

Acting Pro Bono?

Ask for Pro Bono Costs

unlock funds
for justice

Pro bono costs are like ordinary costs, but where a party had free legal representation. If your client wins, you can seek pro bono costs against the losing party under s 194 Legal Services Act 2007 and CPR 46.7.

The costs cover any free representation, whether provided for part or all of the case, and even if only one of the lawyers acted for free (i.e. you can still

claim normal costs for the fee paid work). The amount is based on what a fee-paying client would recover.

Pro bono costs must be paid to the Access to Justice Foundation, the prescribed charity under s 194. The Foundation then distributes the funds to charities to support the provision of free legal help.

Quick guide for lawyers/advocates

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 an adverse costs risk.
2. If a settlement is reached, the agreement or consent order can include the other side paying pro bono costs to the Foundation. Also, if you as claimant accept a Part 36 offer, you can apply for a pro bono costs order.
3. File and serve a statement of costs before a hearing, showing how much free work you did and its equivalent cost at your normal hourly rate or brief fee. You may use form N260 or the template overleaf or create your own.
4. If you win your hearing, seek pro bono costs under CPR 46.7. Ask the Court to award pro bono costs on the basis it would have awarded ordinary costs had you not been acting for free. Where possible seek summary assessment. Suggest this wording for the order:
The [party] must pay costs for pro bono representation on or before [date] to the Access to Justice Foundation (PO Box 64162, London WC1A 9AN), [summarily assessed at £____] [or] [to be assessed on the standard / indemnity basis if not agreed].
5. Tell the Foundation after you secure pro bono costs (costs@ATJF.org.uk).

Full guidance at www.ATJF.org.uk
Questions? costs@ATJF.org.uk

THE
ACCESS
TO JUSTICE
FOUNDATION

The legal profession's charity to support pro bono initiatives (charity no.1126147)

Statement of pro bono costs (CPR PD46 4.1)

Pro bono lawyers: you may use this template to show what free work you have/will provide and how much it would have cost at your normal rate or brief fee. (If you or another lawyer also provided fee-paid work, show that work separately on form N260.)

In the _____ Court

Case reference _____

Case name _____

For hearing on date _____

Name of legal representative _____

Grade/year of call of legal representative _____

Description of work (e.g. attending on client; appearing at hearing; work on specified documents)	Hours spent	Normal hourly rate (or brief fee)	Equivalent value (£)
TOTAL pro bono costs			£

VAT is not payable on pro bono costs

Signed _____

Dated _____