



Judgment in *Glover v Barker* [2020] EWCA Civ 1112

In a decision of general importance for all civil litigators, the Court of Appeal confirmed the extent of the personal liability of a litigation friend for adverse costs. The litigation friend was unsuccessful in the litigation, but was not liable for the successful parties' costs. The Court was exercising a discretion and had to have regard to the particular circumstances. A claimant's litigation friend should ordinarily bear the costs of successful defendants. However, lack of success



would not of itself generally make it just to make an adverse costs order against a defendant's litigation friend. Factors which might justify such an order included bad faith, improper or unreasonable behaviour and prospect of personal benefit.



The Court of Appeal allowed an appeal from Morgan J's decision.

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