

# Acting pro bono?

# Seek pro bono costs



# UNLOCK FUNDS FOR JUSTICE

*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 County Court, High Court and Court of Appeal Civil Division can award pro bono costs broadly where they would award normal costs. The costs cover any period when free representation was provided, and even if only one of the lawyers acted for free (i.e. normal costs can also be sought for the fee-paid work). The amount is based on what a paying client would recover.*

*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, ILEX and Advice Services Alliance.*

## Quick guide for advocates

1. **File & serve a statement of costs** using court form N260. This shows what free work you did, and what it would have cost a paying client at your normal rates.
2. **Ask for a pro bono costs order** under s.194 Legal Services Act 2007 and CPR 44.3C. The procedure is the same as obtaining a normal costs order. Wherever possible **seek summary assessment**.
3. **Suggest this wording** for the order:  
*The [party] must pay costs for pro bono representation 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].*
4. **Tell the Foundation** when you secure pro bono costs (costs@ATJF.org.uk).
5. 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](http://www.ATJF.org.uk)

Questions? [costs@ATJF.org.uk](mailto:costs@ATJF.org.uk)

*Thank you!*

THE  
ACCESS  
TO JUSTICE  
FOUNDATION

Charity no. 1126147