hailshamchambers

Clerks: **020 7643 5000**

Dr Mark Friston

Call: 1997



Overview

Mark Friston is a leading expert on structured litigation financing and is the general editor of the leading textbook on the law of costs, Friston on Costs. His book, published by Oxford University Press is frequently cited in court, both in this jurisdiction and elsewhere. The fourth edition was published in June 2023.

Structured litigation financing

Litigation has become a commodity worthy of investment.

That may be so, but such investments are strewn with traps for the unwary. Mark Friston is highly experienced in advising on such matters. He takes a risk-based approach that seeks to ensure that interlocking contracts (including contracts of retainer, ATE policies, management agreements, facilities agreements, priorities deeds, securities and the like) act in concert rather than antagonistically. Perhaps more importantly, he seeks to ensure that the interests of the lay clients are protected whilst at the same time ensuring that the commercial objectives of both the legal representatives and the investors are met.

Most of Mark Friston’s instructions are confidential in nature and are received from UK-based firms of solicitors (either on their own behalf or on behalf of their clients), but he also accepts instructions from investors (both UK-based and overseas), traditional litigation funders, and ATE insurers. He also accepts instructions to review or draft retainer documentation generally.

Costs

Mark Friston is known for his technical expertise in the law of costs.

Because he tends to get involved in large-scale litigation by reason of his work in structured litigation financing (see above), he has particular expertise in the incidence of costs, non-party costs orders and security of costs. He also often deals with issues concerning wasted costs and misconduct.

That said, he is able to deal with any aspect of the law of costs. He tends to gravitate towards ‘off-the-beaten-track’ matters, such as costs in arbitrations, tribunal costs, Court of Protection costs, and even criminal costs.

Whilst very much separate from his practice at the Bar, Mark Friston frequently sits as a Deputy Master in the Senior Court Costs Office.

Notable cases

Most of the work that Mark Friston does is highly confidential and behind the scenes, but it is fair to say that he has been involved in many, if not most, of the largest group litigation claims in recent years.

As to his contentious practice, recent cases include the following:

- *John Poyser & Co Ltd v Spencer* [2022] Costs LR 1141 (whether CPR, r 44.11 applies to solicitor and client assessments)
- *Mirchandani v Chancellor* [2020] All ER (D) 39 (Oct) (whether a private prosecutor can recover enforcement costs out of central funds)
- *Boodia and another v Richard Slade and Co Solicitors* [2019] 1 WLR 1126 (whether statute bills must include both profit costs and disbursements)

What others say

"Mark provides robust analysis combined with truly specialist expertise. He is a master of his field and his written advocacy is fluent and persuasive." *Legal 500, 2026*

"Mark has the brain the size of five planets." *Chambers UK, 2025*

"We instructed Mark on non-contentious matters, seeking complex, regulatory advice. The said advice was exemplary and included some really outside of the box knowledge and thinking." *Chambers UK, 2025*

"Mark Friston is one of the best costs lawyers there is." *Chambers UK, 2025*

"Mark is a leading junior in the area of costs. He delivers quickly and effectively on the brief." *Chambers UK, 2025*

"The way he delivers his arguments in a clear, structured, accessible way is really impressive." *Chambers UK, 2025*

"Clearly an expert in his field. Mark has great technical knowledge and is a persuasive advocate with an excellent manner." *Legal 500, 2025*

"Mark Friston is an underrated advocate whose written work is excellent, as is his knowledge on costs." *Chambers UK, 2023*

"He is cool, calm and collected and does not lose sight of the commercial strategy." *Chambers UK, 2023*

"Mark has an encyclopaedic knowledge of costs law and practice and knows which arguments will find favour with the court and which will not." *Legal 500, 2023*

“There is nothing he doesn’t know about this area of the law.” “His knowledge on contentious costs is on another level.” *Chambers UK, 2022*

“A heavy-weight intellectual with an encyclopaedic knowledge of costs law.” *Legal 500, 2022*

“As a deputy costs judge himself, he understands intimately how the SCCO works.” *Chambers UK, 2021*

“Writes very well and has produced the best book on costs.” *Chambers UK, 2021*

‘‘The costs judges respect him. He has a gentle manner and style but is not afraid to be persistent." *Legal 500, 2021*

“He has an absolutely encyclopaedic knowledge of costs law.” and “has produced the most fantastic book on the subject.” *Chambers UK, 2020*

“He has an encyclopaedic knowledge of costs law and its interpretation” *Legal 500, 2020*

“Very competent and takes bullish points” “He is a fantastic academic lawyer who has written one of the leading texts books on costs” *Chambers UK, 2019*

“Probably the leading junior in terms of technical knowledge, he’s on par with any KC when it comes to costs and litigation funding.” *Chambers UK, 2017*

“He has an incredible towering intellect." and "His breadth of knowledge is enormous.” *Chambers UK, 2016*

“Knows his subject inside out, and is easy to work with.” *Legal 500, 2015*

“He really is an expert in the field. His knowledge of the law is second to none … a really safe pair of hands, a great choice for any costs case, regardless of size, value or complexity.” *Chambers UK, 2015*

“Dr Mark Friston is a leading expert on costs and litigation funding.” *Legal 500, 2014*

Further information

Memberships:

- Trustee of the Behçet's Syndrome Society (2017 to present)
- Former Vice Chair of the Bar Council's Remuneration Committee (2012 – 2018)
- Member of the Royal College of Physicians (1993)
- Registered medical practitioner (non-practising) (1989 to present)

Qualifications:

- Gonville & Caius College, Cambridge (Medical Science Tripos) (1986)
- The Royal London Hospital Medical College (1989)
- Member of the Royal College of Physicians (1993); University of Westminster (CPE) (1996)
- Costs lawyer (non-practising) (2008)
- Legal Project Practitioner (2018)

Awards:

- Honorary Fellow of the International Institute of Legal Project Management (2018)

Judicial appointments:

- Deputy Master, Senior Court Costs Office (2012 to present) and Deputy Costs Judge, First-Tier Tribunal (2012 – 2021)

ICO Data protection registration number: **Z5325523**

Dr Mark Friston is a barrister regulated by the Bar Standards Board and is a non-practising medical practitioner regulated by the General Medical Council.

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