

unlock funds for justice



Acting pro bono? Please seek pro bono costs

- Pro bono costs are like an ordinary costs award, but where a party had free legal representation.
- When you win a civil case acting pro bono, ask for a pro bono costs order under CPR 46.7.
- The court orders the losing side to pay the costs to the Access to Justice Foundation.
- The Foundation passes the money on to agencies giving free legal help to those in need.
- Questions? See our website or email costs@ATJF.org.uk.

Quick guide at www.ATJF.org.uk

THE
ACCESS
TO JUSTICE
FOUNDATION

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

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Pro bono costs are like an ordinary award of costs, but where a party had free legal representation. If your client wins, the losing side need not benefit from your free work; you can seek a pro bono costs order against them. This means that the other side now also has a costs risk to consider.

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 County Court, High Court, Court of Appeal Civil Division and Supreme Court can award pro bono costs broadly where they would award normal costs.

The legislation requires the costs to be paid to the prescribed charity, the Access to Justice Foundation, set up by the Bar Council, Law Society, CILEx and Advice Services Alliance. The Foundation distributes the funds to agencies and projects to support the provision of free legal help to those in need.

Quick guide for court hearings

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. **Any settlement reached** 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. **File & serve a statement of costs.** Court form N260 may be used but is not required. This shows what free work you did, and what it would have cost a paying client at your normal rates.
4. **Ask for a pro bono costs order** under s.194 Legal Services Act 2007 and CPR 46.7.
5. **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].
6. **Tell the Foundation** when you secure pro bono costs (costs@ATJF.org.uk).
7. The Foundation then distributes the money to agencies and projects that give free legal help to those in need.

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

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