



## Costs Lawyer Standards Board

### AGENDA

**Tuesday 30 January 2024 @ 10:30am**  
**Remotely via videocall**

<b>Board:</b>	Rt Hon David Heath CBE	Lay NED (Chair)
	Stephanie McIntosh	Lay NED (Vice-Chair)
	Andrew Harvey	Lay NED
	Andrew McAulay	Non-Lay NED
	Paul McCarthy	Non-Lay NED
<b>In attendance:</b>	Kate Wellington	CEO
	Jacqui Connelly	Director of Operations

*Note: Agenda items in blue are standing items*

	Agenda item	Paper	Publish <sup>1</sup>	Lead
1	<b>Opening matters</b> 1.1 <a href="#">Quorum and apologies</a> 1.2 <a href="#">Declarations of interest on agenda items</a>	- -		DH DH
2	<b>Minutes</b> 2.1 <a href="#">Approval of minutes</a> (23 October 2023) 2.2 <a href="#">Matters arising</a> (23 October 2023)	Item 2.1 -	Yes	DH DH
3	<b>Strategy</b> 3.1 <a href="#">Progress against Business Plan: 2023 roundup</a> 3.2 Annual report against performance indicators 3.3 Communications strategy: stage 1 3.4 Costs Lawyer Apprenticeship update	Item 3.1 Item 3.2A+B Item 3.3 Item 3.4A+B	Yes Yes Yes Yes	KW KW KW/AH KW
4	<b>Board matters</b> None this meeting			

<sup>1</sup> The letters used in this column indicate the reason for any non-publication of papers. They correspond to the reasons set out in our publication policy, which can be found on the [What we Publish](#) page of our website.

5	<b>Finance</b> 5.1 <a href="#">Quarterly report: Q4 2023</a>	Item 5.1	No (D, E)	JC
6	<b>Risk management</b> 6.1 <a href="#">Review of risk register</a>	Item 6.1	Yes	DH
7	<b>Regulatory matters</b> 7.1 Ongoing competency framework 7.2 Project proposal for future of regulation 7.3 Code of Conduct rule change application 7.4 New economic crime regulatory objective 7.5 Judicial appointments update 7.6 Costs Lawyer profession in 2023 report	Item 7.1 Item 7.2 - - Item 7.5 Item 7.6	Yes Yes   Yes Yes	KW KW KW KW KW JC
8	<b>Legal Services Board (LSB)</b> 8.1 <a href="#">Work updates</a> 8.2 2023 regulatory performance assessment	- Item 8.2	 No (B)	DH/KW KW
9	<b>Stakeholder updates<sup>2</sup></b> 9.1 <a href="#">ACL Council meeting minutes</a> 9.2 <a href="#">Work updates</a>	Item 9.1 -	Yes	KW KW
10	<b>Operations</b> 10.1 Practising certificate renewals data	Item 10.1	Yes	JC/KW
11	<b>Publication</b> 11.1 <a href="#">Confirmation that papers can be published</a>	-		DH
12	<b>AOB</b>	-		DH
13	<b>Next meeting</b> <a href="#">Date: 23 April 2024</a> <a href="#">Venue: Remotely via videocall</a>	-		DH

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<sup>2</sup> This agenda item is used to update the board on significant developments relating to the work of the Legal Services Consumer Panel, Association of Costs Lawyers, ACL Training, Legal Ombudsman (including exception reporting on service complaints) and other relevant stakeholders.

**DRAFT APPROVED BY THE CHAIR FOR PUBLICATION**  
**Subject to approval by the full board at its next scheduled meeting**

**MINUTES**  
**Costs Lawyer Standards Board Ltd**  
**Monday 23 October 2023 at 10:30 am**  
**Remotely via Teams**

<b>Board:</b>	Rt Hon David Heath CBE	Lay NED (Chair)
	Stephanie McIntosh	Lay NED (Vice-Chair)
	Andrew Harvey	Lay NED
	Andrew McAulay	Non-Lay NED
	Paul McCarthy	Non-Lay NED
<b>In attendance:</b>	Kate Wellington	CEO
	Jacqui Connelly	Director of Operations
	Lori Frecker	Director of Policy (Item 1)

**1. OPENING MATTERS**

- 1.1** The Chair declared the meeting quorate. There were no apologies.
- 1.2** There were no declarations of interest on any agenda item.
- 1.3** Lori was introduced to the board and provided an overview of the policy areas that she would be prioritising in the short term.

**2. MINUTES**

**2.1 Minutes dated 28 June 2023**

The board considered the minutes of its last scheduled quarterly meeting on 28 June 2023. The board agreed the minutes as being a true record for signing.

**Action: Publish approved minutes on CLSB website.**

**2.2 Matters arising**

The board considered the matters arising from the minutes of its meeting on 28 June 2023. There were no matters arising that had not been scheduled as agenda items or otherwise dealt with.

**3. STRATEGY**

**3.1 Progress against Business Plan: Q3 2023**

The board was provided with a progress update against the 2023 Business Plan for Q3. Kate noted that all projects were now underway, with four more priorities having been completed in Q3. The main focus for Q4 would be on planning the three remaining policy projects in the Business Plan (priorities 5, 7 and 9) with Lori's support. Depending on capacity and scope, delivery of those projects was likely to continue into

2024. The board considered and approved the executive's proposed strategic priorities for Q4 of 2023.

### **3.2 Consultation feedback on strategy and Business Plan**

Kate thanked the board for considering and approving a new mid-term organisational strategy for the CLSB by email following the board's strategy session in June. Kate confirmed that the new strategy was published alongside the practising fee consultation together with the 2024 Business Plan, and both documents were now available on the CLSB's website.

Kate explained that as part of the practising fee consultation, a survey was conducted with the Advisory Panel asking for feedback on the strategy and 2024 Business Plan, and the results provided an interesting steer as to which aspects of the CLSB's upcoming work were most likely to resonate with practitioners. Amongst other things, this would help the CLSB develop its new communications plan early next year.

The board was provided with a report setting out the full results of the survey and Kate provided a summary of highlights and key take-aways. The board discussed the findings, keeping in mind the relatively limited sample size and nature of the survey.

Board members noted the importance that respondents placed on success of the new Costs Lawyer Professional Qualification, both as a priority in 2024 and in the medium term. The board also noted that the only Business Plan priority that no respondents selected as being important to them (i.e. not within their top five most important priorities) was publishing the next Annual Risk Outlook. The board discussed whether this meant the Risk Outlook project should be abandoned, but on balance felt that it should not, particularly given the positive feedback on the 2023 Risk Outlook that was received from other sources. The focus in 2024 should therefore be on promoting engagement with the Risk Outlook, including getting the report in front of sole practitioners and business owners/managers as well as potentially drawing from the report to create "bite sized" risk publications on discrete topics throughout the year. Kate agreed to capture this approach in the communications plan.

The board also discussed the constitution and purpose of the Advisory Panel and Jacqui provided examples of how it had been used recently.

***Actions: Ensure communications plan captures different ways of presenting the CLSB's work on strategic items including risk.***

### **3.3 Education – launch of new CLPQ**

The board was informed that the new Costs Lawyer Professional Qualification was successfully launched in September. Kate reported on student numbers and feedback, as well as the CLSB's role in the induction day and professional ethics module.

The board was also updated on the work the executive was doing with ACL Training to develop a proposal for a Costs Lawyer Occupational Standard, which would set the parameters for an apprenticeship route of entry into the profession tied to the regulatory framework and qualification. Board members were excited by the progress that had been made on this workstream and continued to support the initiative.

## **4. BOARD MATTERS**

### **4.1 Amendment to Board Appointment Policy**

At its June meeting, the board noted that the Board Appointment Policy allowed individual board members to be reappointed no more than twice. The board agreed that this was counter to its aim of having the flexibility to appoint members for shorter terms, to help stagger appointments and thus promote continuity. It was therefore agreed that a proposed amendment to the Board Appointment Policy be brought to this meeting for consideration, removing the limit on the number of times a member could be reappointed but retaining the overall term limit of seven years.

The board unanimously agreed to amend section 6 of the Board Appointment Policy as shown in red: *After their initial appointment, a Director may be re-appointed for ~~up to two~~ further periods of up to three years each, but will not serve for a total period in excess of seven years.*

**Action: Amend Board Appointment Policy in the Internal Handbook as agreed.**

### **4.2 NED reappointments**

Stephanie and Paul left the meeting. The remaining board members were invited to consider reappointing Stephanie for a further two years to 3 December 2025 and reappointing Paul for a further two years to 24 January 2026 (or other such periods as the board saw fit). The board unanimously agreed both appointments.

Stephanie and Paul returned to the meeting and were notified of the outcome. David thanked them for their continued service to the CLSB.

**Action: Take administrative steps to formalise reappointments.**

## **5. FINANCE**

### **5.1 Quarterly report: Q3 2023**

Jacqui introduced the quarterly finance report. The board noted the financial position, including a projected budget deficit for the year, and discussed the executive's recommendations as to how that deficit should be managed.

The board agreed that it would be inappropriate to make a contribution to reserves in a deficit year and thus agreed that the projected reserves contribution of £5k should be reduced to £0 to manage the projected deficit for 2023. The board was comfortable with this approach as the CLSB's uncommitted and committed reserves were both healthy, and refraining from making a contribution to reserves for a single year carried no material risk.

The board also noted an increase in expenditure on complaint handling/investigations. Board members discussed whether this was indicative of an increase in upheld complaints and thus whether any learnings or themes should be proactively addressed.

**Action: Adjust down 2023 budget projection for contribution to reserves.**

## **5.2 Outcome of practising fee application**

The board was informed that, following consultation, the CLSB's practising fee application was submitted to the LSB in September in line with the LSB's new Practising Fee Rules. Kate explained that the LSB's Decision Notice had been received shortly before the board meeting and the proposed fee had been approved.

The board noted the LSB's recommendation for the CLSB to consider having its accounts audited on a periodic basis, even though this was not formally required by Companies House. The board asked the executive to look into the feasibility of doing so.

***Actions: Look into audit recommendation.***

## **5.3 Interest bearing account options**

Jacqui introduced this item. In light of rising interest rates and the CLSB's increasing financial reserves, the executive had begun to investigate financial products that would allow interest to be earned on funds that were currently held in regular business banking accounts and would also spread the CLSB's exposure to risk across a larger number of financial institutions.

The board was provided with a paper setting out factors to consider. In particular, the board was asked to give a steer on its appetite for moving funds to an interest bearing account, including the extent to which immediate accessibility and risk spreading were factors that should be taken into account. The executive would then explore specific product options and select a way forward, in line with the parameters indicated by the board.

The board discussed the issues raised in the paper. Overall, board members agreed that the time was right to move some of the CLSB's reserves to higher interest bearing accounts. The board indicated that a graduated approach should be taken, comprised of a prudent mix of lower-interest/higher-accessibility accounts and higher-interest/lower-accessibility accounts. The board agreed that "no access" products (such as term deposits that could not be accessed until maturity, even upon payment of a penalty) should not be included in the mix. Otherwise, the board delegated authority to the executive to determine an appropriate allocation and products, based on annual cash flow and projected expenditure per quarter.

***Action: Proceed with changes to investment strategy based on the board's steer.***

## **6. RISK MANAGEMENT**

### **6.1 Review of risk register**

The board carried out its quarterly review of the risk register and discussed whether any amendments were required.

In June, the board had discussed some of the risks to Costs Lawyers, solicitors and clients from the new fixed recoverable costs regime. Kate provided an update on that issue based on developments in Q3. ACL had been particularly active, including by arranging a webinar about the impact of the new rules, supporting training efforts by firms and responding to the Ministry of Justice's latest consultation, and the board was provided with a copy of ACL's consultation response. The board discussed the

boundaries of the CLSB's role, and Kate noted that she had discussed the issues and risks with the ACL Council's Policy Sub-committee and offered the CLSB's support where risks were identified that crossed into the regulatory space.

## **7. REGULATORY MATTERS**

### **7.1 Code of Conduct consultation outcome**

Kate reported that the consultation on proposed changes to the Code of Conduct closed in mid-July. Helpful responses were received from the Legal Services Consumer Panel, ACL and five individual Costs Lawyers, and most of the respondents' comments had been taken on board. An outcome report was published explaining how the feedback was addressed in producing a final version of the amended Code.

Kate explained that, alongside the consultation, a survey was run with the Advisory Panel asking about practitioner engagement with the Code. This included questions about how often practitioners referred to the Code, on what issues, whether the Code assisted them, what other supporting material could be provided, and how awareness could be raised. The board was provided with a report of the survey responses and Kate noted areas of particular interest.

The board discussed the potential for publishing ethical case studies and drew comparisons to their experience in other sectors. It was agreed that any case studies should make clear that they were illustrative and not instructive, and did not relieve practitioners from considering carefully how the Code applied to their particular situation.

Board members also discussed the interplay between personal accountability and firm accountability, particularly where a manager or employer (who might not be regulated) puts pressure on a regulated Costs Lawyer to behave in an unethical way. Anecdotal experience of such behaviour in the legal profession was discussed, including evidence from LawCare's recent well-being surveys and data gathered from the CLSB's exit survey for Costs Lawyers who leave regulation. The board agreed that the CLSB had a role in supporting practitioners to make ethical choices in this kind of scenario, including through reporting to other regulators – such as entity regulators and the regulatory bodies of associated professions, like expert witnesses or accountants – and this should form part of the supporting material produced for the Code in due course.

***Action: Consider supporting materials for the Code in line with the board's comments and survey outcomes upon implementation.***

### **7.2 New guidance on providing services to consumers**

Kate introduced this item. She explained that the CLSB's plan for complying with the LSB's policy statement on consumer empowerment involved identifying Costs Lawyers who provide services directly to end consumers and developing guidance for those Costs Lawyers on their consumer law obligations. The board was provided with draft guidance for consideration and approval.

Kate noted that two aspects of the guidance remained outstanding – namely a section on further resources and an annex setting out further detail on the underlying

legislation – but these were standalone aspects with no bearing on the existing drafting or the usability of the guidance so could be added following board approval.

The board approved the guidance for publication and agreed that the outstanding sections were not controversial and could be added without requiring further board approval. While it was agreed that a composite PDF of the guidance should be published for immediate use, board members also discussed how the information could be presented in a navigable format – such as web content broken down into modules or themes – to help with accessibility and engagement. It was agreed that this should also be considered under the communications plan due for development in early 2024.

***Actions: Publish guidance for immediate use; Consider longer term publication options as part of communications plan.***

### **7.3 Progress update on ongoing competency**

The board was provided with a progress update against the CLSB's ongoing competency work plan.

At its June meeting, the board had considered an amendment to the CLSB's policy statement on enforcement and sanctions, covering competency issues and how they would be treated in a disciplinary context. The board approved the proposed amendments, subject to adding guidance on the regulatory impact of a temporary lack of competency or capacity where there was no issue with underlying professional knowledge and skills. The board was provided with an updated version of the statement with new wording to cover this issue. The board approved the additional text, however Andrew H noted a minor issue with the existing drafting that he agreed to raise by email with the executive after the meeting.

The board was also updated on the project to expand the Costs Lawyer Competency Statement from the point of authorisation to extend throughout a Costs Lawyer's career, including plans for a workshop for interested Costs Lawyers on 15 November.

***Action: Publish updated version of policy statement on enforcement and sanctions.***

### **7.4 Regulatory Information Service**

Kate provided the board with an update on a sector-wide project that aims to collate information from all the regulators' online registers into a single accessible data source which is searchable by the public. Kate explained that the concept was currently being termed the Regulatory Information Service, having had various former names such as the Single Digital Register. The board was provided with information on:

- the history of the project, deriving from a recommendation in the CMA's first legal services market study in 2016;
- recent developments, including the outputs of a research project commissioned by the LSB to look at possible delivery models and next steps, and discussions at a recent meeting of MTCOG (the Market Transparency Co-ordination and Oversight Group);
- a report by the SRA which scoped development options and costings, as presented to the Legal Choices Governance Board;



- the various regulators' views on next steps and the approach the CLSB had taken to date in executive level discussions.

The board noted how the project was progressing, including the potentially significant costs involved, and discussed the CLSB's role and approach. In summary – and subject to ongoing monitoring and any unforeseen issues – the board agreed that the executive should be guided by the following general principles when engaging with the project:

- As this is a sector wide initiative, it is appropriate and beneficial for the CLSB to participate and help ensure full sector coverage.
- However, the benefits of the project to the CLSB, Costs Lawyers and their clients are likely to be marginal since the Regulatory Information Service is aimed primarily at the public and Costs Lawyers are primarily instructed by other professionals. This means that the CLSB's involvement needs to be proportionate and should not require an unjustifiable level of internal or financial resource.
- The CLSB's involvement should therefore focus on contributing to the project logistically, particularly by adapting systems and processes to allow data to be captured by the Regulatory Information Service.
- If the CLSB is required to make a financial contribution to the project, it will not be able to do so under the existing Legal Choices funding model, which requires the CLSB to pay proportionately more than any other regulator (whether measured by organisation size, budget or number of regulated practitioners). If a financial contribution does become necessary, the CLSB's preference will be for the LSB to take on the project and fund it through the LSB's statutory levy, which is fairer to the regulators and thus to regulated individuals.

***Action: Continue to engage with the project on the basis of the above guiding principles.***

## **8. LEGAL SERVICES BOARD (LSB)**

### **8.1 Work updates**

The board received updates in relation to:

- engagement with LSB consultations on first tier complaints and technology and innovation;
- the LSB's project on enforcement and investigative tools.

### **8.2 2023 regulatory performance assessment**

Kate noted at this item was included in the agenda following an indication from the LSB that a draft performance assessment might be available for comment by the time of the meeting. As the assessment had not been received, this item was vacated.

## **9 STAKEHOLDER UPDATES**

### **9.1 ACL Council meeting minutes**

The board noted the minutes of ACL Council meetings held in May, June and July. The board discussed the current nature of the relationship with ACL, noting the open and constructive tone, and David thanked the executive for the time and effort that had been put into interactions with ACL recently. Andrew M also provided positive feedback from the ACL conference that he had attended the previous week.

## **9.2 Judicial appointments update**

Andrew H introduced this item and updated the board on recent meetings with the Judicial Appointments Commission and the Ministry of Justice. Kate provided feedback on the likely process for enabling Costs Lawyers to apply for judicial appointment and the evidence that would be required by the Ministry of Justice to take the matter further.

Board members discussed the potential scope of roles that Costs Lawyers might be qualified to fill and the benefits this could bring for the justice system. The board also considered what support practitioners would need in applying and how the CLSB could ensure this was delivered in conjunction with ACL and potentially other representative bodies.

Overall the board agreed that this was an exciting opportunity for progressing a number of the recommendations from the Regulators' Pioneer Fund project and helping to promote Costs Lawyers as independent actors in the justice system.

## **10 OPERATIONS**

### **10.1 Practising history data project**

Jacqui introduced this item. She explained that the 2023 digital workplan included a project to consolidate all regulatory information about individual Costs Lawyers in the database, aiming to:

- have a single point of reference for understanding an individuals' regulatory history;
- understand and document gaps in the CLSB's historic data to identify and (where necessary) mitigate any risks.

The board was presented with a report on the findings of the project. Board members noted the outcomes and the steps taken to minimise any impact of the gaps identified.

## **11 PUBLICATION**

### **11.1 Confirmation that papers can be published**

The board agreed that all board papers for the meeting should be published, other than those noted on the agenda for the reasons stated.

**Action: Publish board papers on website in accordance with agenda notations.**

## **12 AOB**

Kate declared a new interest as a partner in Ad Tech Collective Action LLP for the purposes of the standing register of interests. She explained the nature of the interest and confirmed it did not give rise to any conflict with her role at the CLSB.

## **13 NEXT SCHEDULED QUARTERLY MEETING**

The next meeting was scheduled for 30 January 2024, remotely by Teams.

There being no further business, the Chair declared the meeting closed at 12:22.

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Chair

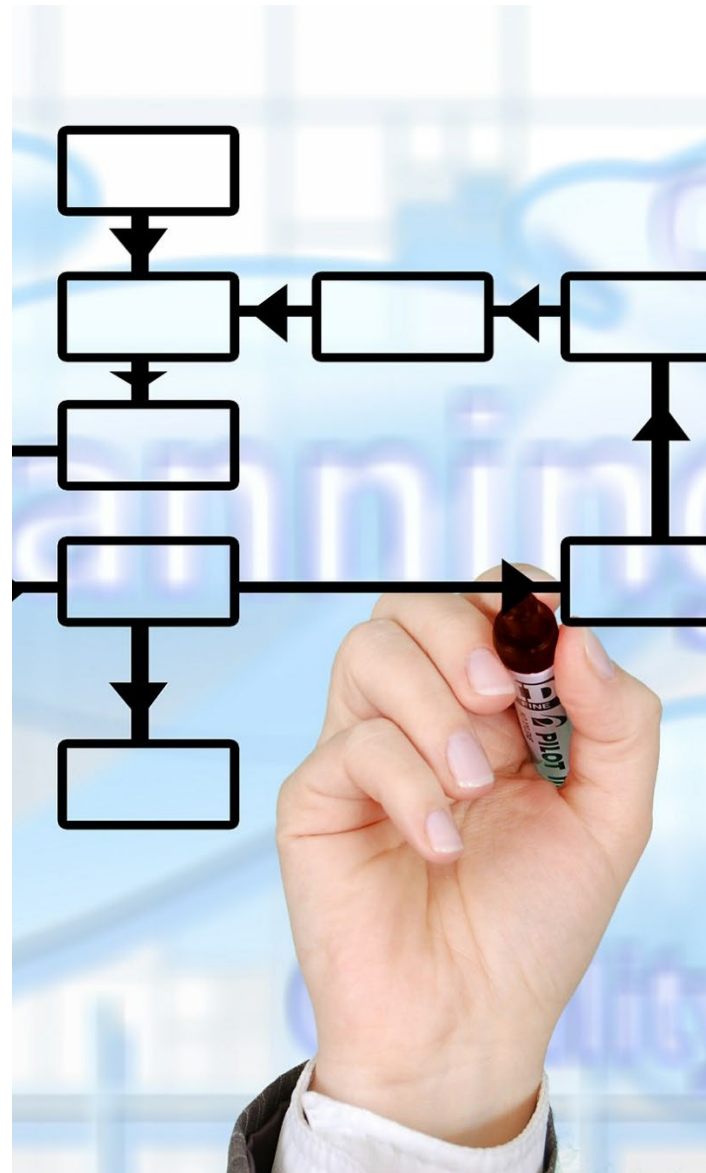
### Related documents

Item	Document	Publication location (CLSB website)
2.1	Board minutes	About ⇒ Our board
3.1	2023 Business Plan	About ⇒ Strategy and governance
3.2	New mid-term strategy and 2024 Business Plan	About ⇒ Strategy and governance
6.1	Risk register	About ⇒ Strategy and governance
7.1	Code of Conduct consultation outcome report	Regulatory ⇒ Consultations
11.1	Board papers	About ⇒ Our board
Item	Document	Publication location (other)
5.2	CLSB's practising fee application for 2024	LSB website <a href="#">here</a>
8.1	LSB consultation on first tier complaints	LSB website <a href="#">here</a>
8.1	LSB consultation on technology and innovation	LSB website <a href="#">here</a>

# Business Plan 2023

## Q4 board update

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January 2024

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Costs Lawyer Standards Board

CLSB

# Annual priorities

	Initiative	Progress status / expected completion
1.	Work with internal and external stakeholders to develop a new mid-term strategy for the CLSB, building on the learnings and successes from our first strategy covering the period 2020 to 2023.	<b>Achieved (Q3)</b> <i>We held our scheduled strategy session with the board on 27 June. Following that discussion, we developed a proposed mid-term strategy for consultation alongside the 2024 PCF, business plan and budget. We also sought feedback on the proposed strategy from the CLSB's Advisory Panel. The strategy was finalised and published in September and the board was presented with the Advisory Panel's feedback in October.</i>
2.	Deliver the priority activities for the final year of our <a href="#">Consumer Engagement Strategy</a> , and consider what successor initiatives should be put in place going forward.	<b>Achieved (Q2)</b> <i>We scoped terms of reference and membership for a potential user panel as envisaged under the final year's activities, and found that members' experiences and needs were likely too disparate to make contributing through a single panel feasible. Having done this scoping work, we decided to focus on identifying individual business clients that could feed into our specific projects under priorities 5, 7 and 9 below.</i>
3.	Develop a programme of work to promote the outcomes in the Legal Services Board's policy statement on empowering consumers in a way that takes into account the unique nature of the market for costs services.	<b>Achieved (Q4)</b> <i>We developed a work plan to ensure compliance with the policy statement, which was approved by the board and socialised with the LSB and LSCP. The first stage of the plan allowed us to identify those Costs Lawyers offering B2C services. A new B2C regulatory framework was then developed during Q3 for the practitioners identified through the segmentation exercise and was approved by the board in October. The B2C regulatory framework was finalised and published in Q4, and embedded in the 2024 practising certificate application form, completing this priority. We will report to the LSB on compliance with the policy statement in 2024 as anticipated.</i>
4.	Using our new regulatory framework for the Costs Lawyer Qualification, work with ACL Training to accredit a new course that meets the standards for delivery and competency assurance set by the CLSB.	<b>Achieved (Q2)</b> <i>New Training Rules were approved by the LSB in February and our new regulatory framework was then finalised and published. We appointed an Accreditation Panel, including an independent member to lead on the</i>

		<i>accreditation process, and that process was carried out during H1 with a Panel visit taking place on 26 April. The Panel made its decision on accreditation in June and the outcome was reported to the board at its June meeting.</i>
5.	Deliver a programme of work aimed at harnessing the unique insights that Costs Lawyers can bring, to stimulate discussion across all the legal regulators about how legal costs can be better controlled.	<b>Planning stage complete (Q4)</b> <i>This priority has been incorporated into the larger project described below at 9.</i>
6.	Investigate the risks and benefits of entity regulation amongst costs firms, including whether there is a cost effective version of entity regulation that may be practical for the CLSB to implement.	<b>Achieved (Q3)</b> <i>The board held its first strategy discussion around entity regulation in March, based on an options paper prepared by the executive. Scoping work was undertaken during Q2 at the board's direction and the results of that work were presented to the board in June. The board decided not to pursue entity regulation further, for reasons recorded in the June board minutes, but outcomes from the scoping work informed a number of other workstreams including new priorities in the 2024 business plan.</i>
7.	Explore ways of encouraging competition in the market for legal services and promoting the interests of consumers through considering: <ul style="list-style-type: none"> <li>• how the CLSB's branding is used by the sector;</li> <li>• how our competency frameworks can ensure the profession provides the best value to end users; and</li> <li>• how our overall framework of regulation could best support the positive role that Costs Lawyers can play.</li> </ul>	<b>Achieved (Q4)</b> <i>The first bullet point has been considered in developing stage 1 of our new communications strategy, which will be put to the board at this meeting. The second has been delivered through the development of the new framework for extending our Competency Statement so that it applies throughout a practitioner's career (see further priority 10). The third bullet point has been captured in our wider project under priority 9.</i>
8.	Consider whether and how to implement measures to more strongly distinguish between the interests of intermediaries (professionals who instruct Costs Lawyers on a client's behalf) and the interests of the Costs Lawyer's ultimate client in our regulatory arrangements.	<b>Achieved (Q3)</b> <i>We identified ways to achieve this priority as part of improving the Costs Lawyer Code of Conduct. Changes to the Code were approved by the board at its January meeting and a consultation was then issued, closing in mid-July. A rule change application was made to the LSB in Q4. Depending on the outcome of the rule</i>

		<i>change application, we will implement the changes early next year.</i>
9.	Design a project that looks at how the regulation of Costs Lawyers should evolve into the future, taking into account how the profile of our regulated community may change.	<b>Achieved (Q4)</b> <i>We have designed a phased project to meet this brief, which will be delivered alongside the business plans for 2024 and 2025. The draft project plan will be put to the board for consideration at this meeting.</i>
10.	Develop a programme of work to align the CLSB's approach to ensuring continued competency with the Legal Services Board's policy statement on ongoing competence.	<b>Achieved (Q4)</b> <i>We developed a work plan to ensure compliance with the policy statement, which was approved by the board and socialised with the LSB. Amendments to our own policy statement on enforcement and sanctions were considered by the board in June. Following the board's feedback, further material was added to the statement before publication in September. We developed a proposed framework for extending the Competency Statement, as envisaged in the work plan, which was considered by the board in June and by a working party of Costs Lawyers in November. The framework was finalised in Q4 and will be put to the board for approval at this meeting prior to publication. This will place us in full compliance with the LSB's policy statement by Q1 2024 as envisaged.</i>
11.	Continue to improve our diversity data collection and, specifically for this year, look at how working cultures and professional environments for Costs Lawyers impact on good equality, diversity and inclusion (EDI) outcomes.	<b>Achieved (Q4)</b> <i>The board considered a report on our most recent diversity data in March and comprehensive reports looking at the gender pay gap and social mobility in the profession have been published. Follow-up work in both areas has been planned and a successful event to coincide with Social Mobility Awareness Day was held in June. Implementation of targeted initiatives to act on the data we collected will continue over the coming years. In Q4 we successfully completed our three-yearly full diversity survey of the profession.</i>
12.	Deliver the next phase of our digital workplan, including by: <ul style="list-style-type: none"> <li>improving the visibility of supervision issues in the database;</li> <li>creating a single repository for complaints data in the database;</li> </ul>	<b>Achieved (Q3)</b> <i>The second item (single complaints repository in database) was completed in Q1. The first and third items (improving visibility and adding action prompts) were completed in Q2. The fourth item (revising the application forms and adding database functionality) was completed in Q3. The final item (capturing missing</i>

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	<ul style="list-style-type: none"> <li>• adding action prompts to functionality;</li> <li>• revising application forms and adding database functionality resulting from enhancements to the Register of Costs Lawyers made in 2022;</li> <li>• capturing regulatory history of individual Costs Lawyers in the database to consolidate and safeguard all available information.</li> </ul>	<i>aspects of the regulatory history of individuals in the database) was also completed in Q3 and a report on the project was discussed by the board in October.</i>
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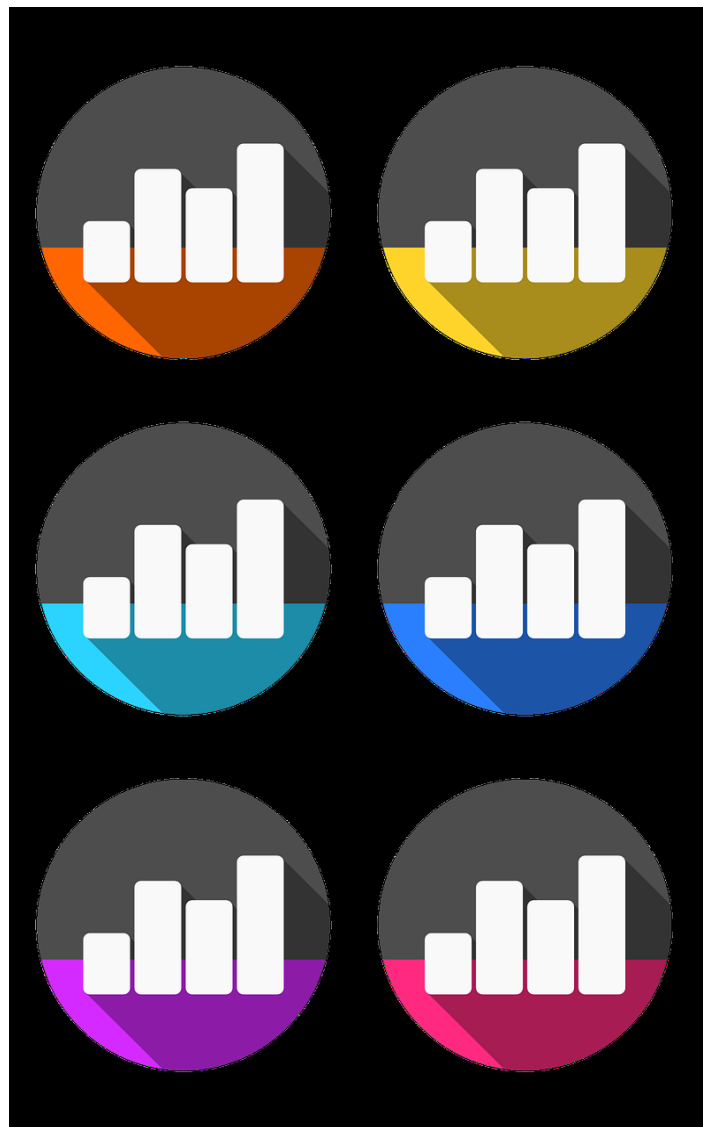


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# Performance indicators

## 2023 stock take

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January 2024

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Costs Lawyer Standards Board

CLSB



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# Regulatory metrics

The Legal Services Board (LSB) has historically asked all approved regulators of legal services to provide an annual performance management dataset. The dataset for the 2022 practising year is published in our current [Performance Indicators](#) document (PID). In Q1, the PID will be updated with the statistics below for the 2023 practising year, which have recently been finalised.

The LSB no longer asks regulators to report this data as a matter of course, however the board has previously agreed that the CLSB will continue to publish it in the interests of transparency and accountability.

## AUTHORISATION

Applications	2023	2022 (for comparison)
Number of authorisations processed	735	689
Outcomes of applications for authorised persons	735 approved	688 approved 1 declined
Type of application:		
Newly Qualified (2023)	26	16
Annual Renewal (processed in 2023 for the 2024 practising year)	688	661
Reinstated (2023)	21	11

### Timeliness

From date of completed application:	(day 1 being the day of receipt)
Median time taken	1 day <ul style="list-style-type: none"><li>• 69% of PCs were sent out on same day as the complete application was received, compared to 77% last year</li><li>• 99% were sent out by the end of the following working day, compared to 89% last year</li></ul>
Mean time taken	1.36 days (compared to 1.39 days last year)
Longest time taken	14 days
Shortest time taken	1 day

### Appeals

Number of appeals received and concluded	0
Number of appeals where a decision has been made to overturn the initial decision	N/A

## SUPERVISION: ACCREDITATION

### Accredited Costs Lawyer Application

Number of applications processed	23
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### Timeliness (Accredited Costs Lawyer Application)

From date of completed application:	(day 1 being the day of receipt)
Median time taken	1 day
Mean time taken	3.4 days
Longest Time Taken	41 days (payment overlooked)
Shortest Time Taken	1 day

## SUPERVISION: ENFORCEMENT

### Conduct Cases

Number of cases received	2 (cases necessitating formal investigation)
Number of those cases concluded	1
Number outstanding	1 (opened in December 2023)

### Timeliness

From acceptance of complaint to final decision	
Number of cases considered	1 (excluding the ongoing case)
Mean time taken	64 days
Longest time taken	64 days
Shortest time taken	64 days

### Decision Type

By CLSB (level 1)	2
By Conduct Committee (level 2)	0

### Appeals

Number of appeals (level 1)	0
Outstanding	N/A
Where decision was overturned	N/A
Where decision was upheld	N/A
Settled by consent	N/A
Number of appeals (level 2)	0
Outstanding	N/A
Where decision was overturned	N/A
Where decision was upheld	N/A
Settled by consent	N/A

## GOVERNANCE AND LEADERSHIP

### Organisational Health

Board membership turnover	0
Executive employee turnover	0

### Complaints

Number of justified complaints about the regulator	0
The subject matter of the justified complaints	N/A
Timeliness (Complaints)	
Median time taken	N/A
Longest Time Taken	N/A
Shortest Time Taken	N/A

## Governance metrics

### Robust management and oversight

As explained in the PID, the purpose of the metrics below is to help us identify and address any emerging risks or potential weaknesses in our governance processes. The first three columns (in blue) are taken from the PID. The fourth column (in red) provides an overview of progress in 2023 against each metric.

Oversight area	Metric	Outcome	Progress in 2023
Sound financial management	Level of reserves (as governed by our Reserves Policy)	Retain uncommitted reserves at target level, and reach target level of committed reserves by 2026	We made a further contribution to our committed reserves pot in 2023 and our level of uncommitted reserves remains at the target. We are on track with building our reserves as planned. In addition, our total reserves increased organically in 2023 as a result of moving funds to higher interest bearing accounts.
Appropriate resourcing	Stakeholder comfort that our operating structure is sustainable and appropriate for our size	Continue to meet the <a href="#">LSB's regulatory performance standards</a> under outcome WL:GL2 in 2022	In the 2023 regulatory assessment we were assessed at providing sufficient assurance on the well-led standard. The LSB stated: "The CLSB has provided us with good overall assurance about its performance and has continued to demonstrate the good practice we highlighted in last year's report while striving to continue to become an even more effective regulator. Its approach can be held

			up as a model to other smaller regulators within the sector.”
Business continuity	Degree of business interruption at points of change	No material business interruption incidents arise through absence or turnover of staff or contractors	In 2022 our Director of Policy (contractor) stepped away mid-year. We were able to manage all policy workstreams without interruption while taking stock of our business priorities and recruited a new Director whose skills are well aligned with our current needs to start in mid-2023.  Our business continuity and disaster recovery processes are also now well-embedded.
Risk management and mitigation	Level of impact on the organisation when risks, of which the board was or should have been aware, materialise	None of the operational, governance or strategy metrics in this document is detrimentally impacted by materialisation of one or more risks of the kind described	Departure of a key contractor had the potential to put governance metrics ( <i>business continuity</i> ) and strategy metrics ( <i>robust approach to evidence</i> ) in jeopardy, but these risks were successfully managed during the transition stage to mid-2023 and none of the metrics in the PID were detrimentally impacted by materialisation of the risks described to the left during the year.
Cultural alignment and accountability	NED perception of cultural indicators, such as inclusivity and openness to new ideas	Cultural descriptors selected by NEDs in an annual survey show positive cultural progression year on year	The survey feedback for 2023 signals an open and inclusive culture within which we can make effective progress.

## Strategy metrics

### Successful implementation of our mid-term strategy

As explained in the PID, the purpose of the metrics below is to help us track progress against the goals in our mid-term strategy. If outcomes are not being achieved, this will prompt us to consider the reasons why, how we can improve, and what the consequences might be for achievement of our strategy. The fourth column in the table (in red) provides a status update at as December 2023. Again, we will develop new strategy metrics this year to align with our next strategic plan.

Strategy area	Metric	Outcome	Status at end of 2023
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Collaborative relationships	Regulatory or operational developments that could not have been achieved by the CLSB acting alone	At least two significant developments in 2020, rising to at least three in 2021 and 2022, and at least four in 2023	<p>Examples of developments this year are:</p> <ul style="list-style-type: none"> <li>Perhaps most significantly, we collaborated closely with ACL Training over many months to accredit and launch the new Costs Lawyer Qualification in September 2023.</li> <li>We collaborated with the employer Trailblazer Group and colleagues at IfATE to achieve in-principle approval of a new Costs Lawyer Occupational Standard which will form the basis of a Costs Lawyer apprenticeship.</li> <li>We worked with the Judicial Appointments Commission and MoJ on plans to make Costs Lawyer eligible for judicial appointment.</li> <li>We expanded our network at board level as well as among the executive team through board-to-board meetings, for example with IPReg, to learn from others' approaches.</li> </ul>
Robust approach to evidence	Stakeholder comfort in the way evidence is used to inform our regulatory arrangements and board level decision-making	Meet or exceed the LSB's standards in the regulatory assessment under outcomes RA3, RA4, WL:GL3 and WL:GL4	The RPF project transformed our evidence base in 2022, and we were also able to demonstrate to the LSB how we are using that evidence base in 2023 to inform our work. While the LSB's performance framework has been updated and no longer specifically includes RA3, RA4, WL:GL3 and WL:GL4, we were assessed as meeting the LSB's expectations in relation to the new "well led" and "effective approach to regulation" standards in the 2023 assessment.
Bespoke risk-based regulatory approach	Prevalence of detrimental consumer outcomes, combined with the burden imposed on Costs Lawyers by our regulatory arrangements	No detrimental consumer outcomes caused by professional conduct issues that are not resolved at first tier, combined with at least 95% of Costs Lawyers considering the CLSB to be an effective regulator	<p>We continue to actively encourage first tier resolution of complaints, and all complaints were successfully resolved in this way in 2023 other than:</p> <ul style="list-style-type: none"> <li>one complaint that was investigated and not upheld;</li> <li>one complaint that is under ongoing investigation.</li> </ul> <p>Only 1.02% of Costs Lawyers felt that the CLSB was not an effective regulator. Feedback from the free text box in the regulatory return was mostly very encouraging and a verbatim read-out has been provided separately.</p>
Facilitator of trust	Level of integration into the regulated community	There is a sustainable route of entry into the profession, with	2023 saw the accreditation (in February) and launch (in September) of the new Costs Lawyer Qualification. This achieves the target we set for

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		long-term viability, by 2023	ourselves back in 2019 to have a sustainable route of entry into the profession by 2023.
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## Results of NED satisfaction survey

For measuring progress against KPI metrics relating to cultural alignment and accountability

January 2024

### Participants

The survey was completed by the four non-executive directors on the CLSB board in January 2024.

This paper contains comparisons to the results of the 2021, 2022 and 2023 satisfaction surveys. The survey questions were the same in those years, however the Chair of the board participated in the 2021 survey but not the others, to ensure the NEDs' views were accurately reflected.

### 1. How satisfied are you that the CLSB board has the following characteristics?

Respondents could indicate that they were: not satisfied; somewhat satisfied; neither satisfied nor dissatisfied; mostly satisfied; entirely satisfied.

Characteristic	Entirely satisfied	Mostly satisfied
I have the opportunity to share my views in board meetings.	100%	
I feel respected and listened to by my fellow NEDs.	100%	
I feel comfortable speaking up when I disagree with the Chair.	100%	
I feel comfortable speaking up when I disagree with a fellow NED.	100%	
The board reaches decisions through a collaborative process.	100%	
The board is open to new ideas and suggestions.	75%	25%
The board values my unique perspective, skills and traits.	100%	
The CEO is open to feedback and constructive challenge.	100%	
The CEO acts on the board's feedback and constructive challenge.	100%	

By way of comparison, in 2021, 100% of respondents were entirely satisfied across all characteristics other than "The board is open to new ideas and suggestions" and "The board values my unique perspective, skills and traits". In relation to those two characteristics, 80% were entirely satisfied and 20% were mostly satisfied. In 2022 and 2023, 100% of respondents were entirely satisfied across all characteristics.



## 2. What three words would you use to describe the CLSB's culture?

### Responses in 2024

Ambitious	Confident	Efficient
Collaborative	Confident (again)	Forward-thinking
Collaborative (again)	Committed	Improvement orientated
Collegiate	Curious	Thoughtful

### Responses in 2023 (for comparison)

Collaborative	Confident	Measured
Collaborative (again)	Efficient	Open
Collaborative (again)	Inclusive	Open (again)
Collegiate	Inclusive (again)	Progressive

### Responses in 2022 (for comparison)

Adaptable	Curious	Inclusive (again)
Ambitious	Diligent	Motivated
Assured	Efficient	Open
Connected	Inclusive	Open (again)

### Responses in 2021 (for comparison)

Ambitious	Collaborative	Collegiate
Committed	Considered	Constructive
Determined	Embracing	Forward thinking
Modern	Open	Supportive
Supportive (again)	Thoughtful	Transforming

## 3. Are there any changes that could be made to improve the culture of the board / organisation?

<i>No.</i>
<i>No.</i>
<i>Nothing springs to mind at present.</i>



## CLSB Communications Plan

### Stage 1: Defining what we want to achieve

January 2024

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#### Purpose of the communications plan

The CLSB's communications plan should aim to achieve the following:

- (i) Articulate the CLSB's desired brand identity.
- (ii) Identify a succinct set of key messages that the CLSB will communicate during its current strategy period.
- (iii) Allow the CLSB to get its messages in front of the right audience(s), in a way that is most likely to encourage that audience to engage.
- (iv) Provide options for CLSB staff to select how new information, documents or concepts are presented and disseminated, allowing them to "pick-n-mix" from established (and consistent) formats, channels and processes.
- (v) Put a mechanism in place for responding promptly to major events (crisis comms).
- (vi) Support the achievement of the specific goals in our mid-term strategy (further details below).

#### Link to achieving our strategic goals

Strategic goal 2024-2027	We want to communicate...
<i>A. We will nurture the positive working relationships created under our previous strategy and begin to look outside the legal services sector for inspiration and learnings, seeking collaboration where this furthers our mission.</i>	...our brand identity and key messages to our core stakeholders and counterparts both within and outside the legal services sector.
<i>B. We will be perceived as an expert on the market that we regulate, proactively adding value for Costs Lawyers, their businesses, their clients and the wider justice system, and we will effectively communicate that value to those in the costs community who decide each year whether or not to opt-in to regulation.</i>	...the value that regulation generally, and the CLSB specifically, brings to the costs market. ...the benefits of instructing or employing a regulated Costs Lawyer. ...our unique expertise and data on the profession, the challenges and risks that it faces, and the advantages it can generate.

<p><i>C. We will begin to raise standards in the part of the costs law market that is currently outside the scope of regulation, by finding non-legislative levers to encourage professionalism and by communicating the benefits of regulation to the people who make purchasing decisions about costs advisory services.</i></p>	<p>...our brand identity and key messages to:</p> <ul style="list-style-type: none"> <li>• those adjacent to, but not within, the regulated part of the market;</li> <li>• those who purchase costs services;</li> <li>• those who recruit or promote costs advisers, or are otherwise gatekeepers for roles that Costs Lawyers might perform.</li> </ul>
<p><i>D. We will continue to create, evaluate and improve a regulatory model that is uniquely suited to the unusual characteristics of the costs law market, finding inventive ways to tackle the challenges presented by the legislative environment in which we operate.</i></p>	<p>...a clear picture of how the market for costs services is different to other parts of the legal services sector, creating opportunities and challenges.</p> <p>...how and why our regulation is different from that of other legal regulators but similar to regulation in other markets.</p>
<p><i>E. We will build long-term organisational robustness and resilience to guard against external risks and shocks, and we will promote the same resilience within the Costs Lawyer profession.</i></p>	<p>...our intel, data and ideas about market risks and opportunities for the profession to grow.</p>

paula.walkden@irwinmitchell.com

## **By email**

10 January 2024

### **ST1400 L6: COSTS LAWYER: occupation proposal and funding band information**

Dear Paula,

Thank you for submitting your occupation proposal to the Institute for Apprenticeships and Technical Education's (IfATE) [approvals process](#) and attending the Legal, finance and accounting route panel. This letter provides feedback on the occupation proposal and funding band information.

#### **Occupation proposal**

The Legal, finance and accounting route panel and our Approvals committee have reviewed your occupation proposal. I am pleased to confirm that it has been agreed.

#### **Next steps**

Your senior product manager, Helen Dalton will continue to support you to develop the apprenticeship. You should also refer to our [guidance on developing apprenticeships](#).

#### **Funding band information**

Each apprenticeship is allocated to one of 30 funding bands, which range from £1,500 to £27,000.

Each funding band sets the maximum amount of digital funds an employer (who pays the levy) can use towards an individual apprenticeship. The funding band also sets the maximum price that government will 'co-invest' towards an individual apprenticeship, where an employer does not pay the levy or has insufficient digital funds and is eligible for extra government support.

The funding model we use to allocate bands to apprenticeships is employer led. As you (trailblazer groups) are representative of your occupations, you are best placed to develop and submit the information that is required.

To make a funding band recommendation, we use information and evidence provided by you alongside fixed-rates created using our [independent evidence base](#).

Further details of how we allocate a funding band to an apprenticeship can be found in our [guidance online](#), however please speak with Helen who is available to answer any questions you may have. Helen can also help you arrange a workshop to talk you through the new model in more detail.

Thank you for your continued commitment to the development of apprenticeships.

Please contact Helen if you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nikki Christie', with a stylized flourish at the end.

Nikki Christie

**Deputy director**

**Business services division**

cc Charlotte Eales – Head of business support group

Valerie Panton – Route manager

Helen Dalton– Senior product manager



Institute for Apprenticeships  
& Technical Education

# STANDARD DRAFT PREVIEW



Institute for Apprenticeships  
& Technical Education

## Standard in development

### L6: Costs Lawyer

#### Title of occupation

Costs Lawyer

#### UOS reference number

ST1400

#### Core and options

No

#### Level of occupation

Level 6

#### Typical duration of apprenticeship

36 months

#### Degree apprenticeship

non-degree qualification

#### Target date for approval

31/07/2024

#### Resubmission

No

#### Would your proposed apprenticeship standard replace an existing framework?

No

## Does professional recognition exist for the occupation?

No

## Occupation summary

This occupation is found in any size of legal organisation in the public, private or third sector. Costs lawyers can help clients with legal costs in legal fields such as personal injury, criminal, court of protection, family, public law or contract law.

The broad purpose of the occupation is to advise and represent clients in regard to legal costs law and practice.

Costs Lawyers are qualified experts in legal costs. They can advise clients on issues like litigation costs, the cost of legal services, such as, solicitors' or barristers' fees, and legal aid costs. They have a right to appear in court on behalf of their clients on matters relating to costs. Legal costs might include: the fees that the client pays for legal advice; the cost of bringing or defending court proceedings; costs incurred by other parties to court proceedings that a client might have to pay if they lose and costs they may have to pay if they win. These costs can be high and the law on legal costs is complex. Costs Lawyers can therefore represent their client's interests and help them make informed decisions. A Costs Lawyer may be involved in litigation. Usually this will be in the context of a civil court case, but Costs Lawyers also act in criminal cases where costs are payable by the prosecution. They can advise on the amount of costs that are likely to be incurred in the litigation or prepare details of costs that a client has already incurred where they are entitled to reimbursement from another party. They can also advise on costs a client is required to pay to another party and challenge those costs where appropriate.

A Costs Lawyer may advise where a client has concerns about the fees they have been charged by a legal professional, such as a barrister or solicitor. A Costs Lawyer can also provide advice at the time a client enters into a contract with a legal adviser, including "no win no fee" arrangements.

Costs Lawyers are qualified professionals that must meet certain professional standards set by the Costs Lawyer Standards Board (CLSB). A person does not need to be qualified and regulated before they can advise consumers about matters relating to legal costs. Unregulated costs advisers are sometimes called costs draftsmen, or similar terms. Costs Lawyers can do certain things that unregulated advisers can't do and using a regulated Costs Lawyer offers special protections for clients. Costs Lawyers are authorised to do three reserved legal activities related to legal costs: they have the right to conduct litigation, represent their clients in court and administer oaths.

In their daily work, an employee in this occupation interacts with members of their immediate legal team, legally and non-legally trained stakeholders and customers who use their services. They may also interact with government departments, financial institutions, regulators and professional bodies. They may attend relevant Courts and Tribunals to represent their clients.

An employee in this occupation will be responsible for ensuring that all legal activities related to legal costs are carried out effectively and lawfully. They will carry out certain reserved

activities that only a qualified and regulated lawyer is eligible to undertake. They provide an end-to-end specialist service for their clients. On qualification, a successful apprentice can apply to the Costs Lawyer Services Board for a practising certificate that enables them to carry out the following reserved legal activities under the Legal Services Act 2007.

## Typical job titles

Costs lawyer

Costs negotiator

## Are there any statutory/regulatory or other typical entry requirements?

Yes

## Entry requirements

There are no character and suitability requirements. However, a Candidate is advised that the CLSB assesses character and suitability when a Costs Lawyer applies to become authorised and regulated by the CLSB under the Legal Services Act 2007 (Costs Lawyer practising certificate). Therefore, before starting the Costs Lawyer apprenticeship it is suggested that a Candidate considers these requirements. If a Candidate is unsure about the assessment of character and suitability before commencing the CLCA or during the CLCA, the Candidate is advised to contact the CLSB at [enquiries@clsb.info](mailto:enquiries@clsb.info) for clarification on the impact of this as a positive answer is not always a bar to a practising certificate being issued.

## Occupation duties



DUTY	KSBS
<b>Duty 1</b> Take instructions from clients, gather an understanding of client need and explain the risks and benefits of options available and proposed next steps.	K1 K2 K3 K4 K5 K6 K7 K8 K9 K10 S1 S2 S3 S4 S5 S6 S7 S8 S9 S10 S11 S12 S13 S14 S15 S16 S17  B1 B2 B4 B5 B6 B7 B8
<b>Duty 2</b> Set out legal research strategies, conduct legal research using a range of approaches and sources and provide analysis of outcomes to stakeholders.	K1 K7 K10  S2 S4 S12 S14  B4
<b>Duty 3</b> Analyse and evaluate research, data and information to inform strategies, risk and decision-making in legal casework.	K1 K7 K10  S2 S4 S12 S14  B2 B4 B5
<b>Duty 4</b> Draft key documents including: Bills and Schedules of Costs, Points of Dispute and Replies to claims for costs.	K1 K3 K4 K6 K7  S2 S11 S15  B2
<b>Duty 5</b> Assist in the preparation of costs budgets and advise on costs budgets presented by an opposing party.	K1 K3 K4 K6 K7  S11 S12  B2
<b>Duty 6</b> Advise on retainers and fee arrangements between clients and their legal advisors.	K1 K5 K8  S13 S14 S15  B2 B6 B7
<b>Duty 7</b> Advise on and prepare claims for costs from public funds such as Legal Aid.	K4  S1 S5 S13  B2 B6 B7

<b>Duty 8</b> Advise on disputes between solicitors and their clients.	K8 K9 S10 S13 S14 S15 S16 B6
<b>Duty 9</b> Lead negotiations on legal costs.	K1 K2 K6 K7 S1 S2 S3 S4 S6 S7 S8 S9 S10 S11 S12 S17 B1 B2 B4 B5 B6 B7 B8
<b>Duty 10</b> Act as costs mediators or arbitrators in costs disputes.	K1 K2 K6 K7 S1 S2 S3 S4 S6 S7 S8 S9 S10 S11 S12 S17 B1 B2 B4 B5 B6 B7 B8
<b>Duty 11</b> Deliver advice on legal costs to different types of clients, ensuring that they fully understand their options and make informed decisions.	K1 K2 K6 K7 S1 S2 S3 S4 S6 S7 S8 S9 S11 S12 S17 B1 B2 B4 B5 B6 B7 B8
<b>Duty 12</b> Undertake advocacy on behalf of clients in respect of contentious costs disputes.	K1 K9 K10 S12 S17 B2 B4 B5 B6 B7
<b>Duty 13</b> Source, handle and store personal data and confidential information safely and securely.	K9 S2 S15 S16 S17 B7
<b>Duty 14</b> Deliver legal services using digital technology safely and securely to protect the organisation from cyber security risks and reputational harm.	K9 S2 S15 S17 B2 B7
<b>Duty 15</b> Maintain professional standards by undertaking Continuous Professional Development	K1 K7 K8 K9 B3

and maintain the records required to retain qualified and regulated status.	
<b>Duty 16</b> Provide legal services in line with Regulatory requirements regarding Ethics Conduct and Professionalism including working regarding Equality, Diversity and Inclusion.	K9 S15 B6 B8
<b>Duty 17</b> Manage caseload in line with organisational approaches and ensure commerciality of activities is considered throughout.	K1 K4 S1 S2 B1 B2
<b>Duty 18</b> Manage and apply financial information to caseloads to deliver outputs that are value for money and support customer or organisational objectives.	K2 S1 S2 S4 S6 B1 B2 B4 B5
<b>Duty 19</b> Undertake the technical supervision of cases by junior lawyers and provide feedback and training as needed.	K1 K2 K3 K4 K5 K6 K7 K8 K9 S15 B6 B7 B8

## KSBs

### Knowledge

**K1:** the Civil Procedure Rules which are fundamental to the role of the Costs Lawyer and are applicable to the conduct of dispute resolution, from pre-proceedings through to trial and appeal, within the context of a dispute arising in contract or tort, including the relevance of conduct to costs and case management, Part 36 offers, other settlement offers, and the relevance of privilege to negotiations.

**K2:** the costs implications of a range of options, to determine an appropriate course of action including timing and suitability of settlement and choice of settlement methods, and to appraise the client, including of likely next steps from the opposing party.

**K3:** the rules and procedures relating to legal costs, including the costs of proceedings and appeals, for tribunals including tribunals determining employment, immigration, family and criminal matters, the Supreme Court, Court of Protection and arbitral tribunals.

**K4:** the relationship between the Legal Aid Agency and the providers of legal aid services and the availability of legal aid within the practice areas of family, crime and civil including the types of cases covered, the scope of legal aid granted, financial limits, what can be claimed and when, bills of costs for assessment by the court and Legal Aid Agency, claims for payment using the Client and Costs Management System (CCMS) online and paper-based

forms, CCMS operations, managing Case management costs for Special Case Work (High Costs Case Plans), remuneration (including fixed fee schemes) and remuneration procedures.

**K5:** the fundamental principles of contract law relating to offer, acceptance, consideration and the intention to create legal relations, differences between terms of contract and their incorporation, vitiating factors and remedies.

**K6:** the principles of tort relating to personal injury claims in negligence, nuisance, employers' and occupiers' liability, relevant limitation considerations, the availability of defences, the remedies available, including the principles of assessing quantum.

**K7:** the rules and procedural requirements relating to costs assessment in the civil courts, including case and costs management; proportionality; costs orders; qualified one-way costs shifting, including awareness of arguments on costs matters in personal injury and clinical negligence claims; the principles of costs assessment for summary, provisional and detailed assessment; and payments on account.

**K8:** the regulatory framework of the legal service market, including that of the Solicitors Act 1974, and the range of funding options (excluding legal aid) available to a client, including issues relating to retainers; client billing and recovery of costs (including retention of monies and deduction of monies from a client's damages); legal expenses insurance; damages based agreements; conditional fee agreements; and third party funding.

**K9:** the professional rules governing the relationship between a lawyer and a client, particularly the professional obligations of Costs Lawyers imposed by the Costs Lawyer Code of Conduct and the professional obligations of solicitors that relate to costs and client money, including those imposed by the SRA Codes of Conduct and the SRA Accounts Rules.

**K10:** relevant communication skills and techniques used by an advocate and to conduct themselves with due regard to professional etiquette and the duty to the court, and present reasoned and persuasive oral arguments and oral submissions which show understanding of the strengths of a client's case and comply with the specifics of relevant rules and procedure.

## Skills

**S1:** distinguish between the costs implications of a range of options, to determine an appropriate course of action including timing and suitability of settlement and choice of settlement methods, and to appraise the client, including of likely next steps from the opposing party.

**S2:** synthesise knowledge and understanding of the law, facts and evidence arising in a complex scenario, determine and evaluate the costs implications of a range of options, and present logical recommendations on appropriate courses of action to advise a client in their best interests as to the conduct, and possible resolution of, a dispute, showing an awareness of tactics and risk with sound guidance on costs implications; draft, and respond to, statements of case and settlement offers and prepare for in-person negotiation; and communicate effectively according to the recipient.

**S3:** apply knowledge and a general understanding of law, facts and evidence to a straightforward scenario to explain practice and procedure in a given forum, including guidance as to costs considerations, as appropriate

**S4:** assess and evaluate facts and evidence to advise, showing tactical and risk awareness, including of costs, in relation to the practice and procedure, conduct and management of a claim (including resolution, as appropriate) in a specialist forum.

**S5:** advise on the scope of legal aid, how to claim and how costs will be assessed in the relevant forum.

**S6:** advise on costs assessment and inter-partes costs recovery in a legally aided matter including preparation of a Bill of Costs and advising on the detailed assessment procedure.

**S7:** advise upon knowledge of the law of contract to establish a cause of action; set out allegations; consider the availability of defences; establish the evidence to be obtained and to identify the strengths and weaknesses of a client's case.

**S8:** formulate comprehensive advice to a client upon a range of complex issues relating to a dispute arising in contract including evaluation of facts and evidence, to develop relevant argument and challenges, and communicate effectively according to the recipient.

**S9:** apply the law of tort to establish a cause of action; set out allegations; to consider the availability of defences; to establish the evidence to be obtained and to identify the strengths and weaknesses of a client's case in relation to establishing or defending the claim including in relation to causation and quantum

**S10:** formulate comprehensive advice to a client upon a range of complex issues relating to a dispute arising in tort, including evaluation of facts and evidence, to develop relevant argument and challenges, and communicate effectively according to the recipient.

**S11:** advise a client, to determine a likely costs outcome, to prepare relevant and accurate costs documentation including standard costs forms, Precedent H budgets (including drafting accurate statements of incurred and estimated future costs), bills of costs, points of dispute and reply.

**S12:** evaluate information and provide accurate calculations, recommendations and advice to a client on a range of complex issues pertaining to costs, and protective measures including to provide guidance on preparation for CCMCs, the approval and agreement of budgets, court sanctions, variation of budgets and the relevance of budgets at subsequent assessment.

**S13:** explain to a client the range of funding options, to draft key funding documents and retainers to comply with requirements, and to calculate success fees in complex scenarios.

**S14:** synthesise knowledge and understanding to evaluate the suitability of funding options available to a client and to make recommendations, to advise on budget management and lawyer-client fee disputes.

**S15:** use the professional rules of conduct to advise on conduct issues, to draft client care communications which comply with professional requirements, to demonstrate an awareness of the need to act in accordance with the core duties of professional conduct and ethics to preserve the reputation of the profession, retain an individual's regulated status and protect the interests of clients and the wider public.

**S16:** formulate comprehensive advice upon conduct issues and to apply the professional rules of conduct to a given scenario, communicating effectively according to the recipient.

**S17:** use relevant communication skills and techniques to advocate with due regard to professional etiquette and the duty to the court, and present reasoned and persuasive oral arguments and oral submissions which show understanding of the strengths of a client's case and comply with the specifics of relevant rules and procedure.

## Behaviours

**B1:** Work independently and manage own caseload.

**B2:** Pay attention to detail and use the rigour of process.

**B3:** Advocate for and own decisions, identify areas for self-improvement and respond positively to feedback.

**B4:** Investigate legal issues, identify innovative solutions and apply different approaches in daily practice.

**B5:** Seek out and analyse solutions before asking for guidance on their application or possible alternatives.

**B6:** Recognise and do the right thing, even when challenged and respectfully support others to do the same.

**B7:** Deal effectively with ambiguity and uncertainty, contextualise advice and provide risk assessment that extends beyond pure legal analysis.

**B8:** Be open to and learn from different perspectives, and foster equality and diversity within the profession and beyond.

## Qualifications

### English and Maths

Apprentices without level 2 English and maths will need to achieve this level prior to taking the End-Point Assessment. For those with an education, health and care plan or a legacy statement, the apprenticeship's English and maths minimum requirement is Entry Level 3. A British Sign Language (BSL) qualification is an alternative to the English qualification for those whose primary language is BSL.

### Does the apprenticeship need to include any mandated qualifications in addition to the above-mentioned English and maths qualifications?

Yes

### Other mandatory qualifications

Costs Lawyer Qualification

Level: 6 (non-degree qualification)

Additional information: <https://www.acltraining.co.uk/clpq>

## **Regulated standard**

This is a regulated occupation.

## **Regulator body:**

Cost Lawyers Standards Board

Training provider must be approved by regulator body

EPAO must be approved by regulator body

## **Consultation**

TBC

## **Progression Routes**

ST0245 Paralegal L3

ST0070 Business administrator L3

ST0795 Data technician L3

ST0003 Professional accounting or taxation technician L4

ST0002 Assistant accountant-1.2 L3

## **Supporting uploads**

**Mandatory qualification uploads**

**Mandated degree evidence uploads**

**Professional body confirmation uploads**

## **Subject sector area**

## CLSB Risk Register

Last reviewed: 23 October 2023

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This risk register was developed in March 2023 following a review of the CLSB's risk framework. It maps the potential risks that could impact the CLSB's effectiveness, either directly or indirectly, through their influence on the market that we regulate. Previous versions of our operational and regulatory risk registers are available by [contacting us](#).

This risk register is divided into four sections:

A. Sources of risk for horizon scanning (market risks) .....	2
B. Risk areas for ongoing monitoring .....	3
C. Key risk areas for mitigation .....	6
D. Risk areas for longer-term structural reform .....	8



## A. Sources of risk for horizon scanning (market risks)

These sources have the potential to generate new risks or exacerbate existing ones, and are therefore key targets for horizon scanning. They relate to what is happening in the costs law market, in areas such as:

- client demand and need;
- the supply of services by Costs Lawyers and other market participants;
- the overall legislative and regulatory environment affecting the market; and
- the impact of activity in other parts of the legal sector, including actions of other regulators.

Category of risk	Main sources of risk
Political/legal/regulatory	Changes in public sector spending, court rules or legislation driving costs control/capping.
Political/legal/regulatory	New regulation of ancillary industries, such as third party litigation funding.
Political/legal/regulatory	Changes in the Civil Procedure Rules or common law more broadly.
Economic	Trends in the litigation market and commercial developments in litigation funding options.
Economic	New entrants to the market and new service offerings.
Social	Consumer use of online legal services, including the emergence of costs risk.
Social	Demand for different pathways to legal professional qualification.
Technological	Progress in court digitisation and e-billing.
Technological	Law firm take up of technology, including case management and billing systems.
Technological	Adoption of blockchain technology and smart contracts.

## B. Risk areas for ongoing monitoring

These are specific risks, identified from horizon scanning across the risk sources described in section A above, that could foreseeably impact the regulatory objectives in section 1 of the Legal Services Act 2007. These risks are subject to ongoing monitoring to determine whether their impact can and should be actively managed by the CLSB (see section C below).

Even though many of these risks are outside of our control, their impact can be mitigated generally by fostering:

- Robustness – building strength and depth in the profession by increasing numbers, improving the quality of both initial and ongoing training and widening the range of expertise and skills the profession is able to offer.
- Resilience – improving the ability of Costs Lawyers to redeploy their skills within a changing market.

Regulatory objective	Costs law market related risk outcome	Relationship to risk sources
Protecting and promoting the public interest	<ul style="list-style-type: none"><li>– Capping of recoverable costs</li><li>– Reduction in the size of the NHS litigation budget</li><li>– Wasting of court time by unqualified costs draftsmen, authorised practitioners lacking in costs competency, or poor practices of Costs Lawyers</li></ul>	<ul style="list-style-type: none"><li>– Risks from unqualified suppliers</li><li>– Risks from ineffective regulation</li><li>– Risks from public sector budget cuts targeting litigation, or other forms of intervention in the costs market, in ways that prioritise short term budgetary savings over longer term public interest</li></ul>
Supporting the constitutional principle of the rule of law	<ul style="list-style-type: none"><li>– Shrinking legal aid budget and falling solicitor numbers providing legal aid services</li><li>– Court promotion of technology and mediation to overcome backlog</li><li>– Civil procedure review designed to improve the functioning of the courts and introduction of e-billing as standard</li></ul>	<ul style="list-style-type: none"><li>– Risks from policy, legislative or rule changes that impact on demand for Costs Lawyer services or viability of providing services to those with legal need</li></ul>
Improving access to justice	<ul style="list-style-type: none"><li>– Individuals or groups excluded from access to justice by excessive costs or costs uncertainty</li><li>– Expansion of fixed costs regime, reforms to PI regime, reforms to judicial review</li></ul>	<ul style="list-style-type: none"><li>– Risks from inadequate supply of costs information services</li><li>– Risks from policy reforms designed to reduce availability of contested litigation</li></ul>

Regulatory objective	Costs law market related risk outcome	Relationship to risk sources
	<ul style="list-style-type: none"> <li>– Solicitors unable to claim full legitimate costs from legal aid budget without Costs Lawyers</li> <li>– Third party funders discouraged by inadequate budgeting and uncertainty of rules around contingency arrangements</li> </ul>	<ul style="list-style-type: none"> <li>– Risks from insufficient numbers of legal aid trained Costs Lawyers</li> <li>– Risks from inadequate service from Costs Lawyers or unqualified costs draftsmen</li> </ul>
Protecting and promoting the interests of consumers	<ul style="list-style-type: none"> <li>– Consumers unable to access independent advice on costs</li> <li>– Consumers are excluded from civil litigation or are inadequately served due to limitations on funding options (including fixed fees on specialist legal services)</li> <li>– Self-represented litigants incur significant adverse costs risk/liability due to lack of individualised advice</li> <li>– Consumer risk from unregulated no win no fee advisors</li> </ul>	<ul style="list-style-type: none"> <li>– Risks from insufficient supply of Costs Lawyers focused on consumer market</li> <li>– Risks from “capture” of Costs Lawyer services by professional (mainly solicitor) clients</li> <li>– Risks from public sector budget cuts targeting litigation or policy interventions designed to stem legal costs</li> <li>– Risks from gaps in regulation</li> </ul>
Promoting competition in the provision of legal services by authorised persons	<ul style="list-style-type: none"> <li>– Law firm mergers hampered by lack of accurate information about WIP; investors discouraged by lack of clarity around value of law firms</li> <li>– New entrants to the legal sector cannot access independent information about value of certain areas of litigation activity</li> <li>– Increased use of technology in law firms substituting for Costs Lawyers</li> <li>– Concerns about market risks disincentivise new qualifiers or encourage qualified Costs Lawyers out of the profession</li> </ul>	<ul style="list-style-type: none"> <li>– Risks from insufficient supply of properly trained Costs Lawyers to provide essential services</li> <li>– Risks from new service areas with potential risks to clients and firms</li> <li>– Risks from the activities of other regulators</li> <li>– Risks from lack of awareness/ability of Costs Lawyers to embrace and adapt to technology</li> </ul>

Regulatory objective	Costs law market related risk outcome	Relationship to risk sources
	<ul style="list-style-type: none"> <li>Costs firms offering new unregulated services alongside reserved legal activities, such as litigation funding options for clients</li> <li>SRA regulation fails to prevent employer collapse creating problems in the Costs Lawyer market</li> </ul>	
Encouraging an independent, strong, diverse and effective legal profession	<ul style="list-style-type: none"> <li>Insufficient numbers of Costs Lawyers are available to the market generally</li> <li>Insufficient supply of independent costs law firms and practitioners in the market</li> <li>Costs Lawyers' independence is undermined by an actual or perceived conflict between the interests of their immediate (professional) client and their underlying client</li> <li>Costs Lawyers are not appropriately trained and up-to-date</li> <li>Costs Lawyer demographics do not reflect society</li> </ul>	<ul style="list-style-type: none"> <li>Risks from insufficient supply of properly trained Costs Lawyers</li> <li>Risks from Costs Lawyers being absorbed into solicitors firms/SRA regulation</li> <li>Risks from "capture" of Costs Lawyer services by professional clients</li> <li>Risks from ineffective CLSB regulatory arrangements</li> <li>Risks from limited diversity of new entrants to the profession</li> </ul>
Promoting and maintaining adherence to the professional principles	<ul style="list-style-type: none"> <li>Disciplinary issues/complaints about Costs Lawyers leading to poor consumer outcomes</li> <li>Failure of Costs Lawyers to maintain proper standards of work</li> <li>Costs law firms unwilling or unable to implement sufficient systems and controls</li> </ul>	<ul style="list-style-type: none"> <li>Risks from ineffective CLSB regulatory arrangements</li> <li>Risks from lack of entity-level regulation in the costs market</li> </ul>

## C. Key risk areas for mitigation

These consolidate the key risks identified in section B over which we have some degree of influence or control through our regulatory levers, and which we can therefore work to mitigate over time. The need to proactively manage these risks influences our regulatory activities, including our approach to supervision and the priorities in our annual Business Plans. The table below sets out the priority workstreams that are aimed at mitigating or managing these risks in the current year.

	Regulatory risks	Current priority initiatives for mitigating risks
1.	Poor client outcomes arise from substandard conduct, inadequate service or lack of competence amongst Costs Lawyers.	<ul style="list-style-type: none"> <li>2023 Business Plan priority 10: <i>Develop a programme of work to align the CLSB's approach to ensuring continued competency with the Legal Services Board's policy statement on ongoing competence.</i></li> <li>2023 Business Plan priority 12: <i>Deliver the next phase of our digital workplan, including by: improving the visibility of supervision issues in the database; creating a single repository for complaints data; adding action prompts to functionality; capturing regulatory history of individual Costs Lawyers in the database.</i></li> <li>Implement changes to the Disciplinary Rules and Procedures as well as first tier complaint procedures aimed at encouraging streamlined resolution of both service and conduct issues for clients (April 2023).</li> <li>Update and augment supporting materials for CPD and complaints procedures, and publish "lessons learned" for the profession, following supervisory audits (May 2023).</li> </ul>
2.	Costs Lawyers offer new areas of service without adequate consumer protections or assessment of risk to consumers.	<ul style="list-style-type: none"> <li>2023 Business Plan priority 3: <i>Develop a programme of work to promote the outcomes in the Legal Services Board's policy statement on empowering consumers in a way that takes into account the unique nature of the market for costs services.</i></li> <li>Develop our first Annual Risk Outlook for the profession (June 2023).</li> </ul>
3.	Regulatory deterrents or barriers to innovation limit the Costs Lawyer profession.	<ul style="list-style-type: none"> <li>2023 Business Plan priority 6: <i>Investigate the risks and benefits of entity regulation amongst costs firms, including whether there is a cost effective version of entity regulation that may be practical for the CLSB to implement.</i></li> </ul>

		<ul style="list-style-type: none"> <li>• 2023 Business Plan priority 7: <i>Explore ways of encouraging competition in the market for legal services and promoting the interests of consumers through considering: how the CLSB's branding is used by the sector; how our competency frameworks can ensure the profession provides the best value to end users; and how our overall framework of regulation could best support the positive role that Costs Lawyers can play.</i></li> <li>• 2023 Business Plan priority 9: <i>Design a project that looks at how the regulation of Costs Lawyers should evolve into the future, taking into account how the profile of our regulated community may change.</i></li> </ul>
4.	Independence of the profession is compromised through capture by certain types of clients or practising arrangements.	<ul style="list-style-type: none"> <li>• 2023 Business Plan priority 5: <i>Deliver a programme of work aimed at harnessing the unique insights that Costs Lawyers can bring, to stimulate discussion across all the legal regulators about how legal costs can be better controlled.</i></li> <li>• 2023 Business Plan priority 8: <i>Consider whether and how to implement measures to more strongly distinguish between the interests of intermediaries (professionals who instruct Costs Lawyers on a client's behalf) and the interests of the Costs Lawyer's ultimate client in our regulatory arrangements.</i></li> <li>• Consult on changes to the Costs Lawyer Code of Conduct aimed at promoting professional independence (May to July 2023).</li> </ul>
5.	New Costs Lawyer Qualification fails to attract sufficient student numbers or sufficiently diverse cohorts.	<ul style="list-style-type: none"> <li>• 2023 Business Plan priority 4: <i>Using our new regulatory framework for the Costs Lawyer Qualification, work with ACL Training to accredit a new course that meets the standards for delivery and competency assurance set by the CLSB.</i></li> <li>• 2023 Business Plan priority 11: <i>Continue to improve our diversity data collection and, specifically for this year, look at how working cultures and professional environments for Costs Lawyers impact on good equality, diversity and inclusion (EDI) outcomes.</i></li> </ul>
6.	The Costs Lawyer Competency Statement or Costs Lawyer Qualification fails to ensure that newly qualified Costs Lawyers are equipped for modern practice.	<ul style="list-style-type: none"> <li>• 2023 Business Plan priority 4 (as above).</li> <li>• Implement a new framework for Qualifying Experience to be overseen by the CLSB for the first time (H1 2023).</li> </ul>

## D. Risk areas for longer-term structural reform

Our recent research and project work has identified structural risks in relation to the regulation of the costs law market. Mitigating these risks is fundamental to our regulatory approach and informs our longer-term strategic planning.

Risk statement	Source of risk	Strategic question to answer
There is a gap in how the public interest is defined/considered in the context of legal costs.	Costs Lawyers rarely serve consumers directly. There is a significant public interest issue at the heart of the costs market, but this may lie less in the protection of consumers and more in dealing with the market failure in legal costs management generally. Such a market failure appears to exist as there is no actor, outside the courts, that is currently tasked with ensuring the efficient use of resources to achieve appropriate and proportionate resolution of legal problems.	What does promoting the public interest mean in the context of the costs law market?
The authorisation of Costs Lawyers is not aligned with the public interest.	If the CLSB regulates primarily to protect consumers, it risks becoming increasingly less relevant to Costs Lawyers, who can work outside the scope of authorisation. Yet the regulatory agenda driven by the Legal Services Board, in fulfilment of its remit under the Legal Services Act, is focused on consumer-facing work and addressing unmet legal need. This model is misaligned with the public interest problem that needs to be addressed in the costs law market, and thus with impactful regulation of the Costs Lawyer profession.	What should the role of Costs Lawyers be in the legal market (i.e. what are Costs Lawyers for?) and how can that best be differentiated, through the CLSB's regulatory framework, from the role played by unregulated advisers to promote the public interest?

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# About the Ongoing Competency Framework

## Purpose of the framework

We recognise that professional competence is not a fixed and static concept, but rather a dynamic one that is dependent on a range of factors. Costs Lawyers might require knowledge and skills that are specific to their job role, area of practice, stage of career, or changes to the law or client expectations.

You must engage in ongoing professional development to ensure you remain competent and up-to-date by reference to your individual role and circumstances. By acknowledging the importance of continuous learning and development, you can advance your career, adapt to a changing environment and ultimately provide a better service to your clients.

While the competencies set out in the [Costs Lawyer Competency Statement](#) apply to all Costs Lawyers from the point of qualification, this document sets out additional or enhanced competencies that are likely to be required as you progress through your career. It does so by building on the skills identified in the Competency Statement, focusing on three practising scenarios in which Costs Lawyers are likely to find themselves after qualification, namely becoming:

- an experienced practitioner;
- a people manager; and/or
- a business manager.

The practising scenarios in the framework inevitably intersect and overlap. A Costs Lawyer might be, at the same time, an experienced practitioner, a people manager and a business manager; or might become a business manager but not a people manager, having established a sole practice; and so on. Equally, not all the skills listed under each practising scenario will be relevant to every practitioner, and there will be skills required for individual roles that are not covered in the framework. We expect you to think about the skills you need to be competent in your own role as your career unfolds, and the framework is a tool to help you do that.

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## Linking the framework to your CPD

You should use the framework as you progress through your career, to help you identify the additional skills needed to perform your role as that role changes and develops. You will also need to plan ahead to acquire the skills required to competently perform any roles to which you aspire in the future.

If you identify skills that are relevant to your role (or to future roles or aspirations), you should consider whether you are already competent in those areas or whether you require training, mentoring or other types of professional development and support. A good moment to do this is when planning your CPD for the year ahead and setting your annual CPD objectives. In that context, you should consider whether you need to undertake CPD activities that will build one or more of the skills in the framework. CPD activities that are relevant to your objectives will count toward the minimum annual CPD requirement in the CPD Rules.

## Parts of the framework

The remainder of this document sets out the skills that Costs Lawyers should consider across three common practising scenarios. The elements of the framework are summarised on the next page.

As in the [Costs Lawyer Competency Statement](#), for each skill behavioural indicators have been used to provide examples of what it looks like when someone displays the skill (positive indicators) or lacks the skill (negative indicators). The behavioural indicators are designed to help you understand what is likely to be expected of you. Again, some skill areas overlap and one behaviour might indicate a number of skills. Similarly, the indicators are not exhaustive; a skill can be demonstrated in many ways and the indicators should be taken as a guide.



# Practising scenario 1: Experienced practitioner

Consider these skills if you:

- take on a senior role within your team or organisation
- have sufficient expertise to become a specialist in one or more areas
- have been working in costs law and practice for several years

<b>Managing own performance and contribution</b>	<b>What is it?</b>	<b>The ability to take responsibility for personal development, setting goals, prioritising tasks and delivering high-quality work, acting as a role model for professionalism and integrity.</b>	
	<b>Why is it important?</b>	It allows experienced practitioners to maximise their potential, demonstrate accountability and consistently deliver high-quality work that contributes to personal growth, professional development and alignment with business goals.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to identify relevant continuous learning opportunities and advance their career through effective prioritisation, reflection and improvement.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Establishes clear professional goals and pursues them proactively</li> <li>2. Engages in self-assessment, seeking feedback and actively pursuing opportunities for professional growth and development</li> <li>3. Takes responsibility for delivering high-quality work, meeting deadlines and ensuring professional standards are upheld</li> <li>4. Embraces change, adapting to new situations and learning from setbacks</li> <li>5. Seeks ways to enhance knowledge, skills, and effectiveness through training, mentorship and learning from experience</li> <li>6. Manages time and resources effectively, including through appropriate prioritisation and delegation</li> </ol>		<ol style="list-style-type: none"> <li>1. Is unreceptive to feedback, missing opportunities for improvement or disregarding constructive criticism</li> <li>2. Shifts blame, makes excuses or fails to take ownership of mistakes and shortcomings in performance</li> <li>3. Lacks motivation for growth, remaining complacent in current knowledge and skills</li> <li>4. Competently uses individual strengths, but fails to identify and address individual weaknesses</li> </ol>

<b>Developing a specialist practice</b>	<b>What is it?</b>	<b>The ability to identify gaps, trends and changes in the market, align one's skillset with those developments, and proactively build a client base within a specific area of expertise.</b>
	<b>Why is it important?</b>	It allows experienced practitioners to differentiate themselves as recognised experts and provide an authoritative service to clients in a specific field, enhancing professional reputation and generating opportunities for growth.
	<b>How does it help?</b>	Specialising and developing expertise in a specific area has a dual purpose for the individual practitioner and the public interest, by promoting competition, innovation and professionalism.
	<b>Positive behavioural indicators</b>	<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Identifies emerging trends, industry demands and areas where specialised expertise is needed</li> <li>2. Improves and expands knowledge and skills to become a recognised specialist with a unique offering for clients</li> <li>3. Builds extensive, relevant relationships and networks</li> <li>4. Shares expertise and opinions to establish credibility and demonstrate thought leadership</li> <li>5. Provides clients with tailored solutions and exceptional service</li> </ol>	<ol style="list-style-type: none"> <li>1. Fails to identify or focus on expertise that is aligned to clients' needs</li> <li>2. Neglects knowledge and skills leading to stagnant or outdated practice</li> <li>3. Misses opportunities for professional growth</li> <li>4. Poorly communicates expertise to the market</li> </ol>

<b>Mentoring</b>	<b>What is it?</b>	<b>The ability of an experienced practitioner to build a reputation as a go-to expert by serving as a valuable resource and trusted mentor for other Costs Lawyers, sharing knowledge and expertise and providing guidance and support.</b>	
	<b>Why is it important?</b>	It enables knowledge transfer, enhances mutual professional development, supports wellbeing and ethical conduct in challenging situations, and strengthens costs businesses and the profession as a whole.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to share knowledge and expertise in a way that provides advice and support to others, helping to build networks and contribute to an inclusive professional culture.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Makes it known they are open to mentoring opportunities, whether formal or informal</li> <li>2. Is accessible and responsive to mentees' needs, actively making time for others and demonstrating openness to providing guidance and support when required</li> <li>3. Demonstrates genuine interest in mentees' concerns and questions, listening attentively and seeking to fully understand their perspectives and challenges</li> <li>4. Provides constructive and supportive feedback, offering specific suggestions for growth and development</li> <li>5. Encourages mentees to take initiative, make decisions and take ownership of their professional development</li> <li>6. Collaborates with mentees to set clear, achievable goals that align with their career aspirations and those of their business, providing guidance on how to achieve those goals</li> </ol>		<ol style="list-style-type: none"> <li>1. Is unresponsive to mentees' enquiries or consistently fails to allocate time for mentoring activities</li> <li>2. Demonstrates a lack of attention or interest in mentees' concerns, focusing instead on conveying their own knowledge and experience</li> <li>3. Provides overly discouraging feedback that focuses on pointing out mistakes without offering constructive suggestions for improvement</li> <li>4. Exerts excessive control or insists on specific approaches</li> <li>5. Focuses exclusively on formal mentorship, ignoring the potential benefits of supporting colleagues on discrete issues or tasks</li> </ol>

## Practising scenario 2: People manager

Consider these skills if you:

- become a line manager
- become a team leader
- take on a role that involves supervising, training or developing others
- are supervising a colleague's period of Qualifying Experience
- have aspirations to do any of the above

<b>People engagement and culture</b>	<b>What is it?</b>	<b>The ability to manage people productively and respectfully by communicating information clearly, actively listening, providing feedback and facilitating open and transparent working relationships.</b>	
	<b>Why is it important?</b>	It builds a collaborative and inclusive work environment and encourages understanding and trust, promoting productivity and wellbeing.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to create a positive workplace culture that contributes to ethical conduct, employee engagement and satisfaction, and staff retention.	
		<b>Positive behavioural indicators</b>	<b>Negative behavioural indicators</b>
		<ol style="list-style-type: none"> <li>1. Expresses thoughts and ideas clearly and positively, generating buy-in from others and enthusiasm for new initiatives</li> <li>2. Actively listens to others, demonstrates empathy and seeks to understand the perspectives of others</li> <li>3. Recognises and celebrates team members' contributions and achievements</li> <li>4. Encourages open and honest communication, shares information appropriately and addresses issues promptly and sensitively</li> <li>5. Builds trust by respecting confidentiality</li> </ol>	<ol style="list-style-type: none"> <li>1. Communicates in a way that results in uncertainty or misunderstandings</li> <li>2. Disregards input from colleagues or ignores concerns raised</li> <li>3. Makes false promises or repeatedly fails to follow through</li> <li>4. Withholds information or is secretive, creating a culture of mistrust and speculation</li> <li>5. Fails to adapt communication style to audience or recipient, resulting in ineffective communication and conflict</li> </ol>



<b>Team building and collaboration</b>	<b>What is it?</b>	<b>The ability to create a cohesive and collaborative team environment, building strong relationships among team members, managing conflicts and promoting effective teamwork to achieve common goals.</b>	
	<b>Why is it important?</b>	It helps to enhance productivity, innovation and goal attainment by enabling individuals to work together effectively as a cohesive unit.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to amplify individual contributions through collective problem-solving and sharing of resources.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Builds trust in the team by promoting transparency and integrity</li> <li>2. Encourages the sharing of ideas, knowledge and resources</li> <li>3. Addressing conflicts or issues within the team in a constructive and timely manner, generating healthy resolutions</li> <li>4. Promotes effective teamwork through clear goal setting, role clarity and encouraging a sense of shared purpose</li> <li>5. Identifies and manages the varied strengths and weaknesses of individual team members</li> <li>6. Recognises and celebrates joint achievements to boost morale and encourage a positive team spirit</li> </ol>		<ol style="list-style-type: none"> <li>1. Leaves conflicts or issues unresolved, creating a toxic working environment</li> <li>2. Fails to build trust among team members, resulting in a lack of cooperation and reduced team performance</li> <li>3. Displays favouritism or unfair preference to certain team members</li> <li>4. Creates an overly bureaucratic or hierarchical team structure</li> <li>5. Imposes team goals without encouraging a sense of shared purpose and motivation</li> </ol>

<b>Performance management</b>	<b>What is it?</b>	<b>The ability to set clear performance expectations for others, provide constrictive feedback, evaluate individual and team performance and facilitate professional development.</b>	
	<b>Why is it important?</b>	It promotes a culture of accountability, growth and continuous improvement that optimises individual and team performance, identifies areas for improvement and ensures alignment with business need.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to improve individual and team performance by setting clear expectations that are aligned to business goals, and help individuals to identify roles or career paths that are well-suited to their ambitions and attributes.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Sets clear performance goals that are specific, measurable, attainable, relevant and time-bound</li> <li>2. Conducts fair and objective performance appraisals based on transparent criteria and provides actionable and achievable points for development</li> <li>3. Collaborates with individuals to create personalised development plans that address skill gaps, develop strengths and support career growth</li> <li>4. Acknowledges and rewards outstanding performance to motivate and reinforce positive behaviours and achievements</li> </ol>		<ol style="list-style-type: none"> <li>1. Sets vague or unrealistic performance expectations, leading to confusion and lack of direction</li> <li>2. Conducts appraisals which are biased or critical, leading to an unfair and demotivating process</li> <li>3. Fails to invest in employee development and growth, resulting in stagnant skills and decreased job satisfaction</li> <li>4. Shies away from difficult conversations or avoids responsibility for addressing poor performance</li> </ol>

<b>Conflict resolution</b>	<b>What is it?</b>	<b>The ability to identify a conflict and its underlying cause at an early stage, and facilitate open communication and de-escalate tensions to find mutually agreeable solutions.</b>	
	<b>Why is it important?</b>	It maintains a safe and positive workplace, promotes healthy relationships and fosters collaboration by minimising the negative impact of conflict on individuals, teams and the overall business.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to reduce workplace disruption and mitigate employment related risks, allowing teams to focus on achieving business goals.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Is actively involved in the team, so that conflicts and concerns are recognised and addressed before they become embedded or escalate</li> <li>2. Listens carefully to all parties involved, seeking to understand their perspectives and concerns without judgement</li> <li>3. Encourages collaborative problem-solving, where all parties work together to find mutually beneficial solutions</li> <li>4. Demonstrates empathy and emotional intelligence to understand and manage emotions – including their own emotions – effectively during conflict situations</li> <li>5. Recognises when assistance is needed from an independent party</li> </ol>		<ol style="list-style-type: none"> <li>1. Sees conflict resolution as the sole responsibility of the people directly involved, allowing conflicts to escalate and negatively impact wider relationships and productivity</li> <li>2. Shows bias or favouritism towards certain individuals or outcomes, undermining the fairness and impartiality of conflict resolution</li> <li>3. Adopts a win-lose mentality, where one party's interests are prioritised over finding mutually beneficial solutions</li> </ol>

<b>Leadership development</b>	<b>What is it?</b>	<b>The ability to identify and nurture leadership potential in others by offering opportunities and encouragement to develop essential leadership skills, competencies and behaviours, and by supporting career advancement.</b>	
	<b>Why is it important?</b>	It ensures that capable individuals can fill key leadership positions when needed, enables employees to reach their full potential, enhances job satisfaction and engagement, and contributes to the success of a business and the Costs Lawyer profession by encouraging a culture of continuous learning and improvement.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to make a valuable contribution to staff retention and recruitment, succession planning and people development to help their business grow and provide a high quality of service to clients.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Seeks or creates relevant training opportunities for others to enhance professional capabilities</li> <li>2. Identifies appropriate opportunities to allocate challenging tasks and responsibilities to stretch performance, promoting growth and the development of new skills</li> <li>3. Appreciates and nurtures different types of talent and potential</li> <li>4. Actively builds supportive relationships with colleagues at all levels</li> <li>5. Creates a culture of professional development and continuous learning</li> </ol>		<ol style="list-style-type: none"> <li>1. Exerts excessive control and closely supervises team members, inhibiting their autonomy and growth</li> <li>2. Fails to recognise and address individual development needs and aspirations, stunting professional growth</li> <li>3. Provides insufficient feedback on performance and development areas</li> <li>4. Blocks opportunities for growth and career advancement within the business</li> <li>5. Builds a team that merely replicates the skills, traits or backgrounds of existing leaders</li> <li>6. Prematurely rejects new ideas or innovations from more junior team members</li> </ol>

## Practising scenario 3: Business manager

Consider these skills if you:

- start a sole practice
- become a partner or director of an organisation
- become head of a practice group, office or team with responsibility for strategy or performance
- take on a role that involves business management or business development responsibilities
- have aspirations to do any of the above

<b>Commercial awareness</b>	<b>What is it?</b>	<b>The ability to appreciate the business environment in which Costs Lawyers operate, including industry trends, market forces, financial considerations and client needs.</b>	
	<b>Why is it important?</b>	It facilitates the provision of strategic advice and solutions that take account of financial and commercial implications for all stakeholders.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to develop commercially sensible and viable solutions for clients and the business and add value that sets the practitioner apart.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Demonstrates an understanding of key business concepts, financial metrics and market dynamics</li> <li>2. Stays updated with industry trends, regulatory changes and new challenges that may impact the legal landscape and clients' businesses</li> <li>3. Provides commercially sound recommendations</li> <li>4. Actively seeks opportunities to enhance awareness, such as reading relevant publications, attending industry events or engaging in professional development activities</li> </ol>		<ol style="list-style-type: none"> <li>1. Fails to grasp the broader commercial context, limiting effectiveness in providing business-oriented advice</li> <li>2. Overlooks significant changes or risks relevant to clients</li> <li>3. Focuses solely on staying up to date with the law, disregarding the importance of staying up to date with relevant business trends and market developments</li> </ol>

<b>Business leadership and strategy</b>	<b>What is it?</b>	<b>The ability to inspire, guide and influence others by setting a clear strategic direction and then making appropriate decisions and effectively managing resources to oversee and deliver the agreed strategy.</b>	
	<b>Why is it important?</b>	It ensures priorities are clearly communicated so efforts are focused on tasks that matter to the overall success of the business, while motivating employees through establishing a common purpose.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to make a valuable contribution to building a successful and professional costs business that can adapt to challenges and engage with new opportunities while retaining focus on agreed priorities.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Demonstrates a clear vision and effectively communicates it to the team and external stakeholders</li> <li>2. Makes informed decisions based on careful evaluation of short-term and long-term implications</li> <li>3. Recognises and mitigates key business and regulatory risks, including by establishing effective internal systems and processes</li> <li>4. Appropriately staffs matters and utilises individuals' unique skills</li> <li>5. Positions the team or business to adapt to change, embracing new ideas and technologies</li> <li>6. Acts as a role model in upholding professional integrity and standards</li> </ol>		<ol style="list-style-type: none"> <li>1. Is indecisive or slow to react, leading to uncertainty and missed opportunities</li> <li>2. Sets strategic objectives, but operates on a day-to-day basis without reference to them</li> <li>3. Fails to properly resource the business' or team's various priorities</li> <li>4. Operates in a silo</li> <li>5. Is willing to overlook non-compliance or unethical conduct in pursuit of business objectives</li> </ol>

<b>Financial management</b>	<b>What is it?</b>	<b>The ability to effectively manage and control financial resources within the business including through budgeting, monitoring cash flow, analysing financial data and ensuring compliance with regulatory requirements.</b>	
	<b>Why is it important?</b>	It creates financial stability and mitigates financial risks to the business and its clients, as well as supporting business growth by helping to identify opportunities for improvement and investment.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to contribute to strategic planning and resource allocation within a team or across the business as a whole.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Develops comprehensive financial plans aligned with the business' or team's strategic goals</li> <li>2. Puts in place and oversees appropriate systems for maintaining accurate financial records and using appropriate accounting practices</li> <li>3. Creates realistic budgets and regularly monitors financial performance against projections</li> <li>4. Understands how to interpret information about the business' cost base, profit and loss position, fee-earner targets and other typical management information</li> <li>5. Analyses financial data to identify trends, make informed decisions and drive improvements</li> <li>6. Understands the parameters for compliance with financial regulations, internal controls and mitigating financial risks</li> <li>7. Identifies and addresses gaps in financial knowledge</li> </ol>		<ol style="list-style-type: none"> <li>1. Fails to appreciate or address the nature of financial expertise required for their role</li> <li>2. Neglects strategic financial planning, leading to inadequate resource allocation or financial instability</li> <li>3. Keeps inadequate financial records, resulting in incomplete or unreliable financial information</li> <li>4. Fails to create budgets or monitor financial performance, leading to poor financial control and decision-making</li> <li>5. Creates cash-flow issues, for example through poor billing practices</li> <li>6. Ignores financial regulations, leading to legal and reputational risks for the business and financial risks for clients</li> </ol>

<b>Change management</b>	<b>What is it?</b>	<b>The ability to adapt successfully to new external and internal circumstances, or implement improvements to existing approaches, generating enthusiasm and buy-in from others.</b>	
	<b>Why is it important?</b>	Being open, flexible and capable of generating creative solutions will enable business growth and success by anticipating and preparing for change, staying ahead of emerging trends and fostering innovation while minimising unhelpful disruption.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to improve systems and processes, and work through novel situations such as technological advancements, legal reforms and shifts in client expectations, in a way that ensures smooth business operations and fosters an open-minded working culture.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Embraces and promotes a culture of ongoing reflection and improvement, encouraging innovative thinking within the business</li> <li>2. Demonstrates the ability to adapt quickly to new circumstances, adjust strategies and processes, and effectively respond to evolving client needs and industry trends</li> <li>3. Takes a proactive approach to identifying and addressing challenges, and embraces creativity in problem-solving processes</li> <li>4. Is willing to take calculated risks, explore new opportunities and step outside of comfort zones to pursue innovative approaches and growth</li> <li>5. Maintains a positive attitude in the face of setbacks or failures, learning from experience and using it as fuel for continuous adaptation</li> <li>6. Is sensitive to the impact of change on others and generates enthusiasm and understanding around organisational changes</li> </ol>		<ol style="list-style-type: none"> <li>1. Demonstrates reluctance or hesitancy in accepting and implementing necessary changes, hindering progress and innovation</li> <li>2. Works in isolation, not seeking input or feedback from others, and missing out on diverse perspectives that could stimulate creativity</li> <li>3. Imposes change on others without appropriate engagement and consultation</li> <li>4. Fails to recognise and properly manage the risks associated with change</li> <li>5. Neglects opportunities to invest in acquiring new skills and knowledge necessary for adaptation and creativity</li> </ol>



*The skills below – namely business development, marketing and customer service and client relationships – are interconnected. Effective coordination and alignment of these skills can lead to a comprehensive approach to business growth and success, whether at the team level, organisation level or for a sole practitioner.*

<b>Business development</b>	<b>What is it?</b>	<b>The ability to implement strategic initiatives to cultivate new business opportunities and enhance the overall growth and profitability of a business, by identifying and pursuing potential clients, expanding existing clients relationships and exploring avenues for revenue generation.</b>	
	<b>Why is it important?</b>	By proactively seeking new opportunities and expanding their client base, Costs Lawyers can tap into new markets, increase their visibility and ensure their service offering is aligned to client needs.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to identify and nurture new clients, partnerships and opportunities and adapt services to meet evolving demands, leading to increased revenue, improved market position and long-term sustainability.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Actively seeks out networking opportunities and engages with potential clients and strategic partners to build relationships and generate leads</li> <li>2. Identifies potential markets, unmet client needs and emerging trends to allow for strategic planning</li> <li>3. Develops strong professional connections and encourages long-term relationships with clients, industry professionals and referral sources</li> <li>4. Demonstrates clear and persuasive communication skills to articulate the values of the business and negotiate instructions</li> <li>5. Is open to learning and adapting to changes in the costs landscape, staying updated on industry developments and enhancing expertise to better serve clients and identify new opportunities</li> <li>6. Supports staff at all levels to engage in business development activities</li> </ol>		<ol style="list-style-type: none"> <li>1. Fails to articulate business development goals and strategies, leading to a lack of coordination and inability to measure success</li> <li>2. Poorly prioritises business development activities, missing out on potential growth opportunities</li> <li>3. Fails to understand client needs, not tailoring services to meet specific requirements, and lacking a client-centric approach in business development efforts</li> <li>4. Has inconsistent or infrequent communication with clients or referral sources</li> <li>5. Is dependent on a limited number of clients, creating potential revenue risks</li> </ol>

<b>Marketing</b>	<b>What is it?</b>	<b>The ability to understand the range of activities and efforts that can be used to promote a business' services, increase brand visibility and attract new clients.</b>	
	<b>Why is it important?</b>	Marketing creates awareness about the services offered, establishes a strong brand presence and differentiates the business from competitors.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to reach a wider audience, showcase expertise and attract potential new clients by communicating about service, value, professionalism and unique selling points.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Develops a comprehensive marketing strategy aligned with business goals, target audiences and the competitive landscape</li> <li>2. Creates a compelling brand identity, consistent messaging and a unique value proposition to help clients understand the business' offering</li> <li>3. Understands client needs, preferences and trends to tailor marketing efforts effectively</li> <li>4. Engages with indicators of quality, such as comparison websites, to help clients make informed choices</li> </ol>		<ol style="list-style-type: none"> <li>1. Publishes misleading or incomplete information about the business' services, undermining professionalism and risking poor client outcomes</li> <li>2. Wastes resource on marketing initiatives that do not take into account the target market's needs, preferences and behaviours</li> <li>3. Overlooks potential channels for audience engagement, such as social media</li> </ol>

<b>Customer service and client relationships</b>	<b>What is it?</b>	<b>The ability to establish and nurture positive connections with existing clients, ensuring clients' expectations around the service they will receive are met and often exceeded.</b>	
	<b>Why is it important?</b>	Building and maintaining strong relationships with clients and delivering a high-quality service establishes trust, loyalty and a strong reputation through client satisfaction and referrals.	
	<b>How does it help?</b>	People who demonstrate this skill will be able to understand and respond to their clients' needs, deliver exceptional service and establish client loyalty, while enhancing the reputation of the Costs Lawyer profession.	
	<b>Positive behavioural indicators</b>		<b>Negative behavioural indicators</b>
	<ol style="list-style-type: none"> <li>1. Proactively anticipates client needs and expectations and provides expert advice and guidance</li> <li>2. Collaborates effectively with clients and experts to deliver solutions and adapts to changing circumstances to offer alternative options when necessary</li> <li>3. Builds strong relationships with clients based on trust and reliability</li> <li>4. Takes responsibility for mistakes or misunderstandings, promptly addressing any issues and offering appropriate resolutions</li> <li>5. Maintains ethical standards and upholds professional integrity in all client interactions</li> <li>6. Seeks feedback to assess client satisfaction and acts on that feedback to improve service delivery</li> </ol>		<ol style="list-style-type: none"> <li>1. Ignores client feedback, failing to reflect or change approach</li> <li>2. Demonstrates a reactive approach to client needs, failing to manage expectations upfront</li> <li>3. Is complacent in building a strong relationship with the underlying client when an instruction comes via a professional client, such as a solicitor or barrister</li> </ol>

# How should regulation of Costs Lawyers evolve into the future?

## Project proposal

15 January 2024

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### Introduction

1. This paper sets out a proposal for a project looking at how the regulation of Costs Lawyers should evolve into the future.
2. The project encompasses aspects of the 2023 and 2024 business plans, themes identified in the Regulators Pioneer Fund ('RPF') [report](#), areas that the CLSB is expected to consider as a regulator, and new ideas that have resulted from horizon-scanning and regulatory and legislative developments. It will aim to identify risks and opportunities for, and needs of, Costs Lawyers, their clients and the justice system that the CLSB could address using its regulatory levers.
3. The project will encompass five strands of work, as follows:
  - a) Reducing legal costs;
  - b) Addressing unmet legal need – opportunities and barriers;
  - c) Technology and AI; and
  - d) Preventing and detecting economic crime.
4. Further information on each strand is provided in the next section of this paper, including indicative timescales and milestones. For each strand, it should be noted that timing for Phase 2 onwards will depend on the outcome of Phase 1.
5. This project will sit alongside the CLSB 2024 business plan, and aligns with objectives B, D and E of the 2024-27 strategy as follows:
  - *Strategic objective B*: We will be perceived as an expert on the market that we regulate, proactively adding value for Costs Lawyers, their businesses, their clients and the wider justice system, and we will effectively communicate that value to those in the costs community who decide each year whether or not to opt-in to regulation.
  - *Strategic objective D*: We will continue to create, evaluate and improve a regulatory model that is uniquely suited to the unusual characteristics of the costs law market, finding inventive ways to tackle the challenges presented by the legislative environment in which we operate.
  - *Strategic objective E*: We will build long-term organisational robustness and resilience to guard against external risks and shocks, and we will promote the same resilience within the Costs Lawyer profession.

## Project outline

### a) Reducing legal costs

#### Context

6. The RPF report found that ongoing costs challenges in the legal market have implications for the CLSB and regulation. It recommended that the CLSB “*facilitate a different legislative, or regulatory set-up to exert a downward pressure on the cost of legal services*”. It suggested that the CLSB could initiate a sector-wide discussion on the current shortcomings of the costs market in England and Wales and potential collaborative work that could be done in related areas such as training, ethical codes, communication with clients etc.
7. Taking forward work in this area would continue our 2023 business plan objective to deliver a programme of work aimed at harnessing the unique insights that Costs Lawyers can bring, to stimulate discussion across all the legal regulators about how legal costs can be better controlled. It would be timely and relevant, as concerns about legal costs remain a barrier to accessing legal services. It would also align with the regulatory objectives of promoting and protecting the public interest, and improving access to justice.
8. Based on our work to date, we understand that there is a misalignment of priorities in this area and that reducing legal costs is not at the forefront of priorities for all legal regulators. Taking forward work in this area will therefore necessarily mean finding out which organisations and agencies other than the approved regulators are interested in this issue, including international regulators, civil society bodies and consumer/user groups.

#### Aims

9. The aims of this strand are to:
  - Understand which organisations and groups see legal costs as a key issue and may wish to participate in discussions/collaborate in this area.
  - Convene a discussion with those organisations and groups, as well as Costs Lawyers, to:
    - Identify the challenges for controlling/communicating legal costs; and
    - Identify areas for regulatory and/or legislative change/collaboration that could be taken forward across the sector in the short, medium and long term.
  - Depending on the outcome of the above, examine whether reform of the Solicitors Act 1974 would help and if so, undertake a programme of evidence-gathering and awareness raising to support the wider case for reform of that Act.

#### Timescales and milestones

10. Indicative timescales and milestones for this strand are:
  - Phase 1 – desk research to understand which organisations, regulators and agencies see legal costs as a key issue and may wish to participate in discussions/work in this area (H1 of 2024).
  - Phase 2 – Arrange and lead a discussion to identify the challenges for controlling/communicating legal costs and identify areas for regulatory or legislative change/collaboration that could be taken forward across the sector in the short, medium and long term (H2 of 2024).
  - Phase 3 is dependent on the outcomes of the discussion at Phase 2.

## **b) Addressing unmet legal need – opportunities and barriers**

### **Context**

11. The RPF report recommended that the CLSB work with ACL Training (or any other providers it may accredit) to boost the numbers of regulated Costs Lawyers entering the profession. Introducing new routes into the profession - such as apprenticeships - will potentially attract more entrants from a range of different backgrounds, boosting the number and diversity of Costs Lawyers. Expanding the number of regulated Costs Lawyers would contribute to reducing unmet legal need, particularly where this exists in relation to costs advice. It would also directly contribute to the regulatory objectives of encouraging an independent, strong, diverse and effective profession and improving access to justice.
12. Additionally, recent research carried out by the Legal Services Consumer Panel, Legal Ombudsman, Law Society and others has highlighted expertise gaps in legal aid provision, including not enough lawyers trained in key areas of need e.g. housing, welfare, employment etc. The CLSB's own data shows that there has been a decline in the number of Costs Lawyers undertaking legal aid work. This strand of the project would explore the reasons for this decline and how this might be addressed, as well as the potential detriment to consumers arising from the reduced numbers. It would also examine whether Costs Lawyers could help to fill gaps in legal aid provision through, for example, increased participation in legal aid work or helping to boost consumer awareness of legal costs, and if so, how the competency framework and overall framework of regulation can best support this.
13. Finally, the RPF report refers to nascent international interest in Cost Lawyers' services. It states: *"A couple of our interviewees expressed the intention to expand their services internationally, particularly into offshore financial centres where there was a potential demand for costs services but no local provision. The greater interest of US law firms in London in using Costs Law firms' services at an earlier stage than their English counterparts was mentioned by more than one interviewee."* Understanding and minimising regulatory barriers to Costs Lawyers operating internationally will be key to ensuring that the profession can respond to, and maximise, this emerging interest from overseas clients. This strand of the project will therefore examine the opportunities and barriers for Costs Lawyers to work in international markets – as well as opportunities and barriers for foreign costs specialists to cross-qualify as Costs Lawyers in England and Wales – including any regulatory changes that would be needed to enable greater participation. There is a timely opportunity here to link in with the government's emerging agenda on the mutual recognition of professional qualifications post-Brexit.

### **Aims**

14. The aim of this strand is to understand and support the various ways in which the Costs Lawyer profession could be expanded and strengthened so that it can meet the needs of a growing, increasingly diverse client base in a more independent way.

### **Timescales and milestones**

15. Indicative timescales and milestones for this strand are set out below.
  - Phase 1 – Work with stakeholders, including employers and ACL Training, to introduce an apprenticeship route for qualifying as a Costs Lawyer, including by amending our regulatory arrangements where necessary.

- Phase 2 – Analyse the detriment to the public interest caused by the fall in the number of Costs Lawyers undertaking legal aid work and identify opportunities to address this issue, including by engaging with the MoJ’s review of civil legal aid.
- Phase 3 – Investigate opportunities to benefit from recent international trade agreements made in the wake of Brexit by exploring the mutual recognition of professional costs qualifications from other jurisdictions and the scope for Costs Lawyers to offer services abroad.

## c) Technology and AI

### Context

16. The RPF [report](#) found that there was no evidence of any ground-breaking use of technology in the costs market, but widespread use of costs software, such as CostsMaster. Costs Lawyers who took part in the research were asked how they use technology in their work. Of those who responded, 60% said they used costs-specific software, 25% used firm case management technology, 13% used technology in relation to automation of the courts, and 2% were using AI-driven case outcome prediction software.
17. The CLSB [policy statement on good consumer outcomes](#) identified innovation as one of seven key categories of consumer outcomes that are important to us. The outcomes we want to see are that consumers benefit from innovative ways to supply services, and that innovation reduces prices and drives up quality and accessibility. This aligns with the LSB’s proposed outcome of ensuring that technology and innovation are used to support improved access to legal services and address unmet need.
18. The LSB consulted on draft guidance on promoting technology and innovation to improve access to legal services in 2023. It has not yet published its consultation response and final guidance. However, paragraph 19 of the draft guidance stated that, *“In pursuing outcome 1, regulators should be proactive about understanding how the adoption and use of technology and innovation in the provision of legal services can benefit consumers and help them access legal services.”* Paragraph 76 of the consultation paper stated that the LSB considers that regulators *“should proactively aim to understand, assess, and balance the benefits, risks, opportunities and costs of using technology and innovation to provide legal services, without being unduly risk averse (and thereby potentially creating further barriers for providers and innovators.”* Consequently, we expect the final guidance will emphasise proactivity from regulators in this emerging area.
19. Our [2023 Annual Risk Outlook](#) also identified several trends relating to the use of technology that are likely to have an impact on Costs Lawyers.
20. Given these developments, a key strand of this project will be assessing the risks and opportunities of greater use of technology by Costs Lawyers, including artificial intelligence (‘AI’).

### Aims

21. The aims of this strand are to ensure Costs Lawyers have a robust and clear framework for using technology in their work that does not create inadvertent barriers, and to raise awareness of the regulatory risks of using technology.

## **Timescales and milestones**

22. Indicative timescales and milestones for this project are:

- Phase 1 – Commission research to understand the impact of developments in costs-related technology and AI, and what we might need to add to our regulatory framework to accommodate this (H1 2024).
- Phase 2 – Once the LSB consultation response is published, review existing policies and guidance to identify gaps (timing dependent on LSB activity).
- Phase 3 – Based on the outcomes of Phases 1 and 2, develop regulatory guidance on the use of technology and AI to support Costs Lawyers (timing dependent on outcomes of Phases 1 and 2).

## **d) Preventing and detecting economic crime**

### **Context**

23. The new regulatory objective of ‘Promoting the prevention and detection of economic crime’ came into effect in October 2023.

24. The CLSB has already produced guidance for Costs Lawyers on anti-money laundering. It has also communicated directly with the profession on complying with sanctions. As Costs Lawyers do not hold client monies we consider the risk of Costs Lawyers becoming involved in economic crime to be comparatively low, but we need to ensure we are promoting this new regulatory objective proactively in all future regulation of the Costs Lawyer profession.

25. We understand that the LSB will consult on policy tools related to this new regulatory objective (likely in Summer 2024), but that it expects regulators to be considering risks of their regulated communities facilitating economic crime already.

### **Aims**

26. This strand of the project would involve proactively examining what further guidance we may need to provide for Costs Lawyers beyond our current anti-money laundering practice note, and how to align our approach with those of other regulators.

## **Timescales and milestones**

27. Indicative timescales and milestones for this project are:

- Phase 1 – Expand our risk chart for economic sanctions to include other potential types of economic crime, such as fraud and money laundering (Q1 2024).
- Phase 2 – Review our guidance against that of other regulators, and identify opportunities for greater alignment (Q2 2024).
- Phase 3 – Respond to the LSB consultation and make any necessary updates to our guidance and policies once the LSB consultation response is published (Q2 and Q3 2024). In addition, consider developing scenarios that demonstrate how Costs Lawyers could be used to facilitate economic crime to raise awareness of the risks to the regulated community.



# Judicial appointments survey - results

## Board update

15 January 2024

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### Introduction

1. This paper sets out the CLSB's recent work on judicial appointments, and next steps.

### Background

2. Eligibility for judicial roles was historically limited to solicitors and barristers. In 2007, eligibility for certain judicial roles was extended to chartered legal executives and, in June 2023, expanded further to enable chartered legal executives to become Recorders and Upper Tribunal judges.
3. We are keen to examine the possibility of expanding the current statutory eligibility requirements for judicial appointments to include regulated Costs Lawyers. Costs Lawyers have deep expertise that could be valuable to the judiciary, not just in specialist roles such as Costs Judges, but across a wide range of judicial appointments.
4. An initial exploratory conversation was held with the Ministry of Justice ('MoJ') in mid October 2023. MoJ is actively looking at barriers to 'non-traditional' lawyers (i.e. not solicitors and barristers) entering the judiciary and one of its key objectives is to improve judicial diversity.
5. Opening up judicial roles would provide new career routes for Costs Lawyers and meet the government's objective of increasing judicial diversity, as well as our own objectives of supporting the profession.
6. MoJ has advised that, to move this forward, we need to provide evidence that Costs Lawyers would be interested in judicial appointment, alongside data on the diversity of the profession and further information about Costs Lawyers' skills and expertise.

### Judicial appointments survey

7. We ran a survey of the profession to gauge Costs Lawyers' interest in judicial appointment. The survey was open from 13 December 2023 to 12 January 2024. The survey was publicised through the CLSB newsletter and on social media. It was also shared by the Association of Costs Lawyers ('ACL') in its newsletter and on its social media channels.

## Results of the survey

8. There were 85 responses to the survey. The survey questions and responses are annexed to this paper.<sup>1</sup> In summary:

- **85.9% of respondents (73 individuals) were practising Costs Lawyers regulated by the CLSB.** 7.0% (6 individuals) were practising costs advisors/draftspeople unregulated by the CLSB, 2.4% (2 individuals) were students and 4.7% (4 individuals) gave their practising status as 'other'.
- **97.7% of respondents (83 individuals) thought that Costs Lawyers should be eligible for judicial appointment.** 2.4% (2 individuals) did not think that Costs Lawyers should be eligible.
  - Respondents in favour cited Costs Lawyers' specialist and unique technical expertise, advocacy experience, transferable skills, the diversity of the profession, and enthusiasm for costs law as a practice area.
  - The two respondents who were not in favour were concerned that Costs Lawyers' potential lack of knowledge in areas of law other than costs would make transferring to the judiciary too challenging.
- Regarding interest in particular judicial roles, **80.1% of respondents (68 individuals) were interested in Costs Judge roles, the highest of any answer option.** 77.4% (65 individuals) were interested in part-time roles, 64.3% (54 individuals) in full time roles, and 54.8% (46 individuals) in Deputy District Judge roles. More respondents were interested in court roles than tribunal roles (51.2% (43 individuals) to 30.9% (26 individuals) respectively).
- When asked about what support they would like to see for prospective applicants, respondents most frequently cited:
  - Training;
  - Professional networking opportunities (including with current judges);
  - Help with the application process;
  - Support from existing members of the judiciary (for example, work shadowing or mentoring).
- When asked about potential barriers or obstacles, respondents referred to:
  - Unconscious bias;
  - Prejudice/misperceptions of Costs Lawyers' experience or ability to carry out the role;
  - Lack of awareness of Costs Lawyers' skills and expertise;
  - Competition for roles from solicitors and barristers;
  - Academic and social barriers (e.g. lack of professional network or relevant post-qualification experience);
  - Lack of preparation for the application process.

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<sup>1</sup> The final question in the survey asked for respondents' details in the event they consented to be contacted about their response, so we can follow up with relevant evidence/examples where necessary. 36 respondents provided their contact details; this data has not been included in the annex for data protection reasons.

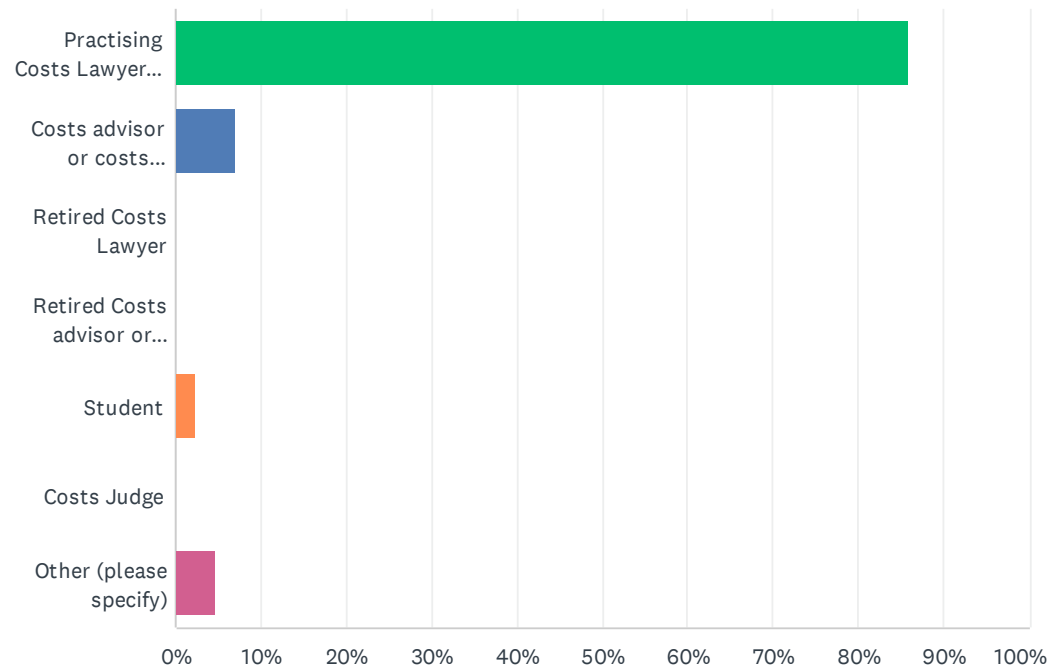
- Several respondents made positive comments about the CLSB addressing this issue and offered to assist the CLSB's efforts in this regard.

### **Next steps**

9. We will use the results from this survey, data from the latest diversity survey of the profession, and details about Costs Lawyers' skills and expertise to produce a robust evidence base for MoJ to submit to ministers. The Board will be updated on the outcome and further next steps once the evidence base has been finalised and sent to MoJ.

Q1 What is your current practising status?

Answered: 85    Skipped: 0

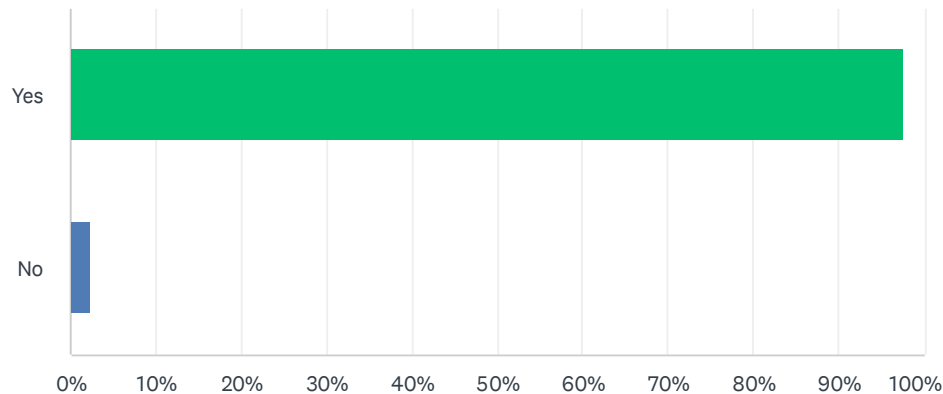


ANSWER CHOICES		RESPONSES	
Practising Costs Lawyer who is regulated by the CLSB		85.88%	73
Costs advisor or costs draftsman who is unregulated by the CLSB		7.06%	6
Retired Costs Lawyer		0.00%	0
Retired Costs advisor or costs draftsman		0.00%	0
Student		2.35%	2
Costs Judge		0.00%	0
Other (please specify)		4.71%	4
TOTAL			85

#	OTHER (PLEASE SPECIFY)	DATE
1	Costs Draftsman awaiting final results of ACL Course	12/18/2023 4:51 PM
2	Currently pursuing ACL qualification but on a break. To continue studies in September 2024	12/14/2023 3:55 PM
3	Chair of the Association of Costs Lawyer Training Limited	12/14/2023 2:42 PM
4	Other legal professional	12/13/2023 4:29 PM

## Q2 Do you think Costs Lawyers should be eligible for judicial appointment?

Answered: 85 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	97.65%	83
No	2.35%	2
TOTAL		85

#	PLEASE TELL US WHY	DATE
1	Simply, the majority of Costs Lawyers are more converse with legal issues relating to costs, and indeed the procedure and processes, then more DDJs and newly appointed DJs. Furthermore, it would free up judicial time on non-costs matters for other judges.	1/15/2024 8:18 AM
2	Practising Costs Lawyers have the ability to depart their current working knowledge of how costs claims are being made and the sums being sought. The current practice of judicial members deciding costs issues is vital as of course their legal acumen is second to none although, it may be the case that regular "practice" experience will assist the court.	1/7/2024 4:37 PM
3	There is a need for specialist people to deal with Costs related cases given the growing complexity in this area of the Legal Profession. There is no difference in having a Criminal or Civil specialist appointment to having a Costs Specialist appointment.	1/4/2024 12:16 PM
4	The skillset of a costs lawyer lends itself perfectly to efficiently undertaking the role of costs judge, particularly PAs and costs management hearings	1/3/2024 4:37 PM
5	Deep understanding of the complex issues involved in costs disputes and the underlying litigation.	1/1/2024 5:45 PM
6	Traditionally, costs lawyers deal in an extremely narrow field of law with no disclosure, limited if any evidence, and decisions which are largely discretionary. Moving into the judiciary would be challenging for a number of reasons not least, lack of knowledge of black letter law, basic rules of contract, which many of my colleagues do not possess, and procedural rules around disclosure and evidence. Not only is costs law niche, but the process is unique to the costs' world and outside of this cocoon, costs lawyers will struggle.	12/21/2023 12:11 PM
7	Costs Lawyers are experts in their fields, and it seems sensible for this progression to be available.	12/19/2023 2:34 PM
8	Most Costs Lawyers have an analytical mindset where preparing bills or challenging bills requires very detailed and careful consideration of issues including law and procedures. Those skills could readily be transferred in to the requirements for judicial appointment.	12/19/2023 11:54 AM

## Costs Lawyers and judicial appointment

9	It's important to have judges from a wide range of background. Going to university tends to be for the privileged therefore those from less privileged backgrounds are automatically prevented from entering the judicial system.	12/19/2023 9:35 AM
10	Costs Lawyers accredited and regulated by the CLSB, should be eligible for judicial appointment. The skill set, especially with regards to costs related matters would prove highly beneficial, as opposed to still, even now, being deemed an after thought to be resolved at conclusion. Experienced costs Lawyers are equipped with the knowledge, skill and expertise in working on claims relating to various branches of law and procedure. I do think Costs Lawyers within the judiciary would prove valuable to framework of the Court system and add proficiency to the overall process. Many Costs Lawyers have attained significant experience and would be capable of running cases, not just advising on the case and costs management or handling matters under the assessment procedures. It is a shame that for a Costs Lawyer to be given an opportunity to be part of the judiciary, they would need to either secure a training contract and qualify and/or work through the ILEX route, to then apply to the Law Society and/or SRA to become admitted to the Roll. Many Costs Lawyers undertake more advocacy than their instructing solicitors and are more equipped in Court scenarios. The CLSB however can offer the same regulation for its members as bodies overseeing solicitors.	12/18/2023 5:20 PM
11	Costs Lawyers have tremendous experience, knowledge and expertise with dealing an increasingly complex and technical area of law. Such experience would be of a huge benefit to the Judiciary and could alleviate significant backlogs which are being seen in the Courts.	12/18/2023 5:12 PM
12	Costs Lawyers, like solicitors and legal executives, have a wealth of experience in the legal industry. They often deal with different areas of law, meaning they are well placed to use their experience and skills in a judicial role. Many Costs Lawyers are experienced advocates and have an in-depth understanding of the Court environment. They will bring an element of diversity to the bench as many will not have qualified in the same way that solicitors and barristers have.	12/18/2023 4:52 PM
13	Costs Lawyers have a breadth of knowledge and transferrable skills that would directly benefit the judiciary. It would also benefit lay people and court users. The ability to apply for a judicial appointment would give Costs Lawyers career opportunities and would increase the credibility of the qualification offered by the ACL/CLSB.	12/18/2023 4:51 PM
14	In depth understanding of costs law that DDJ's will not have. Further a role of a Deputy Costs Judge would assist with backlogs in the provincial courts.	12/18/2023 4:44 PM
15	In my opinion and expertise as a Costs Draftsperson, we are highly specialised with technical skills that should be recognised. Furthermore, not only does a Costs Lawyer have to review a case from start to finish to draft a bill, they have to justify work and negotiate technical points. Therefore, Costs Lawyers are not only practicing skills that would be of a solicitor nature but also highly complex skills involving disputes on the case itself to justify the costs. Furthermore, costs lawyers have to have specific attention to detail along with excellent negotiation skills. Costs Lawyers have knowledge of all aspect of costs and wide variety's of key technical points. In my opinion, being a costs lawyer is one of the most complex forms of law.	12/18/2023 2:42 PM
16	Bespoke skill set. Trained in costs law unlike many of the judiciary.	12/18/2023 12:52 PM
17	Costs Lawyers would bring a key insight into the costs related to progression of matters day to day. Costs Lawyers would provide better representation against modern society and open up a new avenue of talented candidates for achieving judicial appointment.	12/16/2023 1:16 AM
18	The detailed knowledge and experience that they can bring to any such appointment in the field of costs	12/15/2023 11:11 AM
19	Costs Lawyers specialise in costs. This is what they do day in and day out. It makes complete sense that Costs Lawyers should be eligible for judicial roles. Furthermore, Costs Lawyers also need an understanding of all elements of the law generally whether that be PI, clin neg, commercial, COP, etc, in order to effectively carry out their day-to-day roles. Whilst Costs Lawyers may not practice litigation, their wealth of experience comes from seeing the ins and outs of cases from a wide spectrum of firms in which they are able to make comparisons and make informed decisions using this knowledge. In addition to the above, the advancement of fixed fees will inevitably have an impact on the costs industry generally. Judicial appointments may be able to combat the impact of fixed fees in opening up new door ways for Costs Lawyers. As Costs Lawyers move into judicial roles it will make available further roles within	12/15/2023 9:56 AM

## Costs Lawyers and judicial appointment

firms. It would also be great for the industry in that anyone looking to get in to law may consider costs roles given this scope of progression. Whilst my view alone, I do get the impression alot of Judges may not necessarily like dealing with costs i.e. budgeting, DA hearings, etc, what better way to offload such work on to an industry who specialises in this area.

20	Costs lawyers have in depth knowledge of costs issues and will have been exposed to a large variety of cases. This provides a good, rounded viewpoint as to contentious issues	12/15/2023 8:46 AM
21	Cost Lawyers are some of the most brilliant minds. They have daily working knowledge of the bill drafting and recovery process.	12/14/2023 11:11 PM
22	I think they would bring a deeper level of costs expertise to the judiciary	12/14/2023 10:14 PM
23	Costs lawyers play a vital role in litigation and often undertake advocacy on costs issues. This therefore means they would be well placed to adjudicate on judicial issues relating to costs, with a core working knowledge of those issues.	12/14/2023 8:40 PM
24	Expertise in their area of practice not just costs	12/14/2023 6:11 PM
25	Their knowledge of Costs law and Procedures , after a say 10 year period of training and gaining practical experience, is equivalent to that of Costs Judges and, arguably better than most District/ Circuit Judges.	12/14/2023 5:46 PM
26	Our expertise is unparalleled across a broad spectrum of legal issues & often deal with litigants in person	12/14/2023 5:21 PM
27	They possess a unique skillset and interest in costs matters and hold an equivalent qualification to solicitors/legal executives.	12/14/2023 4:36 PM
28	Their expertise and experience will be valuable as a Costs Judge.	12/14/2023 3:55 PM
29	As costs lawyers we are experienced and regulated professionals who are experts in matters relating to costs. Costs are at the heart of every legal transaction and matter, and we have seen it all. By being able to apply our common sense, and rationale in a judicial manner, this would provide the courts a wider pool of experts and raise the profile of the costs profession. Until costs lawyers are provided the opportunity to join judicial ranks, we will continue to be seen as support staff for the the rest of our legal peers, as opposed to experts in our own field	12/14/2023 3:42 PM
30	The Costs Lawyer qualification is a comprehensive legal education and training that encompasses all the key elements of a law degree and specialist practice and costs modules. This is equivalent in breadth and depth to the training and qualification undertaken by solicitors and barristers.	12/14/2023 2:42 PM
31	I believe that Costs Lawyers are perfect for judicial appointment not only in the context of costs matters but generally because it is probably the only profession in law that requires review and assessment of many hundred or thousands of cases. A typical Costs Lawyer has seen the good, the bad and the ugly when it comes to case handling, case progression, and case management in the context of the courts and they have a far better understanding of civil litigation as a whole than most legally qualified persons who generally work in a specific area of law whereas a typical Costs Lawyer generally, but not always, will handle a broad spectrum of litigation.	12/14/2023 2:32 PM
32	Costs Lawyers, due to their role, are required to provide detailed analysis of legal claims, including the legal principles and factual issues underpinning a case. This must be done in an unbiased manner to ensure an appropriate outcome for the party. The high level of advocacy undertaken compared to other legal professions ensures that Costs Lawyers understand the role or advocates and also the Judge as an impartial decision maker. I think that Costs Lawyers would be a welcome addition to the judiciary.	12/14/2023 2:06 PM
33	The depth of knowledge and experience of most Costs Lawyers in terms of costs and more generally in relation to civil cases in particular would provide a comprehensive grounding suitable for some Judicial appointments. It is my experience that there are some very able Costs Lawyers who would make very good Costs Judges in particular. There are current Costs Judges who started life as Costs Lawyers who later qualified as Solicitors/ Barristers and are now excellent Judges. It is all about rigorous selection and appointment on merit	12/14/2023 10:12 AM
34	Cost Lawyers are specialists with a wealth of knowledge, usually in several areas of law surrounding costs, rather than practising just in a specific area. We are regulated in the same	12/13/2023 5:59 PM

## Costs Lawyers and judicial appointment

way Cilex & Solicitors are and should be afforded the same opportunity to progress within the legal profession.

35	Wide ranging skills to include strong written, numerical, analysis, critical thinking, project management, advocacy, ethics etc.	12/13/2023 5:54 PM
36	There are very few judges who have any real interest in costs. It is often viewed as an inconvenience and there are not enough specialist costs judges in the jurisdiction. While the nature of costs work changes every time there is a rule update the need for costs specialists will not change. With the expansion of fixed recoverable costs the number of solicitor and own client disputes is going to increase massively and more judges will be needed: the Legal Services Ombudsman will only deal with complaints for actions within the last 12 months. Additionally, the unbundling of Budget hearings from the rest of the CMC process (very sensible when directions / experts / timetabling etc are not agreed) gives a perfect opportunity for judges who actually want to deal with costs to be involved. Not allowing costs experts to use that expertise where it is clearly needed would be a bizarre failure of reasoning. In regard to wider judicial roles, Costs Lawyers often have had the benefit of being involved with hundreds of matters, including having the opportunity to read complete files of papers by a variety of different lawyers when preparing a Bill of Costs. Costs Lawyers often have a far wider range of experience than many solicitors do, not just in terms of areas of work, but also in having read / seen the work done by others. It is a unique position to be in. No other part of the legal profession has the opportunity to see the work of so many different lawyers and learn from it.	12/13/2023 4:41 PM
37	Costs Lawyers possess a unique knowledge of the work required to reasonably and proportionately resolve a dispute. They see a whole array of cases from start to finish at differing levels of complexity and value. Normally barristers are only involved in claims where there is a contentious factual dispute, point of law to be addressed or advocacy/oratory required. They are not normally engaged in run of the mill cases, nor have the benefit of understanding what is required to deal with a claim on a daily basis whilst juggling many different balls such as interacting with and building relationships with lay clients/consumers, liaising with & coordinating professional witnesses, adhering to court/judicial demands, complying with regulatory matters and performing more general business duties. Barristers have their own part to play in the legal process, but they are rarely required to, or have limited experience of, proof(ing) witnesses and preparing statements, sifting through medical records/discloseable documents, preparing Bundles for hearings etc. Costs Lawyers see a wide variety of solicitors and barristers practising up and down the country on a daily basis in all different areas of law. They are in a good position to identify/understand best practice, efficiency, expertise and ultimately what are reasonable and proportionate costs. Rather uniquely, costs lawyers are continuously "in the weeds" having to get to grips with the detail of a case rather than just dipping in and out at various stages throughout the life of a claim (as the court or barristers generally do). Likewise, Courts/Judges only normally see claims with a particular level of complexity or contention that mean assistance (and potentially adjudication) is required in order to dispose of the matter. The vast majority of claims/cases are compromised without court intervention. This obviously does not allow the judiciary to experience the full spectrum of legal disputes that exist across the country on a daily basis. Costs Lawyers are well placed to understand both ends of the "process" from the most routine to the extremely complex and highly contentious. There must surely be a benefit to the judiciary of having those involved "in the weeds" on a daily basis bringing their expertise and experience to bear in a (judicial) decision making capacity.	12/13/2023 4:32 PM
38	Improvement to diversity of composition of judiciary and wider thinking	12/13/2023 4:29 PM
39	I feel that the skill set which Costs Lawyers could be transferred to roles within the Judiciary.	12/13/2023 4:15 PM
40	the knowledge and experience of detailed assessment proceedings they can bring to ensure quick and expedient assessment process	12/13/2023 2:44 PM
41	add expertise and a different angle on the law	12/13/2023 2:29 PM
42	They are specialist in their field of law just the same as any Solicitor or Barrister and quite often have far more exposure to the courts system than many Solicitors do and its workings	12/13/2023 2:17 PM
43	Specialist knowledge gained in becoming a costs lawyer and maintaining the practicing certificate will greatly assist the judiciary.	12/13/2023 2:15 PM
44	Experience dealing with a variety of cases could be useful for a judicial role.	12/13/2023 2:01 PM



## Costs Lawyers and judicial appointment

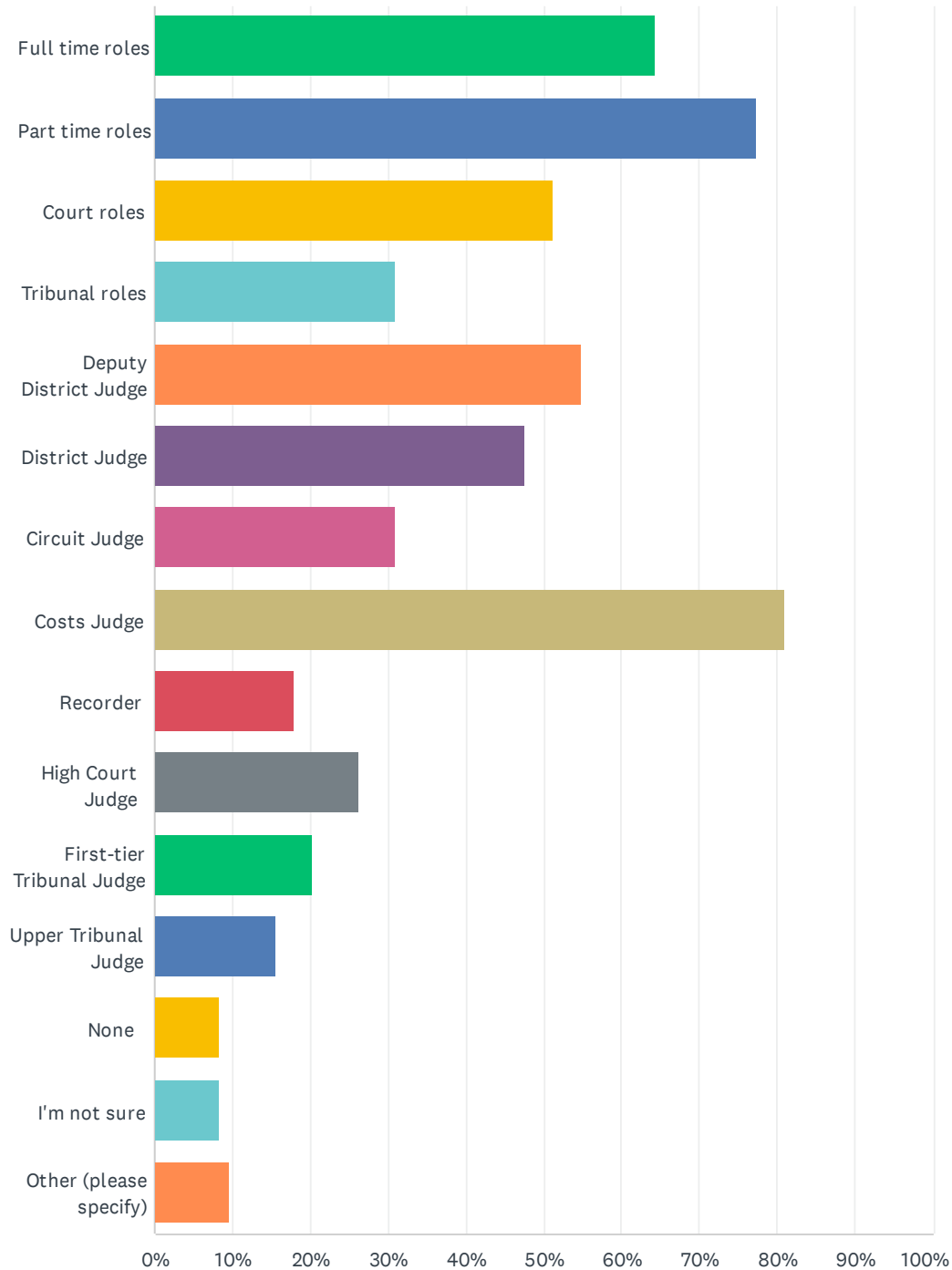
45	The lack of training in costs for the majority of Judges (usually deputy district judges). It would be advantageous for the court to have an 'in house' costs specialist to undertake costs hearings or be available as a point of guidance to the judiciary.	12/13/2023 1:34 PM
46	Costs Lawyers, particularly those with a solid amount of practical experience behind them, will be able to bring that experience to the role. As we know, there are a great number of members of the judiciary who are required to consider costs matters and disputes, but who do not have the experience or background to address those disputes or, who sadly, have a complete disregard or lack of respect for the area and its importance. Allowing Costs Lawyers to become members of the judiciary, even if it was in a narrow respect, would bring a huge amount of benefit to the resolution of disputes, and the assistance of case, and costs, management.	12/13/2023 1:31 PM
47	Given the role that Costs Lawyers play in dealing with an issue which is the life-blood of any law firm and therefore of paramount importance, it is now time for greater parity in terms of opportunities for the Costs Lawyer profession. It bears mentioning that CILEx lawyers in addition to solicitors and barristers can apply for judicial appointments. The CJC Consultation refers to the use of judges who are specialists in their field and have suggested a tiered approach to managing case management directions and budgeting. This creates an opening for Costs Lawyers to be part of the judiciary. Notwithstanding this, the exponential increase we have seen in solicitor/own client disputes that will only increase further in the advent of the extension of Fixed Recoverable Costs (and the inevitable wave of satellite litigation that will come with that) presents a perfect opportunity to develop and train Costs Lawyers to become respected and valued members of the judiciary.	12/13/2023 1:25 PM
48	Costs Lawyers have a unique expertise in relation to dealing with legal costs issues on a day to day basis, many working on cases across the spectrum of legal work. This experience would make them well suited to adjudicating in costs matters.	12/13/2023 12:54 PM
49	Costs is a specialised area and such specialised knowledge would prove invaluable in many aspects of the judicial process	12/13/2023 12:31 PM
50	For all the reasons set out in the CLSB newsletter. We would be excellent Costs Judges as well as potentially other roles such as specialist assessors sitting on appeals or Supreme Court assessments. We would bring real world experience of costs to the post.	12/13/2023 12:24 PM
51	Costs Lawyers have a unique knowledge of costs law and regulation. They also develop, over the course of their careers, an in-depth knowledge of the procedural aspects and practical day-to-day running of litigation. In addition, many Costs Lawyers have a keen insight into the realities of the legal market.	12/13/2023 12:24 PM
52	We hold specialist experience and qualification to a high standard. The judiciary could well utilise the experience, skillset and knowledge that we hold.	12/13/2023 12:23 PM
53	Costs Lawyers are the experts when it comes to costs, so why not utilise their skills and bring them to the Judiciary? There is clearly a dreadful delay in the Judicial System at present, which isn't likely to go away in the near future, so being able to appoint Costs Lawyers to the Judiciary will clear the costs backlog and make for a more efficient system.	12/13/2023 11:55 AM
54	Many Costs Lawyers already have a law degree and have then completed post graduate study by way of the Costs Lawyer course. This is the equivalent of a qualified Solicitor or Barrister having undertaken a Law degree and LPC or BVC. Furthermore, the experience of dealing with cases during the life of a case and at their conclusion provides us with the knowledge and expertise of the litigation process. Costs Lawyers are not a lesser profession they are purely younger in existence. Lastly, having recently gone through the process successfully so far to become a Magistrate and whilst I await the backlog for an interview it is apparent that the government is intent on implementing balanced representation of all protected characteristics in the judiciary and Costs Lawyers are significantly diverse many of whom are first generation graduates in their family.	12/13/2023 11:51 AM
55	Whilst there is no doubt that many Costs Lawyers are excellent and would make very good judges, and as the course improves, going forward this will be more so. But there are too many who are historic Costs Lawyers who don't understand even fundamental basics of the law and who would not be competent to be Judges.	12/13/2023 11:46 AM
56	Many Costs Lawyers have a wealth of costs knowledge and would be ideally suited to judicial appointments where the judicial role concerns costs issues.	12/13/2023 11:37 AM
57	The wealth of technical knowledge and experience they bring to the table	12/13/2023 11:37 AM

## Costs Lawyers and judicial appointment

58	<p>Costs Lawyers are subject to the same Court Rules and Procedures as the rest of the legal profession. They are eligible to conduct litigation and can advocate their arguments in most County Courts and Tribunals in England &amp; Wales, up to and including the Court of Appeal. During this process, they often appear before Specialist Judges (Regional Costs Judges and Masters in the QBD, either as part of the RCJ or SCCO) and are commended by Judges and the Legal Profession for doing so. They are specialists in their field and are often turned to for providing advice not only on costs, but also litigation strategy as to the consequences of actions arising during the course of substantive proceedings. But it is not just costs litigation (which, by itself, is a significant proportion of the Law Reports, both historic and modern) on which costs lawyers need to be properly informed. While the subject matter of a costs lawyer rule revolves around the necessary costs roles, the case on which such a lawyer may be instructed can be extremely wide ranging. This can and will inevitably include most personal injury and clinical negligence litigation, but can also include significant commercial, land, property, or even international disputes. It has long since been my personal practice to therefore ensure that both myself and my team have an extremely thorough understanding of the law in the areas where they are advising on costs. They undertake regular training on all manners of personal injury and clinical negligence issues, and are fully appraised of the changes of the law in those areas. Indeed, my strong view is that if they are not, they cannot properly be justifying or challenging the costs which stem from those cases. In other words, there is likely to be a lot more to a costs lawyer than will first meet the eye, and i expect that the judicial appointments committee would be pleasantly surprised at just how far Costs Lawyers knowledge and understanding of the Rules, Protocols, and current Authorities go outside of just costs litigation.</p>	12/13/2023 11:28 AM
59	To bring a leel of expertise to the assessment of costs that is missing at present	12/13/2023 11:26 AM
60	Magistrates are members of the public from diverse backgrounds able to make decisions based upon evidence presented to them. Whilst they have the benefit of a legally qualified adviser in Court, the Magistrates themselves, usually, have no legal knowledge or training (beyond Magistrate training). Costs Lawyers, too, have diverse backgrounds, but also an understanding of the court system, how cases are managed and conducted. They are professionally trained and qualified individuals in their own right. There is no reason why a Costs Lawyer cannot fulfil a judicial role. Interestingly, a few on the bench have cross-qualified as Costs Lawyers, so evidently the qualification is of great assistance to the bench, particularly when dealing with costs issues which arise in substantive hearings.	12/13/2023 10:58 AM
61	I think the costs management process alone presents a multitude of opportunities for input from Costs Lawyers	12/13/2023 10:43 AM
62	Costs Lawyers are in a unique position in that they have an expertise in costs. Many of the current judiciary do not have this knowledge. My feeling is that there would be a lot more continuity and better decisions if Costs Lawyers were permitted to join the judiciary. This is something I have been interested in for many years and I am thrilled that it may now be a possibility, particularly down in the Southwest	12/13/2023 10:40 AM
63	Cost Lawyers are specialists in their field and should not be differentiated between a CL and a Solicitor.	12/13/2023 10:26 AM

### Q3 Which judicial roles would you be interested in, now or in the future? (Please select all that apply)

Answered: 84 Skipped: 1



## Costs Lawyers and judicial appointment

ANSWER CHOICES	RESPONSES	
Full time roles	64.29%	54
Part time roles	77.38%	65
Court roles	51.19%	43
Tribunal roles	30.95%	26
Deputy District Judge	54.76%	46
District Judge	47.62%	40
Circuit Judge	30.95%	26
Costs Judge	80.95%	68
Recorder	17.86%	15
High Court Judge	26.19%	22
First-tier Tribunal Judge	20.24%	17
Upper Tribunal Judge	15.48%	13
None	8.33%	7
I'm not sure	8.33%	7
Other (please specify)	9.52%	8
Total Respondents: 84		

#	OTHER (PLEASE SPECIFY)	DATE
1	Any legal costs related role.	1/7/2024 4:37 PM
2	Sadly I am beyond the sell by date for judicial appointment which I understand is 72!	12/19/2023 11:54 AM
3	The Senior Courts Costs Office part of the High Court	12/15/2023 9:56 AM
4	I am now too old (69)	12/14/2023 10:12 AM
5	Regional Costs Judge	12/13/2023 4:41 PM
6	I believe there is a natural space for Costs Lawyers to initially be conducting Provisional Assessments on claims for costs in the sub £250,000 space in order to free up full time judges/costs judges to focus more on case management, trials, and esoteric points of law/evidence/procedure.	12/13/2023 4:32 PM
7	Costs Officer	12/13/2023 2:17 PM
8	Specialist assessors for appeals/Supreme Court assessments.	12/13/2023 12:24 PM

## Q4 Do you have any evidence or statements that would support our submission to the Ministry of Justice proposing that Costs Lawyers be eligible for judicial appointment?

Answered: 38 Skipped: 47

#	RESPONSES	DATE
1	No	1/15/2024 8:18 AM
2	No, and I think this will be difficult to provide. I am not sure that a Costs Lawyer should take the place of a judicially appointed person, save perhaps for low value costs claims, but should be made available to sit as an assessor/advisor to the court.	1/7/2024 4:37 PM
3	Costs lawyers have a wealth and breadth experience and knowledge to bring to the table	12/20/2023 9:22 PM
4	No	12/19/2023 11:54 AM
5	No evidence and no statement, other than what is outlined in the summary above. I would however be prepared to statement if one was required.	12/18/2023 5:20 PM
6	You just have to look at large high value cases to see the skills involved.	12/18/2023 2:42 PM
7	We only need to look on the Law Society website to see the elements needed. It predominantly comes down to qualification and experience. We have the ACL qualification which touches upon a vast number of areas of costs and areas of law. We have a database of registered Costs Lawyers which can evidence experience and areas of knowledge / specialism. Whilst not evidence as such, the MOJ needs to truly understand what it is that a Costs Lawyer does - the high level of communication needed, that some Costs Lawyers already advocate, they run their own cases, their exposure to a wealth of knowledge and cases, professionalism, Code of Conduct, etc. Costs Lawyers within the industry are already moving towards ADR roles performing the same function	12/15/2023 9:56 AM
8	Not at this stage	12/15/2023 8:46 AM
9	I imagine you don't want to include a negative statement, but it appears to be highly impractical and non progressive to costs by not letting the people who actually practice costs on a daily basis to become part of the judiciary.	12/14/2023 11:11 PM
10	No	12/14/2023 10:20 PM
11	No	12/14/2023 8:40 PM
12	Delay in SCCO provisional assessments - these could be undertaken by Costs Lawyers	12/14/2023 6:11 PM
13	No just 37 years of experience in the costs field	12/14/2023 5:46 PM
14	None at present.	12/14/2023 4:36 PM
15	I do not have any evidence but I do not understand why a Costs Lawyer cannot be appointed to the Judiciary considering the studies they have to undertake, exams they have to sit and in any event, someone applying for such roles would definitely have a lot of hands on experience in any event. Personally, I find it to be professional discrimination when Costs Professionals are one of the most important cogs in litigation but they are not treated equally .	12/14/2023 3:55 PM
16	Level of work experience being far beyond that of most experienced solicitors who are not barred from applying for such roles.	12/14/2023 3:23 PM
17	Yes - Costs Lawyer Qualification framework	12/14/2023 2:42 PM
18	Aside from my previous comments, about experience, no.	12/14/2023 2:32 PM
19	Two Judges at the SCCO have commented that our joining the bench is long overdue.	12/14/2023 2:06 PM
20	Comparison of solicitor, barrister and costs lawyer codes of conduct, competency statements	12/13/2023 5:54 PM

## Costs Lawyers and judicial appointment

etc.

21	Forgive me, I do not fully understand what it is you are asking for here, but I am happy to assist further if clarity could be provided. I am unclear what is meant by "evidence" or "statements" i.e. from who/what about specifically...? However, is Chambers and Partners and the Legal 500 not a good starting point for some "evidence based" information on costs lawyers roles in the modern legal world...? There are various "named" individuals and firms in the Legal 500 who are recognised by stakeholders and consumers alike in their expertise and specialism...	12/13/2023 4:32 PM
22	Extending the people able to apply for judicial roles to include costs lawyers would be good for the public and for the profession. They would be able to bring a different perspective to decision making	12/13/2023 4:29 PM
23	N/A	12/13/2023 4:15 PM
24	no	12/13/2023 2:44 PM
25	No	12/13/2023 2:01 PM
26	None	12/13/2023 1:34 PM
27	A number of Costs Lawyers I involved in running some very complex, high profile and groundbreaking appeals. There is a sense that lots of these are exclusively run by barristers the input of some Costs Lawyers developing common law is crucial.	12/13/2023 1:31 PM
28	See CJC recommendations that refer to the use of specialist judges.	12/13/2023 1:25 PM
29	No	12/13/2023 12:24 PM
30	No.	12/13/2023 12:24 PM
31	-	12/13/2023 11:55 AM
32	No	12/13/2023 11:51 AM
33	No sorry	12/13/2023 11:37 AM
34	I would be happy to produce some form of statement to the effect above, or join a working group to petition for members to have access to being granted judicial roles.	12/13/2023 11:28 AM
35	Save for the fact that at least one Master in the High Court and several Costs Judges have cross-qualified as Costs Lawyers evidently adding valuable costs knowledge to their decision-making.	12/13/2023 10:58 AM
36	Unfortunately not, however, what I would say is that it would free a lot of Judge's up to deal with other matters in which they have vastly more knowledge and experience.	12/13/2023 10:40 AM
37	No - Sorry.	12/13/2023 10:26 AM
38	The Courts are backlogged at the moment with Costs matters and I do feel that Costs Lawyers would be an advantage in a judicial role	12/13/2023 10:11 AM

## Q5 If Costs Lawyers were to become eligible for judicial appointment, what support would you like to see for potential applicants?

Answered: 61 Skipped: 24

#	RESPONSES	DATE
1	Some training would, I imagine, be required into the ins and outs of working in/for the Court and the administrative procedure. Perhaps some support/mentoring from a current regional costs judge would be of benefit.	1/15/2024 8:18 AM
2	Meetings with all of those appointed as well as with members of the judiciary. It is vital that there is mutual respect when undertaken any judicial role and therefore all of those who are judicially appointed must form an "all together" role, i.e. not a "them" and "us" approach between the Costs Lawyer and the current members of the judiciary.	1/7/2024 4:37 PM
3	A mentoring programme	1/3/2024 4:37 PM
4	Similar to that given to other lawyers	1/1/2024 5:45 PM
5	Training, supervision and mentoring	12/20/2023 9:22 PM
6	Training courses to assist with and prepare the applicant for a very different life after costs.	12/19/2023 11:54 AM
7	Perhaps training and/or preparation seminars from sources endorsed by the CLSB.	12/18/2023 5:20 PM
8	Given that this would open up a new avenue it would require significant assistance from Costs Judges or Costs Barristers who have made the step up to the bench. Unlike for Barristers, Costs Lawyers will not have contacts with peers or colleagues who have made the step up.	12/18/2023 5:12 PM
9	Training	12/18/2023 5:02 PM
10	If Costs Lawyers were to become eligible I would want the new look qualification to be more rigorous and require more work experience than it currently does. I would also like to see additional guidance in relation to judicial roles and the application process.	12/18/2023 4:51 PM
11	Judicial training	12/18/2023 4:44 PM
12	Higher salary's and health assessments.	12/18/2023 2:42 PM
13	Training scheme like judicial college	12/18/2023 12:52 PM
14	Suitable training etc as is currently given to the judiciary	12/15/2023 11:11 AM
15	The industry as a whole needs to come together to support the early appointments. Being granted eligibility is but one hurdle (albeit a big one). Costs Lawyers will be going up against equally qualified and experienced individuals holding the more traditional LPC / BTC qualifications. Heavy support should definitely be there for the obvious roles involving costs.	12/15/2023 9:56 AM
16	Clear application process and diverse selection process	12/15/2023 8:46 AM
17	Not quite sure what the question is asking. I know there is quite a difficult exam to pass to become a deputy master...., educational support would be helpful.	12/14/2023 11:11 PM
18	Guidance on the differences between being in practice and being a judge.	12/14/2023 10:20 PM
19	Maybe some additional training if possible and advocacy	12/14/2023 10:14 PM
20	Support from individual firms/companies to speak to a Costs Lawyer's competency would be welcome and would likely assist with applications. This could be either the Costs Lawyer's firm, or opposing case related firms.	12/14/2023 8:40 PM
21	Usual support for newcomers	12/14/2023 6:11 PM
22	Sitting with DJs on CCMCs and sitting as Assessors with CJs before full appointments.	12/14/2023 5:46 PM
23	Training	12/14/2023 5:21 PM

## Costs Lawyers and judicial appointment

24	Something similar to the Solicitor Judges Network.	12/14/2023 4:36 PM
25	Training, professional network and related support.	12/14/2023 3:55 PM
26	Induction training for expectations, opportunities to sit in court and gain exposure (especially for those of not coming into the industry as solicitors, with law degrees etc)	12/14/2023 3:42 PM
27	N/a	12/14/2023 3:23 PM
28	Training for judicial applications and shadowing opportunities	12/14/2023 2:42 PM
29	Assistance and support in terms of preparing for and making applications to join the judiciary by way of guidance, resources etc.	12/14/2023 2:32 PM
30	Training routes - traineeships,	12/14/2023 2:20 PM
31	Training and support as to the application process	12/14/2023 2:11 PM
32	Support akin to the Law Society's to help people prepare appropriately and obtain helpful feedback.	12/14/2023 2:06 PM
33	I don't think that Costs Lawyers would need to be treated any differently to potential Judges from other areas of the law if the selection process is carried out correctly	12/14/2023 10:12 AM
34	Training	12/14/2023 6:54 AM
35	Support with applying for judicial roles, transitions into those roles and ongoing CPD	12/13/2023 5:59 PM
36	Clear defined pathways, guidance on the application process, opportunities shadow and observe, ability to demonstrate requirements based on costs litigation which are transferable	12/13/2023 5:54 PM
37	Assistance and training for the application process to ensure full readiness for the competition.	12/13/2023 4:41 PM
38	It would depend on the role Costs Lawyers were to fulfil. I think it is perhaps a step too far for somebody (like myself) solely qualified as a costs lawyer to be appointed a District Judge or DDJ without further academic qualification. A more rounded understanding/knowledge of the law would be required to deal with substantive matters outside of every day costs practice. But for those willing (like myself) to undertake further training, a pathway should be available outside the usual steps required for a typical university leaver (some kind of fast track scheme or apprenticeship) where you are not dependant on whether law firms can offer you a Training Contract or "Seat" in order to amass the relevant experience and exposure to other areas of law that those only starting off in their young careers need/require.	12/13/2023 4:32 PM
39	Webinars that explain more about the process and the role	12/13/2023 4:29 PM
40	Some tailored CPD and learning resources more focused on the activities which may be expected within judicial roles	12/13/2023 4:15 PM
41	training on completing applications, training on drafting judgments	12/13/2023 2:44 PM
42	Training support	12/13/2023 2:17 PM
43	Help from senior costs lawyers and possible barristers with ACL connections.	12/13/2023 2:01 PM
44	Training from retired Costs masters	12/13/2023 1:34 PM
45	Training on some of the more general aspects of the judiciary.	12/13/2023 1:31 PM
46	A bespoke training program aligned with peer mentoring.	12/13/2023 1:25 PM
47	A close working relationship with experienced Costs Judges.	12/13/2023 12:54 PM
48	Clarity around what the role involves, and Judicial College training.	12/13/2023 12:24 PM
49	Full training.	12/13/2023 12:24 PM
50	The same degree of support as afforded to other legal professionals.	12/13/2023 12:23 PM
51	Funding available for any transitional courses required.	12/13/2023 11:55 AM
52	Shadowing of Judges as they do for new Magistrates. Training for etiquette and court function rules.	12/13/2023 11:51 AM



## Costs Lawyers and judicial appointment

53	I would like to see a requirement that any Costs Lawyer applying for a judicial appointment has also undertaken the GDL or a law degree and is required to undertake further training.	12/13/2023 11:46 AM
54	It would be useful to receive guidance on how to apply and steps applicants should take/information that should be provided to support their application.	12/13/2023 11:37 AM
55	Training	12/13/2023 11:37 AM
56	Costs lawyers should be expected to go through the same process as the rest of the profession - which usually starts with some Deputy DJ experience, and then work their way up through the ranks. Some development training however from a supporting Regional Costs Judges or Master (we must, as an Association, be friendly with enough of them) would be welcome. If the CLSB wished to take this one step further, it could even start its own development programme - i hasten to say with rigorous testing and training, but that could be a pre-requisite to getting costs lawyers involved in the judicial selection process?	12/13/2023 11:28 AM
57	Continued training and education	12/13/2023 11:26 AM
58	One would expect the same level of support as offered to, say, solicitors and legal execs who elect to be appointed Deputy/District Judges. One would also expect diversity and non-biased appointments.	12/13/2023 10:58 AM
59	I would hope that senior members of the CLSB would be open to provide valuable assistance. This would benefit all.	12/13/2023 10:40 AM
60	Advice on application procedure and support	12/13/2023 10:26 AM
61	Opportunity to shadow current Judges to understand the role further	12/13/2023 10:11 AM

## Q6 If Costs Lawyers were to become eligible, do you consider there to be any barriers or obstacles to Costs Lawyers applying for judicial appointment?

Answered: 52 Skipped: 33

#	RESPONSES	DATE
1	Other than systemic bias against Costa lawyers from some judges, no.	1/15/2024 8:18 AM
2	Any Costs Lawyer appointment must be based on experience and there must be every effort applied to reject any possible allegation of bias towards towards ACL Council members or long time members of the profession (me included!). I am not suggesting for one minute that there will be any preference shown, but over the many years in practice, I have found that there is always people who complain!	1/7/2024 4:37 PM
3	No	1/3/2024 4:37 PM
4	I suspect there may be some who don't think we are capable, so will need to prove otherwise.	1/1/2024 5:45 PM
5	see 2 above	12/21/2023 12:11 PM
6	Fitting this in alongside full time fee earning roles. Lack of experience in this advocacy. Negative perceptions. Imposter syndrome	12/20/2023 9:22 PM
7	No	12/19/2023 11:54 AM
8	Unfortunately yes, but any appointment should be tested on merit and assessment of an applicants ability. Being a Costs Lawyer should not preclude opportunities, provided the individual is apply to evidence by performance his/her ability.	12/18/2023 5:20 PM
9	Protected title may be one issue that may need to be addressed. However, I imagine that any application will look at the number of years that the Costs Lawyer has been regulated by the CLSB in order to confirm their suitability to make the step up.	12/18/2023 5:12 PM
10	The fact that there is not much knowledge about costs lawyers could be a barrier in itself as people don't understand the work. However, this could also be a positive as because of people's lack of understanding, it shows the need for these skills in a wider area.	12/18/2023 2:42 PM
11	Only in relation to scope ie limited to dealing with costs law issues	12/18/2023 12:52 PM
12	Not barriers per se, but whether they would be seen as "less" of "lower" than those already able to be appointed to such roles	12/15/2023 11:11 AM
13	I believe that the legal industry still places those holding the LPC and BTC in higher regard. This way of thinking is evolving as we have seen with CILEX and Costs Lawyers, however it is not quite there yet. The biggest obstacle will be when consideration for an appointment will be between a Costs Lawyer and a Barrister/Solicitor. Furthermore, until the legal system truly understands what it is that a Costs Lawyer does, there may also be an understanding barrier at the appointment stage.	12/15/2023 9:56 AM
14	No	12/15/2023 8:46 AM
15	None other than the perception that costs lawyers aren't solicitors or barristers and therefore aren't as capable (a bit like how Cilex are/were perceived)	12/14/2023 11:11 PM
16	No	12/14/2023 10:20 PM
17	I would really hope there would not be, as Costs Lawyers, much like solicitors and barristers, are regulated professionals and are a key cog in the litigation machine, which I would argue gives us just as much of a right to undertake judicial duties as other members of the legal profession.	12/14/2023 8:40 PM
18	Prejudice from those who do not consider Costs Lawyers to be qualified for the role	12/14/2023 6:11 PM

## Costs Lawyers and judicial appointment

19	No	12/14/2023 5:46 PM
20	No	12/14/2023 5:21 PM
21	None to my knowledge.	12/14/2023 4:36 PM
22	There should be minimum experience of costs litigation including advocacy to apply.	12/14/2023 3:55 PM
23	Challenges from the panels and questions regarding relevance or experience	12/14/2023 3:42 PM
24	Judicial Stigma	12/14/2023 3:23 PM
25	Understanding of the status and training undertaken by Costs Lawyers	12/14/2023 2:42 PM
26	Subject to there being no sub conscious bias against Costs Lawyers not being good enough and subject to support from the ACL and CLSB then I can see no barriers.	12/14/2023 2:32 PM
27	People (including solicitors and other legal professionals) still don't understand our roles and what the ACL course involves. Still see us as admin staff.	12/14/2023 2:20 PM
28	Breadth of experience, a need to display advocacy experience	12/14/2023 2:11 PM
29	Yes, some barriers may be academic, given that many Costs Lawyers do not possess a post-graduate (level 7) qualification that Solicitors & Barrister do. The other is likely to be how to interreact given that many Costs Lawyers are from a different social-economic background.	12/14/2023 2:06 PM
30	There is still a reticence amongst some members of the Judiciary when it comes to Costs Lawyers. That may hinder some applications	12/14/2023 10:12 AM
31	No	12/14/2023 6:54 AM
32	Restriction to only costs judicial appointments	12/13/2023 5:54 PM
33	It would be difficult in my view for costs lawyers to be appointed as District Judges/DDJs (or even Costs Judges) absent additional qualifications outside of costs (i.e. they would need also to be a solicitor, barrister of CILEX etc with experience practising in that capacity). Costs Lawyers would need a more rounded understanding, knowledge and exposure to legal issues and principles that apply outside of the costs arena. It would be difficult to comprehend how a costs lawyer who has only ever specialised in costs to be making decisions in a judicial capacity on whether a member of society should/should not have access to their children and/or whether somebody should be evicted from their home. However, if costs lawyers are specialists in costs, it makes perfect sense to extract and utilise that specialism and experience from them in a (judicial) decision making capacity.	12/13/2023 4:32 PM
34	Poteintially, the views of other legal professions	12/13/2023 4:29 PM
35	N/A	12/13/2023 4:15 PM
36	lack of experience in civil litigation	12/13/2023 2:44 PM
37	Maybe from judges.	12/13/2023 2:01 PM
38	There may be potentially areas of law where we would be unfamiliar	12/13/2023 1:34 PM
39	Only if Costs Lawyers were asked to consider matters that sit outside their experience and expertise.	12/13/2023 1:31 PM
40	I believe there would need to be a review into diversity statistics i.e. what proportion of Costs Lawyers are from state education, working class backgrounds etc.	12/13/2023 1:25 PM
41	Depending on when Costs Lawyers qualified, the academic training they underwent to qualify could be variable.	12/13/2023 12:24 PM
42	No.	12/13/2023 12:24 PM
43	Funding will be a barrier	12/13/2023 11:55 AM
44	We would be competing with Barristers and Solicitors who historically have been known to fill these posts.	12/13/2023 11:51 AM
45	Costs Lawyers are, in the main, not capable of dealing with many of the complex legal issues which can arise in ordinary judicial cases.	12/13/2023 11:46 AM

## Costs Lawyers and judicial appointment

46	No	12/13/2023 11:37 AM
47	No	12/13/2023 11:37 AM
48	While I expect my team to be proficient in the subject matter of the costs they are advising on, it not not be that all firms follow the same suit. There would therefore be perhaps an inevitable 'push back' as to experience and/or knowledge outside of costs - but equally, the CLSB could provide its' own training or development schemes to address thoser issues.	12/13/2023 11:28 AM
49	I fear the wider legal profession still considers Costs Lawyers as the "babies" so our credibility is somewhat watered down by some, so whomever is charged with appointments must not have such a preconception of the value Costs Lawyers bring to the legal profession overall.	12/13/2023 10:58 AM
50	I think there will always be teething issues when anything new is mooted. Look at Jackson!!	12/13/2023 10:40 AM
51	I would hope not. I would hope we would be treated as equals.	12/13/2023 10:26 AM
52	Lack of training for the position and understanding of the application process	12/13/2023 10:11 AM

## Q7 Do you have any other comments?

Answered: 29   Skipped: 56

#	RESPONSES	DATE
1	No	1/15/2024 8:18 AM
2	I think this is a very good idea and endorse the efforts of the ACL and CLSB in pursuing this. I have long been of the opinion that this should happen and I hope that it comes to fruition.	1/7/2024 4:37 PM
3	Costs Lawyers would make very good Costs Judges.	12/19/2023 11:54 AM
4	If this is to become something available to Costs Lawyers in the future, full details of potential roles and responsibilities would be welcomed	12/15/2023 11:11 AM
5	I am really pleased to see that this submission is being made, and if we are not successful, I do hope we continue to try each time.	12/15/2023 9:56 AM
6	It is time for change. There is a dire need to improve current court waiting times. There is a need to break through class and sex barriers	12/15/2023 8:46 AM
7	No	12/14/2023 10:20 PM
8	N/A	12/14/2023 8:40 PM
9	No	12/14/2023 5:46 PM
10	No	12/14/2023 5:21 PM
11	None	12/14/2023 3:55 PM
12	No	12/14/2023 3:23 PM
13	I would be very happy to work with the CLSB to support the application by providing documents demonstrating the rigour and breadth of training and standards achieve in the Costs Lawyer qualification	12/14/2023 2:42 PM
14	None	12/14/2023 2:32 PM
15	No	12/14/2023 2:06 PM
16	I would be too old to apply but would have jumped at the chance earlier in my career	12/14/2023 10:12 AM
17	Before qualifying as a Costs Lawyer I was a solicitor and costs draftsman. One of the reasons I became qualified is I believe that the Costs Lawyer qualification should be a requirement for any person wishing to become a SCCO Costs Officer or Judge or a Regional Costs Judge. Costs is not a subject taught on the Bar or the LPC. It goes to the heart of the fiduciary duties that any lawyer has to their clients. It is a uniquely important and complex subject and yet it is possible to be appointed as a Costs Judge having never taken any formal and regulated training in the subject. This seems unwise.	12/13/2023 4:41 PM
18	I am a big believer in judges sitting in areas of law they are passionate about. I see no reason why Costs Lawyers should not free up a significant amount of judicial resource elsewhere by being appointed in a judicial capacity to deal with lower value costs disputes. In my view, District Judges/Costs Judges' time is better spent dealing the points of law, significant factual or high value disputes that require the expertise and experience they possess and have amassed over the years. It almost seems a waste of Costs Judges time dealing with £100,000 quantum assessments in civil claims when they could be better utilising their time resolving points of principle/law, dealing with higher value claims, managing Group Litigation etc. Likewise, it seems a waste of judicial time to have District Judges in the provinces dealing with costs disputes when society would benefit more by having their time and expertise deployed on more serious criminal, family and housing issues... I think there is definitely a gap that can be plugged somewhere by having costs lawyers appointed in a judicial capacity to free up the valuable time and resource of other judges further up the judicial ladder. Personally, I would have no issue whatsoever conducting a contentious detailed assessment hearing	12/13/2023 4:32 PM

## Costs Lawyers and judicial appointment

tomorrow on a £250,000 bill in a civil claim for damages. I have been engaged in costs for 25 years and have been conducting my own advocacy since 1998. I have a number of reported decision in my own name and have taken numerous cases to the Court of Appeal on issues concerning costs law, evidence and procedure. I would feel entirely confident and rounded in my own knowledge and experience to "do justice" to the case. If the opportunity were to exist in the future, I would seriously consider applying and would be prepared to undertake further training as required.

19	N/A	12/13/2023 4:15 PM
20	A fairly ambitious project, but it could lead to interesting options for members.	12/13/2023 2:01 PM
21	No	12/13/2023 12:24 PM
22	No.	12/13/2023 12:24 PM
23	No	12/13/2023 11:55 AM
24	N/a	12/13/2023 11:51 AM
25	If Costs Lawyers are to be granted the right to judicial appointments, this should be limited to Costs roles and not extended to Deputy/District Judges for which they are not qualified.	12/13/2023 11:46 AM
26	No	12/13/2023 11:37 AM
27	I would be delighted to help in this. It is a point which is very close to my heart!	12/13/2023 11:28 AM
28	Should it ever be asked for "volunteers" for a trial run, I would be happy to help	12/13/2023 10:40 AM
29	No.	12/13/2023 10:26 AM

### Data to December 2023

## Costs Lawyer Standards Board

CLSB  


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# Introduction

The CLSB holds various types of data about the Costs Lawyer profession. We collect and analyse this data for a variety of purposes, such as:

- understanding the nature of our regulated community, including the service that Costs Lawyers provide, the challenges they face and how they interact with consumers and the public
- identifying areas of risk so that we can tailor our regulatory interventions accordingly
- monitoring the diversity of the profession and barriers to entry, promotion or inclusion
- supervising compliance with our regulatory rules
- sharing intelligence with other organisations, such as the Association of Costs Lawyers, to help with initiatives for the benefit of Costs Lawyers and the public.

Data we collect includes:

- information about the nature of Costs Lawyers' practice as part of their annual application for a practising certificate (the regulatory return)
- diversity statistics
- supervision and disciplinary information
- ad hoc information to help us fulfil our statutory obligations, such as opinions, feedback and predictions about market impacts.

The data we hold is [available on our website](#) or by [contacting us](#). This report provides an annual summary of core metrics.

Throughout this report, data is presented in a series of tables. Unless otherwise indicated, the figures in the tables show the percentage of Costs Lawyers that fall into each relevant category. By way of example, in the table on the next page that provides statistics on the age profile of the profession, the figures indicate that 8.5% of Costs Lawyers were aged between 20 and 29 in 2017. If you have any questions about interpreting the data, please [contact us](#).

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# About Costs Lawyers

## Age

The stabilisation in 2021 of the gradual increase in the average age of Costs Lawyers (due to the route of entry into the profession being closed in 2017 to 2019) has not continued, and the upward trend in the average age has resumed. The changes to the Costs Lawyer Qualification introduced in 2023 should help address this trend in time.

Year	20-29	30-39	40-49	50-59	60+	Age not given/prefer not to say
2017	8.5	37	26	18	8	2.5
2018	9.5	36.8	27.1	16.6	8.5	1.5
2019	7.4	37.3	27.2	18.2	9.2	1.5
2020	4.3	37.7	29	18.9	9	1
2021	4.1	35.6	28.2	18.5	7.6	5
2022	1.7	34.8	31.5	19.8	10.4	1.8
2023	2.2	32.7	33	20	10.5	1.6

## Diversity

Data relating to the diversity of the Costs Lawyer profession across a wide range of metrics is [available on our website](#). An analysis of the data from our 2023 Diversity Survey will be published later this year.

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# About Costs Lawyers' practice

## Organisation type

Since 2011, the number of Costs Lawyers in each type of practice has fluctuated year on year. Overall, the proportions of Costs Lawyers working for costs law firms and as sole practitioners have fallen, while the number working in firms regulated by the Solicitors Regulation Authority (SRA) has increased. Since 2018, more Costs Lawyers have been working in SRA regulated firms than any other type of organisation.

Year	Unregulated costs law firm	Sole practitioner	SRA regulated firm	In-house	Not currently practising
2011	53.8	16.1	26.5		
2012	48.2	17.4	31.0		
2013	42.0	19.4	29.2		
2014	44.0	17.8	34.3		
2015	41.0	15.8	33.7		
2016	38.0	17.7	37.2		
2017	43.1	14.5	37.8		
2018	39.6	14.1	41.0		
2019	39.7	11.8	41.2		
2020	35.4	13.6	47.0	3.0	
2021	39.3	12.2	44.8	3.7	
2022	40.2	11.3	44.5	3.9	
2023	40	10.4	45.4	3.9	0.3

### Notes:

1. In-house data is not available prior to 2020. Figures do not always total 100% because prior to 2020 data was not recorded for Costs Lawyers not working exclusively in one of the first three categories, and it was not obligatory for practitioners to provide this information.
2. Costs Lawyers were able to renew their practising certificate without currently practising for the first time in 2024.

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## Practice areas

We started collecting information about the types of costs services that Costs Lawyers provide in applications for a 2023 practising certificate, and current practice areas are shown on the [Register of Costs Lawyers](#). From next year we will begin publishing comparative data for this area to track trends over time.

Practice areas of regulated Costs Lawyers on 1 January 2023	Number of Costs Lawyers	Percentage of Costs Lawyers
Costs management and budgeting	595	90%
Litigation funding	267	40%
Personal injury or clinical negligence disputes	488	74%
Insolvency disputes	100	15%
International disputes	146	22%
Solicitor/client disputes	387	58%
Other civil litigation or ADR	376	57%
Court of protection	225	34%
Family	101	15%
Crime	30	5%
Probate	71	11%
Legal aid	169	25%
Public sector	95	14%
Tribunals	121	18%
Higher courts	215	32%
Litigants in person	150	23%
Practice management	142	21%
Other	387	58%

## Number of Organisations

With applications for a 2023 practising certificate we also began asking Costs Lawyers to provide us with details of all the organisations in which they work, rather than just their primary place of practice. Current additional organisations are shown on the [Register of Costs Lawyers](#).

On 1 January 2023 there were 663 regulated Costs Lawyers. Of these 13 were working in an additional organisation, and two of the 13 were working in two additional organisations.

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## Insurance

The CLSB collects data relating to the professional indemnity insurance policies held by Costs Lawyers working as sole practitioners or for costs law firms not regulated by the SRA. The minimum level of cover prescribed in the Practising Rules is £100,000.

Since 2014, the percentage of Costs Lawyers with higher levels of cover has been increasing. The percentage with cover of £2m or higher more than doubled between 2014 and 2022, with a significant rise in 2022. Almost half of all Costs Lawyers now have cover of £2m or more.

Cover level	2014	2015	2016	2017	2018	2020	2021	2022	2023
£100,000	22.1	17.5	18.6	16.0	10.6	10.1	9.8	9.4	8.6
£100,001-£999,999	32.0	28.9	26.6	23.7	23.3	24.6	23.6	22.9	23.3
£1,000,000-£1,999,999	24.9	25.8	25.1	26.5	29.4	26.5	27.0	21.1	21.2
£2,000,000 or over	20.4	28.0	29.5	33.9	37.1	38.8	39.7	46.6	46.8

Note: This data was not collected in 2019.

## Other legal regulation

Since 2021 the CLSB has asked Costs Lawyers whether they hold a current practising certificate from any other legal regulator.

Number regulated as	2021	2022	2023
Chartered legal executive	13	16	22
Solicitor	13	15	16
Other	1	1	2
Total	27	32	40

Note: The two practitioners in the “other” category are also regulated as a foreign lawyer by the Law Society of Scotland, and by the LSRA (Gibraltar).

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## Complaints

The number of complaints made at first tier has been increasing over the last few years but the total number remains low, which could be explained by a variety of factors such as strong client satisfaction, high levels of informal resolution or a lack of awareness about how to complain. To mitigate against the possibility that a lack of understanding is a barrier to complaints, in 2021 we introduced a [supervision framework](#) for auditing Costs Lawyers' complaints procedures.

Year	Number of first tier complaints made
2015	6
2016	1
2017	3
2018	3
2019	5
2020	3
2021	4
2022	5
2023	8

Similarly low levels of complaints are formally escalated to the second tier (namely the CLSB in relation to conduct complaints and the Legal Ombudsman in relation to service quality complaints and hybrid complaints relating to both service quality and conduct).

Year	Number of second tier complaints upheld	
	CLSB (Conduct)	Legal Ombudsman (Service)
2011	0	0
2012	2	1
2013	0	1
2014	1	0
2015	0	1
2016	0	0
2017	0	0
2018	2	0
2019	1	0
2020	0	0
2021	0	0
2022	1	0
2023	0	0

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# About Costs Lawyers' clients

## Sources of instructions

From 2020, we began to ask Costs Lawyers about the sources of their instructions as a proportion of total work. (Although we had asked questions about number of cases from different sources in the past, this data is not directly comparable.)

	Proportion of instructions from lay clients			
	2020	2021	2022	2023
0%	80.77	80.79	79.73	81.46
1-10%	15.68	15.10	16.34	14.74
1-25%	1.78	1.76	1.82	1.61
26-50%	1.18	1.17	0.61	0.73
51-75%	0.00	0.00	0.30	0.44
76-90%	0.15	0.15	0.15	0.00
91-99%	0.30	0.29	0.00	0.29
100%	0.74	0.73	1.06	0.73

	Proportion of instructions from other legal service providers			
	2020	2021	2022	2023
0%	22.34	26.54	18.91	20.88
1-10%	2.22	1.91	2.87	3.07
11-25%	1.48	1.47	1.21	0.88
26-50%	3.40	3.23	3.18	3.07
51-75%	2.66	2.64	2.72	3.21
76-90%	6.66	6.30	10.14	8.76
91-99%	10.50	10.26	9.83	8.32
100%	50.74	47.65	51.13	51.82

	Proportion of instructions from corporate clients			
	2020	2021	2022	2023
0%	71.75	72.87	65.51	69.34
1-10%	8.14	7.77	10.44	9.20
11-25%	2.66	2.64	4.24	3.65

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26-50%	3.40	3.37	4.08	4.23
51-75%	1.18	1.03	1.06	1.17
76-90%	1.48	1.32	1.82	1.61
91-99%	1.92	1.76	1.06	1.17
100%	9.47	9.24	11.8	9.64

Over half of all Costs Lawyers were instructed exclusively by other legal services providers, such as solicitors or barristers, and this proportion is increasing. The proportion doing no work at all for other legal services providers appears to be falling over time, although there was a slight increase in 2023.

Only around 20% of Costs Lawyers received some instructions from lay (individual) clients in the last three years, and only about 15% do more than 10% of their total workload for lay clients. However, a small number of Costs Lawyers receive instructions only from lay clients.

The small uplift in the percentage of Costs Lawyers receiving some instructions from corporate clients in 2022 has not been sustained, and over two thirds of Costs Lawyers still received no corporate instructions at all in 2023.

In 2023 the CLSB began asking Costs Lawyers about the number and nature of instructions they expected to receive from lay clients during the year. Capturing this data on a prospective basis – that is, asking Costs Lawyers about the instructions they expected to receive during the year rather than asking them about the instructions they actually received during the previous year – allowed us to identify those Costs Lawyers who would be captured by our regulatory framework for providing or marketing services directly to consumers.

Of the 661 Costs Lawyers renewing their practising certificate for 2023, 66 (10%) expected to provide or market services to consumers. The percentage of their workload they expected to come from direct consumer instructions in 2023 is shown in the following table. This suggests that of the expected total workload of all regulated Costs Lawyers in 2023 just 0.7% was anticipated to come from direct consumer instructions.



Percentage of workload expected from consumers in 2023	Number of Costs Lawyers
50%	2
30%	1
25%	1
20%	2
10%	15
5%	18
2.5%	1
2%	8
1%	11
0%	6

## Legal aid

Between 2012 and 2020 the proportion of the profession undertaking exclusively legal aid work doubled from 2.5% to 5%. The number of Costs Lawyers who do not undertake any legal aid work has increased in the period and is now relatively stable at around 70%, almost doubling since 2012. This is likely to be driven by reforms and other pressures on legal aid more broadly.

	Proportion of workload comprising legal aid work					
Year	0%	1-25%	26-50%	51-75%	76-99%	100%
2012	38.8	28.7	5.2	8.9	9.9	2.5
2013	46.7	23.4	4.7	7.9	8.3	2.9
2014	49.1	27.4	3.4	6.6	6.7	3.2
2015	49.8	23.7	5	1.6	6.3	4.1
2016	50.3	15.6	1.4	3.5	2.6	3.8
2017	56.1	20.8	3.4	2.4	5.9	2.1
2018	55.2	24.0	2.8	3.2	5.1	2.8
2019	51.3	22.3	3.0	3.1	4.3	3.7
2020	70.2	17.3	2.4	2.8	1.9	5.0
2021	71.4	16.7	2.3	2.2	0.7	4.7
2022	70.2	17.9	2.9	2.3	2.9	3.9
2023	71.7	15.3	3.5	1.8	3.2	4.5

Note: Where years do not total 100%, some Costs Lawyers did not provide this information.

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## Pro bono work

The number of pro bono cases undertaken by Costs Lawyers rose between 2015 and 2019. In 2019 there were 97 pro bono cases in total, and 45 of these were dealt with by one Costs Lawyer; the next largest number of cases was just 6. The overall trend is likely to be explained by the changing nature of traditional work areas and the rise in litigants in person using the justice system generally.

Year	Number of cases
2015	0
2016	4
2017	77
2018	61
2019	97

To better capture how the trend may be changing over time, from 2020 we asked Costs Lawyers to report on the percentage of their instructions that were pro bono. The figures are very similar for the three years, although there was a small increase in the percentage of Costs Lawyers undertaking some pro bono work in 2023.

Proportion of workload comprising pro bono cases	% of the profession			
	2020	2021	2022	2023
0%	97.2	97.2	97.1	96.6
1-25%	2.7	2.6	2.7	3.2
26-50%	0	0	0	0
51-75%	0	0	0	0
76-100%	0.2	0.2	0.2	0.1

We encourage all Costs Lawyers to engage with pro bono work and to consult our [guidance for Costs Lawyers](#) which was published in 2021.

## Vulnerable clients

This data has been collected since 2016. Generally Costs Lawyers deal with very few vulnerable clients, which reflects the low number of instructions received directly from individual consumer clients.

From 2020 the data has been collected as a percentage of total instructions rather than an absolute number of instructions to improve comparability. In all three years, 95% of one Costs Lawyer's clients were vulnerable, but no other Costs Lawyer reported more than 50% of their clients having vulnerabilities. The nature of vulnerabilities in 2023 included protected parties, lay clients, language difficulties, the elderly and children.

Year	Number of vulnerable clients
2016	2
2017	4
2018	16
2019	13

Proportion of vulnerable clients	% of the profession			
	2020	2021	2022	2023
0%	98.5	98.5	97.7	97.5
1 – 25%	1.0	1.0	1.7	1.9
26 – 50%	0.3	0.3	0.5	0.4
51 – 75%	0.0	0.0	0.0	0.0
76 -100%	0.2	0.2	0.2	0.1

**Minutes of the ACL Council Meeting**  
**held on 29 August 2023**  
 via Teams



Council members present: Jack Ridgway (JR), Stephen Averill (SA), David Bailey-Vella (DBV), Kris Kilsby (KK), Julian Caddick (JC), Laura Rees (LR), & Amy Dunkley (AD)

Also present: Carol Calver (CC) Head of Operations

The meeting started at 10:00

Item	
1	Welcome and apologies
1.1	Apologies were received from Victoria Morrison-Hughes and Stephanie McBride JR welcomed all to the meeting.
2	Minutes of the council meeting held on 25 July 2023
2.1	It was unanimously agreed that the draft minutes of 25 July were an accurate reflection of the meeting. It was agreed that items 7.1 & 8.1 should be partially redacted before publishing on the website.
3	Actions arising from the council meeting held on 25 July 2023
3.1	Actions were reviewed and updated.
4	Chairman's Report
4.1	JR detailed his intent to fully review the Articles & Bye-Laws by the end of September.
4.2	JR has agreed to sit on the Claims Media Personal Injury awards panel in Manchester on 23/11
4.3	JR changed the September Council meeting to virtual due to the October council meeting already being in person. Suggested November may be more suitable to review Articles and Bye-Laws, with a full member consult following in December and January, voting on changes at AGM in February 2024.
5	PR & Marketing Committee Report
5.1	DBV confirmed Black Letter will be creating some short video clips for use on Social Media accounts.
6	Policy Committee Report
6.1	KK summarised the response from members so far to the FRC consultation on issues relating to the new regime. We have received 17 responses so far with 5 members wishing to join the Town Hall event on 04/09.
6.2	JR highlighted that by the end of September the ACL should consider if any intervention is required, with consideration to the APIL judicial review in terms of effect to Costs Lawyers. KK updated council on Policy involvement where the SCCO intended to move to V2 of CoP e-Bills at the beginning of September. The concerns were the manner in which the changes were communicated and the notice provided before the change was due to be implemented. The

	ACL sought immediate clarification from Senior Costs Judge Gordon-Saker who subsequently requested amendment by the Court. KK will continue to monitor and feedback to the membership.
6.3	The LSB have invited the ACL to contribute on the first tier complaints consultation due in November. The Council will consider this in September.
6.4	KK has requested a review meeting with the CLSB during September. Council to provide any agenda points.
6.5	JC reminded Council that we would ask members opinion on the CJC Reports via the eBulletin.
<b>7</b>	<b>Education Report</b>
7.1	LR confirmed applications for the new course have now closed with ACLT exceeding the required numbers for enrolment. <i>Redacted due to confidentiality.</i>
7.2	CC detailed that DBV and LR will take part in Student inductions during the first week of September, providing an overview to students of the ACL of what we do along with benefits of membership.
<b>8</b>	<b>Finance &amp; Internal Policy Committee Report</b>
8.1	SA provided council with an update on investments, <i>redacted due to confidentiality.</i>
8.2	CC reminded Council to provide details for Lloyds Bank mandate for adding of all Directors as listed at Companies House to the account.
<b>9</b>	<b>Operations Report</b>
9.1	CC detailed current delegate numbers and discussed with Council an outstanding speaker slot. <i>Redacted due to confidentiality.</i>
9.2	CC highlighted concerns over delegate numbers for the upcoming LAG Seminar in Leeds on 10/09. Council agreed to a final push until 1 <sup>st</sup> September with a review then to either move or cancel.
9.3	CC updated Council on the upcoming meetings for the Special Interest Groups with Court of Protection and Solicitor / Client Costs gaining momentum. Agreed to continue with Commercial Costs group with the intention of reducing to just the LinkedIn group if further interest for meetings not generated.
9.4	An overview and review of website proposals was briefly discussed with preference for Urban Media, however final decision is still dependent on final questions and queries being resolved. CC now anticipates a website re-launch in early 2024.
<b>10</b>	<b>Any other business &amp; Date of next meeting</b>
10.1	KK asked Council's opinion of the ACL providing training on revisions to the CoP eBill and changes to FRC. Council discussed at length and decided it was unnecessary for the ACL to provide training on FRC extension rules as many Chambers are already providing this. The ACL will share with members links to relevant training seminars available along with a reminder to use the member network to voice queries via the conference, regional meetings and SiGs. With regards to eBill training, Council surmised that most members already had sufficient knowledge to process these, if a need for general Excel training was required then it could be reviewed.

10.2	There being no further business the meeting ended at 11:25 Next meeting is scheduled for 26 September 2023, 10:00 to 12:00 via Teams.
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**Minutes of the ACL Council Meeting**  
**held on 26 September 2023**  
via Teams



Council members present: Jack Ridgway (JR), Stephen Averill (SA), David Bailey-Vella (DBV), Kris Kilsby (KK), Julian Caddick (JC), Victoria Morrison-Hughes (VMH), Laura Rees (LR), & Amy Dunkley (AD)

Also present: Carol Calver (CC) Head of Operations

The meeting started at 10:00

Item	
1	Welcome and apologies
1.1	Apologies were received from Stephanie McBride JR welcomed all to the meeting and acknowledged Stephanie McBride officially stepping back from the Council <i>redacted due to confidentiality</i> . This is expected to be temporary, and JR & CC will liaise with Stephanie in January 2024 for review.
2	Minutes of the council meeting held on 29 August 2023
2.1	It was unanimously agreed that the draft minutes of 29 August were an accurate reflection of the meeting. It was agreed that items 7.1, 8.1 & 9.1 should be partially redacted before publishing on the website.
3	Actions arising from the council meeting held on 29 August 2023
3.1	Actions were reviewed and updated.
4	Chairman's Report
4.1	JR confirmed the instruction of Urban Media to create, design and host the new Association website. This is due to go live in January 2024.
4.2	JR continues to review the Association Bye-Laws and Articles and expects to have this finalised by the end of September.
5	PR & Marketing Committee Report
5.1	Black Letter to attend a council meeting before the end of the year to discuss future projects and PR.
5.2	Costs in the City moved to 09/11, DBV intends to organise similar for Manchester / Leeds / Liverpool during 2024.
5.3	CC detailed a replacement to Slido of Vevox and provided a brief overview to Council.
6	Policy Committee Report
6.1	KK summarised the involvement and influence of the ACL in the recent suggested changes to the Cop eBill migration to v2, resulting in a positive and appreciated outcome for the membership with a delay of the migration and further changes moving forwards.

6.2	The Policy sub-committee met with the CLSB and successfully reviewed the collaborative approach to career promotion, routes to qualification and training.
6.3	KK detailed the response of the Association to the FRC Extension consultation, utilising opinion and discussion derived from the members via an ACL survey and town hall meeting.
6.4	KK summarised a further consultation regarding FRC in Clinical negligence cases up to £25k, with the members being encouraged to submit responses directly.
6.5	KK attended a Law Society meeting on behalf of the ACL Legal Aid group in review of civil legal aid, concerns of the MoJ approach to economic analysis.
7	<b>Education Report</b>
7.1	VMH confirmed that the final recruitment numbers for Yr1 of the CLQ course were excellent and beyond expectations, with Yr2 intake in Feb 24 already encouraging.
7.2	Fees for 2024 were approved at the latest ACLT Board meeting with T&Cs to be reviewed to allow for any necessary mid-point/term increases.
7.3	<i>Redacted due to confidentiality.</i> Overall, the 2023 year is anticipated to be ahead of budget.  ACLT have had an initial discussion with PR-AM regarding the promotion of the profession going forward. DBV will work with the CLSB, Black Letter and JR to formalise the approach to this in 2024 and beyond.
7.4	The ACLT have recruited a Chair to the CLQ Apprenticeship pilot <i>redacted due to confidentiality.</i>
8	<b>Finance &amp; Internal Policy Committee Report</b>
8.1	SA reported on current value of investments <i>redacted due to confidentiality</i> and proposed to Council that, as detailed in a previously shared report that underperforming funds should be sold off and reinvested – this was agreed in full by the Council.
9	<b>Operations Report</b>
9.1	DBV reported on newly added breakout sessions for Special Interest Groups at the ACL London conference <i>redacted due to confidentiality.</i>
9.2	CC detailed increased momentum in the ACL Special Interest Groups with Costs Judge Rowley joining the September meeting for Solicitor / Client Costs and Costs Judge James attending the December meeting for Court of Protection.
9.3	Council discussed at length subscription rates for 2024, unanimously deciding in no increase for the coming 12 months to further support members during ongoing economic instability. Operations will work with sole practitioners who may prefer membership through 10 x installments rather than a single annual fee. Operations also intend to contact lapsed members from 2021 and 2022 as historically these members are not contacted again once lapsed.
9.4	<i>Item 9.4 redacted due to confidentiality.</i>  <i>VMH left the meeting at 11:30</i>
10	<b>Any other business &amp; Date of next meeting</b>
10.1	KK to explore alternative hosts for Newcastle Regional meetings <i>redacted due to</i>



10.2	<p><i>confidentiality.</i> Ongoing shared hosting of meetings.</p> <p>There being no further business the meeting ended at 11:50</p> <p>The next meeting is scheduled for 19 October 2023, at the Leonardo Royal Hotel at 19:00</p>
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**Minutes of the ACL Council Meeting**  
**held on 19<sup>th</sup> October 2023**  
in person at the Leonardo Royal, London



Council members present: Jack Ridgway (JR), David Bailey-Vella (DBV), Stephen Averill (SA), Kris Kilsby (KK), Julian Caddick (JC), Victoria Morrison-Hughes (VMH), Laura Rees (LR) & Amy Dunkley (AD)

Also present: Carol Calver (CC) Head of Operations  
Jo George (JG) Operations Administrator

The meeting started at 19:00

Item	
1	Welcome and apologies
1.1	JR welcomed all to the meeting.
2	Minutes of the council meeting held on 26 September 2023
2.1	It was unanimously agreed that the draft minutes of 26 September were an accurate reflection of the meeting. It was agreed that items 1.1, 7.3, 7.5, 8.1, 9.1, 9.4 & 10.1 should be redacted / partially redacted before publishing on the website.
3	Actions arising from the council meeting held on 236 September 2023
3.1	Actions were reviewed and updated.
4	Chairman's Report
	This was omitted due to discussion on London Conference following day.
5	PR & Marketing Committee Report
	This was omitted due to discussion on London Conference following day.
6	Policy Committee Report
6.1	KK updated council on the recent member consultation for Fixed recoverable costs in lower damages clinical negligence, with a formal response to be submitted by 27/10.
6.2	VMH offered to introduce KK to contacts at AXO
7	Education Committee Report
7.1	LR detailed an upcoming meeting to review the 2024 ACLT Budget, this will be reviewed before providing feedback to council.
7.2	LR confirmed tutor contracts were being reviewed <i>redacted due to confidentiality</i> .
7.3	CC offered to include both VMH & LR in the Operations / ACLT monthly catch up
8	Finance & Internal Policy Committee Report
	This was omitted due to discussion on London Conference following day.

9	Operations Report
9.1	A detailed discussion regarding final points for the London conference took place, detailing numbers, logistics, speakers and operational support for the day.
10	Any other business
	n/a
11	Date of next meeting
11.1	Next meeting was scheduled as an in-person meeting on 28 <sup>th</sup> November in Leeds. There being no further business the meeting ended at 20:00

## Board report

### Review of the 2024 practising certificates renewal process

16 January 2024

#### Overview

- The 2024 Register of Costs Lawyers went live on the morning of 4 January 2024.
- The number of Costs Lawyers renewing their practising certificate was higher than in recent years, and terminations lower, resulting in 690 Costs Lawyers on the Register on 1 January. (Applications for a first practising certificate were sent to 15 new qualifiers on 12 January.)
- This fourth year of running online renewals was administratively the smoothest to date. The new bulk email sending system, linked to reports generated by the database worked efficiently, eliminating the only outstanding issues with the new online process.

#### Statistics

Unless otherwise stated all statistics in this report are at 9 January 2024.

#### Regulated numbers on 1 January

	Total	Renewal	Reinstatement from 1 Jan
2024	690	688 (out of 706 on 31 Dec)	2
2023	663	661 (out of 699 on 31 Dec)	2

**Table 1: Renewal numbers**

#### Renewals

Regulated numbers (Previous year in brackets)	Renewals/reinstatements/new qualifiers	Terminations	Total <sup>1</sup>
By end Nov <sup>2</sup>	661 (640)	12 (26)	673 (666)
By end Dec	682 (652)	12 (30)	694 (682)
At end of process <sup>3</sup>	688 (663)	18 (38)	706 (701)

**Table 2: Renewal numbers by date**

<sup>1</sup> This is the total number of regulated Costs Lawyers at 31 December.

<sup>2</sup> Renewals complete or received in part.

<sup>3</sup> Excludes reinstatements in 2024.

	Parental Fee Remission	CPD Remission	CPD Dispensation – exceptional circumstances	Hard copy PC request	Hard copy application	Late payment
2024 PC App	17	28 <sup>4</sup>	1	12	0	79
2023 PC App	14	24	0	21	0	80
2022 PC App	14	36	2	15	2	90
2021 PC App	5	47	4	16	1.5	64

**Table 3: Renewals further information**

CPD Remission <sup>5</sup>	Furlough/long term leave	Newly qualified	Reinstatement	Parental leave	Sick leave
2024 PC App	3	2	4	16	3
2023 PC App		4	1	18	2
2022 PC App	2	4	6	20	4
2021 PC App	12	13	3	16	3

**Table 4: CPD remission breakdown**

### Terminations

Terminations	2023	2022	2021	2020	2019	2018	2017	2016
Total	18 <sup>6</sup>	38	33	32	47	58	61	43

**Table 5: Termination numbers**

Termination reasons	COVID related	Retirement	Left profession	Parental leave	Other	Not known	No response
31.12.2023		4	2	5	5	1	1
31.12.2022		4	6	6	12	1	9
31.12.2021		4	3	6	11		8
31.12.2000	7	2	4	5	7	2	5

**Table 6: Termination reasons**

Terminations for other reasons at the end of 2023:

- Working as a costs draftsman prior to forthcoming retirement – 2
- Bereavement – 1
- Don't need a practising certificate; has other qualifications – 1
- Ill health – 1

Notably only one Costs Lawyer did not respond at all to our emails, significantly down from previous years.

To help us better understand Costs Lawyers' experience of the profession and why they leave, since 2022 we have invited (most) Costs Lawyers not renewing their practising certificate to complete an exit survey. Last year we included a summary of the exit survey responses in the board report on renewals, however the low number of terminations this year means we have minimal feedback to report for this renewal period (we have only had one survey response to date). If we receive any more meaningful data during Q1, we will update the board in April.

<sup>4</sup> Excludes 2 CLs whose CPD records are outstanding.

<sup>5</sup> Excludes 2 CLs whose CPD records are outstanding.

<sup>6</sup> Excludes 3 Costs Lawyers who died during 2023 and so were not on the Register on 01.11.23.

## Other data from the renewals process

Most other data about the profession collected from the practising certificate applications is reported in the *Costs Lawyer Profession in 2023* report.

## Effectiveness of CLSB

Appendix 1 sets out the feedback provided in the free text box that we incorporated into the PC renewal form, inviting Costs Lawyers to say why they consider the CLSB to be an effective or ineffective regulator.

## Total CPD points

In 2022 we began to record in the database the total number of CPD points reported by CLs. This should be viewed with some caution as there is no requirement to report CPD in excess of the minimum 12 points required – although many clearly do.

Excluding CLs who had CPD remission due to not working for a full year, the following CPD was reported:

CPD points	12	12.01-19.9	20-30.9	31-50.9	51-100
2023	13.5%	69.5%	14.2%	1.8%	0.6%
2022	15.1%	70.2%	11.5%	2.7%	0.6%

**Table 7: Total CPD points**

The table shows that almost 85% of CLs do more than the prescribed minimum amount of CPD.

## Diversity

As in previous years we asked CLs to complete a diversity survey on submission of their application for a practising certificate. This year we undertook a full diversity survey, the first since 2020.

We had 242 responses, a 35% response rate (down from 39% last year). Results of the survey will be reported later this year.

## Developments for 2024

The online renewals system is now functioning well, and there are no bugs or issues that must be fixed for the following year for the first time. We can therefore now focus on improvements to the user experience in 2024. We intend to:

- Review the payment part of the process, looking at the scheduling of the application deadline in relation to invoice due dates.
- Explore the possibility of taking payment by credit card.
- Review the submission of complaints procedures and evidence of professional indemnity insurance by individual Costs Lawyers working in large firms.

In addition to these user experience improvements we intend to develop the “back office” configuration of the online forms to allow more automatic updating of annual changes of dates and practising fees. This will make updating and testing changes to the forms much easier.

To comply with new LSB requirements we will also be making changes to the data collected on complaints from Costs Lawyers.

## Appendix 1 – Feedback from PC applications about the CLSB’s effectiveness

Below is a verbatim read-out of comments made in the free text box that we have incorporated into the PC renewal form, inviting Costs Lawyers to give feedback about why they consider the CLSB to be an effective regulator or not.

### *Comments from Costs Lawyers who consider CLSB effective:*

- As a regulated authority I consider this on par with other legal regulators but the fact it is not a recognised authority/qualification to apply for a judicial position is a factor which should be addressed.
- CLSB always provides helpful guidance and support when needed. I have always had positive experiences with them as an organisation.
- Economical
- Generally find that the CLSB have been helpful. Would like to see more specific guidance being provided when difficult situations arise and the CLSB is approached for advice on how to deal with the same, but otherwise I have been very happy with the CLSB's approach to regulation.
- Great support for costs lawyers and the regulatory information provided to the ACL's members is always clear and up to date.
- Helped me promote social mobility within the industry this year. Thank you
- I am a dual qualified Fellow of CILEx and I find the CLSB to be very effective, moreso than CILEx Regulation. In my experience, the CLSB has always been very responsive and very helpful when I have had any queries.
- I appreciate the regular Newsletters and being kept up-to-date with developments.
- I consider the CLSB to be efficient and promotes the profession extremely well by the representations made. Dare I say far superior to the SRA.
- I have never filled this bit in before but I was really pleased to see the FitforLaw course offered. I think that having this made available to us shows a genuine consideration for the overall development of Costs Lawyers which is important. One of my aims this year has been to take a more holistic approach to developing my skillset so it is good to feel that this is valued by the CSLB. Some of the things I have done I am not sure can be put on the form (mindfulness around my work etc) so having something more formal that I can learn from is very helpful indeed. Thank you.
- I think the CLSB do an excellent job. Very efficient
- I'm very grateful for assistance given with respect to the disclosure of my files following a request from a lay client who had changed solicitors.
- It is good to know that the profession is regulated. This instils confidence in the profession.
- it is important for Costs Lawyers to have a Body to be accountable to and further assists our position in the legal framework.
- It's all fine, I would also politely query if we will get 1/2 CPD points for each 30 minute block exceeding 1 hour but still minimum 1 hour. I have spent more than 13 hours on CPD this year but have rounded down to 1 hour per attendance of course
- Pro-active and forward thinking regulator with a focus on the shape of the profession in the future.
- Updates very useful to keep everyone up to date
- Would still prefer to see moves towards entity regulation

*Comments from Costs Lawyers who do not consider CLSB effective:*

- Through no fault of its own the CLSB regulates individuals, not companies. Costs is not a reserved activity so unregulated costs draftsman cannot be controlled. I raised a complaint about a bill drafted by an employee of a costs lawyer firms whose principles are regulated - and the senior costs judge made damning findings about the bill (misleading the court) but as the actual drafter was not a costs lawyer, the CLSB were powerless to act and the costs lawyer firm proceeded without sanction. The immediate issue is there is no sense in employing costs lawyers, you might as well employ unqualified and unregulated draftsman because you cannot be held accountable for their actions.

*Comments from Costs Lawyers who chose that they preferred not to say:*

- Do not think I have experienced their services as a regulator or at least if I have I have not noticed them, so cannot really comment on this.