

Pro bono costs



UNLOCK FUNDS FOR JUSTICE

Pro bono costs are like ordinary legal costs, but where a party had free legal representation. If a civil case is won with pro bono help, pro bono costs can be ordered by the court, or included in settlements.

The costs cover any period when free representation was provided, and even if only one of the lawyers acted for free (i.e. you can also seek normal costs for the fee-paid work). The amount is based on what a paying client would recover.

The legislation (s.194 Legal Services Act 2007) requires the costs to be paid to the prescribed charity, the Access to Justice Foundation, set up by the Advice Services Alliance, Bar Council, ILEX and Law Society. The Foundation distributes the money to agencies and projects that give free legal help to those in need.

To unlock more of these funds we need the help of the advice and pro bono sector to raise awareness of pro bono costs, and to obtain costs orders.

Quick guide for pro bono & advice agencies

1. **In correspondence and negotiation** with the other side, consider highlighting your ability to obtain pro bono costs if you win. This may help settle the case, as they also have a costs risk.
2. **If a settlement is reached**, the agreement can include the other side paying pro bono costs to the Foundation. Just like normally one side might recover their costs under a settlement.
3. **If volunteer legal staff** work on a successful civil case, you can seek pro bono costs for their time, following the guidance on our website.
4. **When placing a case with a pro bono lawyer**, ask the lawyer to seek a pro bono costs order under CPR 44.3C. Give them the quick guide from our website.
5. **Tell the Foundation** when you secure pro bono costs (costs@ATJF.org.uk).

Full guidance: www.ATJF.org.uk

Questions? costs@ATJF.org.uk

Thank you!

THE
ACCESS
TO JUSTICE
FOUNDATION

Charity no. 1126147