

No Win/No Fee

We would not have been able to sue the Defendant without no win/no fee. No win/No fee enables individuals to sue large organisations. Whilst it may have been possible for us to take out a mortgage or otherwise obtain credit, we would not have gone down that path. We had already suffered huge losses (over \$500,000). If we did borrow money to fund legal action, we would have incurred that liability but also a liability to pay the Defendants legal costs which could have been in the hundreds of thousands. If we had to continually fund litigation and the Defendant was aware of that, they could have continually delayed the matter proceeding to Court hoping we would have run out of funds. The other victims who I have met would not have been able to obtain credit and thus would have gone uncompensated. Even now, after much publicity, including multiple front page news stories, some have not been fully compensated. This is because the cost of litigation consumed some of their payouts from the Defendant.

No win/No Fee does however provide you with assurance as a plaintiff. I was aware that my law firm would not get paid if I lost. It was always difficult to have a full understanding of the strength of my case.

The circumstances in which I would have to pay my lawyer were explained to me but my understanding was supplemented by my children who are legally qualified. I understood that if I lost I would have to pay but beyond that it was not clear to me when I would have to pay legal costs. My lawyer was extremely attentive and very thorough. It is just difficult for a lay person, in their 60s, under enormous stress, to understand.

Judicial Process

It is too long and too costly, especially when the pre litigation stage can go on for months or years. In my case it took more than 3 years from our complaint to when the court process ended. Parties should be forced to mediate disputes earlier. I also believe that early Arbitration should be considered as at least a party has an idea of how an independent person views their case early on.

I am also strongly against parties not having their full costs paid. I understand that there are two concepts, party/party costs and solicitor/client costs. If someone has done something wrong, they should have to pay all costs that a person had incurred.