

Acting pro bono? Seek 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 Law Society, ILEX, Bar Council and Advice Services Alliance. The Foundation distributes the money to agencies and projects that give free legal help to those in need.

Quick guide for solicitors & law firms

1. **Client care letters** for pro bono clients can refer to pro bono costs. See our website for suggested wording.
2. **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.
3. **If a settlement is reached**, the agreement or agreed order can include the other side paying pro bono costs to the Foundation. Also, if you accept a Part 36 offer, you can apply for a pro bono costs order.
4. **In court forms** such as the allocation questionnaire, wherever figures for normal costs are requested, refer to the amount of pro bono costs.
5. **Before a hearing**, file and serve a statement of costs using court form N260. Show how much free work was done and its cost at your normal rates.
6. **If you win at trial** seek a pro bono costs order under CPR 44.3C. See the quick guide for advocates on our website.
7. **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