



# Pro Bono Costs Orders: A Practical Guide for Lawyers

## Turn your pro bono work into wider impact

When your pro bono client wins, you can recover costs from the losing party, just like any other cost bearing case. These costs go to the Access to Justice Foundation, funding free legal services for people who need them most.

Your success not only helps your client but can also support many more.

## Where you can claim

### Courts in England and Wales

- County Court, Family Court, High Court, Court of Appeal (civil division)
- Supreme Court (civil appeals)

### Cost-bearing Tribunals

- First Tier Tribunal, Upper Tribunal
- Employment Tribunal, Employment Appeal Tribunal
- Competition Appeal Tribunal

## Five steps to securing pro bono costs

### ➤ 1. Use your leverage early

Mention pro bono costs in your correspondence with the other side. They face the same costs risk as in any case, this encourages reasonable conduct and faster settlements.

### ➤ 2. Include costs in settlements

Build pro bono costs payments into settlement agreements and consent orders. If your client accepts a Part 36 offer, you can still apply for pro bono costs.

### ➤ 3. Prepare your costs schedule

File and serve a statement showing:

- Hours of free work completed
- Equivalent cost at your normal rate

Create your own schedule or adapt Form N260 (just cross out the paragraph starting "The costs stated above..." on page 4).

*Don't include VAT.*

For complex cases, the Pro Bono Expert Support scheme connects you with specialist costs lawyers working pro bono: [www.nationalprobonocentre.org.uk/project/pro-bono-expert-support/](http://www.nationalprobonocentre.org.uk/project/pro-bono-expert-support/)

#### 4. Claim your costs

When you win, request a Pro Bono Costs Order when costs are normally considered. Ask the court to assess costs as they would ordinarily, then order the same amount as pro bono costs.

You can apply at interim hearings and at trial.

Suggested wording:

*"The [party] must pay costs for pro bono representation on or before [date] to the Access to Justice Foundation (The Access to Justice Foundation, 7 Bell Yard, London, WC2A 2JR), [summarily assessed at £\_\_\_\_\_] [or] [to be assessed on the standard/indemnity basis if not agreed]."*

#### 5. Let us know

Email [costs@atjf.org.uk](mailto:costs@atjf.org.uk) with:

- A copy of the sealed costs order
- The payor's contact details

We'll take it from there.

## The legal framework

Pro bono costs orders operate under sections 194-194B of the Legal Services Act 2007 and CPR 46.7. Recovery is based on what a fee-paying client would typically receive.

### Need support?

Get in touch: [costs@atjf.org.uk](mailto:costs@atjf.org.uk)

Find more information: [www.atjf.org.uk/pro-bono-costs-orders](http://www.atjf.org.uk/pro-bono-costs-orders)

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