v Russell [2003] EWCA Civ 718

Andrew appeared in the major group of Court of Appeal cases concerning the validity and enforceability of conditional fee agreements during the development of the modern costs and funding regime.

Court of Appeal Cases

Andrew's reported Court of Appeal cases include:

- *Tescher v Direct Accident Management Ltd* [2025] EWCA Civ 733
- *Tabbitt v Clark* [2023] EWCA Civ 744
- *Excalibur & Keswick Groundworks Ltd v McDonald* [2023] EWCA Civ 18
- *University Hospitals of Derby and Burton NHS Foundation Trust v Harrison* [2022] EWCA Civ 1660
- *Nottinghamshire County Council v SF* [2020] EWCA Civ 226
- *Herbert v HH Law Ltd* [2019] EWCA Civ 527
- *Cartwright v Venduct Engineering Ltd* [2018] EWCA Civ 1654
- *Corstorphine (A Child) v Liverpool City Council* [2018] EWCA Civ 270
- *Da Costa v Sargaco* [2016] EWCA Civ 764
- *Gentry v Miller* [2016] EWCA Civ 141
- *Savage v Mansfield District Council* [2015] EWCA Civ 4
- *KR v Bryn Alyn Community Holdings Ltd (in liquidation)* [2003] EWCA Civ 783
- *Hollins v Russell* [2003] EWCA Civ 718
- *Cullen v Coggins* [2000] EWCA Civ J0308-9
- *Purdy v Cambran,* Court of Appeal, 17 December 1999

High Court and Senior Courts Costs Office Cases

Andrew's reported High Court and SCCO cases include:

- *Motor Insurers' Bureau v Houston* [2025] EWHC 3178 (KB)
- *Global Sports Data & Technology Group Ltd v IPS Law LLP* [2025] EWHC 1910 (SCCO)
- *St Francis Group 1 Ltd v Kelly* [2025] EWHC 125 (SCCO)
- *Berin Adcock v Blemain Finance Ltd* [2022] EWHC 3280 (SCCO)
- *Chappell v Mrozek* [2022] EWHC 3147 (KB)
- *McGreevy v Kiramba* [2022] EWHC 2561 (SCCO)
- *Moutarde v SIG Logistics & Anor* [2021] EWHC 1670 (QB)
- *Serbian Orthodox Church v Kesar* [2021] EWHC 1205 (QB)
- *Anthony v Collins* [2020] 1 WLUK 190
- *Nema v Kirkland* [2019] 8 WLUK 301
- *Essar Oilfields Services Ltd v Norscot Rig Management Pvt Ltd* [2016] EWHC 2361 (Comm)
- *Connor v Castle Cement* [2016] EWHC 300 (QB)
- *Dalton v British Telecommunications Plc* [2015] EWHC 616 (QB)
- *Mansfield District Council v Secretary of State for Communities and Local Government* [2014] EWHC 2167 (Admin)
- *R (Potter) v Amber Valley Borough Council* [2014] EWHC 888 (Admin)

- *Hamnett v Essex County Council* [2014] EWHC 246 (Admin)
- *R (Hayden) v Erewash Borough Council* [2013] EWHC 3527 (Admin)
- *Dennis Rye Ltd v Bolsover District Council* [2013] EWHC 1041 (Admin)
- *Allsop v Derbyshire Dales District Council* [2012] EWHC 3562 (Admin)
- *White v South Derbyshire District Council* [2012] EWHC 3495 (Admin)
- *Amber Valley Borough Council v Secretary of State for Communities and Local Government* [2009] EWHC 80 (Admin)
- *Treharne v Secretary of State for Work and Pensions* [2008] EWHC 3222
- *R (Corus) v Erewash Borough Council* [2007] EWHC 2486 (Admin)
- *Corus UK Ltd v Erewash Borough Council* [2005] EWHC 2821 (Admin)

Publications and Speaking

Andrew has written extensively throughout his career about costs, litigation funding, credit hire and civil litigation.

He has published **more than 150 articles** in legal journals and other professional publications and has written five books.

He is the author of *Andrew and the Marvellous Analytical Engine*, a practical introduction to artificial intelligence for lawyers, first published in 2025. His wider interest in artificial intelligence concerns its practical effect upon legal work, professional obligations, litigation and the economics of legal services.

Andrew writes regularly through his specialist websites on:

- costs and litigation funding;
- credit hire law and practice; and
- artificial intelligence and the law.

He has contributed a regular column to *Litigation Funding* magazine and regularly lectures and provides seminars to solicitors, barristers and other legal professionals.

Directory Recommendations

Chambers UK 2027 — Costs Litigation, Band 1

“An excellent, thoughtful and effective advocate who is measured and careful.”

“He has a depth of knowledge and an unflappable, relaxed delivery style which gives reassurance to any client.”

Chambers UK describes Andrew as an experienced advocate representing paying and receiving parties and notes his expertise in litigation funding, QOCS and Part 36.

Legal 500 2027 — Costs and Litigation Funding, Tier 1

“A calm, reassuring junior, who has vast knowledge of costs issues.”

Qualifications

- LLB (Hons), University of Bristol
- LLM, University of Sussex
- Bar Vocational Course
- Member of the Honourable Society of the Inner Temple

Further Information

Bar Council Number: 35448
ICO Number: 00019935310

Andrew Hogan is a barrister regulated by the Bar Standards Board.