

COP-E Bill of Costs Summary Guidance

Here is a brief summary of the new COP-E, guiding you through the tabs and relevant parts in the new spreadsheet format.

Tab 1 – Front Sheet

This is self-explanatory but includes details of the Court reference, client SC number, Deputy address and contact details and the general management period.

Tab 2 – Background

This is the previously known narrative. There are some additions however, the OPG105 estimate which will be used to consider whether costs have exceeded the same. If they have a statement in support will be required which your costs draftsman should highlight to you as part of the bill preparation.

Breakdown of assets; this is in order for the SCCO to consider the level of costs claimed against the overall value of the P's assets and determine whether or not those costs are proportionate. This will allow your costs draftsman to advise and guide you on risk in the overall recovery of costs.

In addition, we would recommend including further comments on a case by case basis relating to;

- Reductions already made to the costs when drafting the bill to show consideration already made of unrecoverable / disproportionate costs
- Summary of the work done and described in detail on each attendance note;
- Payroll time/rate – referencing the recent matters of *Silvestre et al* and Master Whalan's comments to support where there is a risk
- Drafting fee; again, supported by Master Whalan at the above hearing attended by R Costings on behalf of the Deputy

Tab 3 – Chronology

This will be where there are applications on-going for example or Counsel's fees on more complex matters.

Tab 4 – Fee Earners & Rates

Pursuant to AKC v Barking, Havering & Redbridge [2021] EWCH 2607 (WB), all fee earners must be listed individually on any electronic bill of costs and their relevant details included. This is something R Costings had already adopted in their 3 column bills of costs for transparency so there is no real change here. However, you will see at the bottom reference to 3 more fee earners.

The COP-E has a new 'default' on the fee earner page, allowing for the reduction to costs to either a blended rate (Z1), Payroll Rate (Z2) or non-fee earner rate (Z3). It is disappointing that following the recent hearing in front of Master Whalan, who agreed that no reduction to the GHR should be applied, that the COP-E has been produced by the Court with an expectation that a payroll rate is accepted/the norm. We would therefore recommend that a comment is included to the effect that no such reduction should be applied to the GHR.

Changes made to this page on assessment, will then automatically change the costs further in the bill, which is the start of simplifying the post-assessment work. If an assessor changes the rate (Column G), it will change the colour of the box for clarity.

Tab 5 – Parts

Where there are multiple parts, split for orders or differing rates.

Tab 6 – Bill detail

This is the most important tab, including all the work that is claimed throughout. The new major change within the COP-E is the use of 12 Activities. I won't list them all here, but they are split as preparation work, arranging payments, letters, telephone calls, drafting bill etc. A full list can be reviewed at Tab 15 (tab 16 are expenses codes).

Assessors will use this tab to filter work by activities, party's and fee earners. They will then make their findings and categorise these at columns Y and Z. We can then filter the findings post-assessment to provide a more streamlined advice on reductions and cost impact.

Tabs 7 – 10 – Summaries

These are different ways of summarizing the costs claimed, by activity, communications on parties or by fee earners. So, there will be a clear and quick view on Grade of fee earners that have had input. This should work well for those Deputies who are able to delegate the bulk of work appropriately to Grade C/D's which will be quickly evident.

Tab 11 – Certification page

This will need signing prior to serving the Bill. This can be provided as a separate pdf page which can be signed and appended to the bill for ease. Otherwise, details to be included remain the same.

Tabs 12 and 13 – Summary and FCC

These will be completed post-assessment, usually by your costs draftsman along with their summary and advice on reductions, and subsequently the FCC can be filed once costs are accepted.