



Consultation response

Law Society Green Paper - Proposals for a 21st Century Justice System

3 January 2024

The Costs Lawyer Standards Board (“CLSB”) is the regulator of Costs Lawyers in England and Wales. We exist to serve the public interest by setting and maintaining the standards of professional conduct by which Costs Lawyers must abide. Our mission is to “provide effective, proportionate regulation of Costs Lawyers in a way that promotes consumer choice and understanding, and engenders justified public trust.”

The CLSB is pleased to respond to the Law Society’s Green Paper on Proposals for a 21st Century Justice System.

The Green Paper sets out several proposed reforms to the civil justice system aimed at addressing unmet legal need and improving access to justice for individuals and small businesses.

The Green Paper proposes the development of an online tool that would help individuals and small businesses to identify legal issues and sources of redress (referred to in the Green Paper as the ‘Solutions Explorer’). The Green Paper also includes proposals for improving non-court dispute resolution mechanisms, the creation of a Costs Council as envisaged by the Jackson Review, and proposals for reforming civil legal aid.

If an online tool were to be developed in the way that the consultation paper envisages, then we would suggest that costs should be one of the areas of law incorporated into the tool at an early stage. Perceived or actual costs can be a barrier to individuals and businesses seeking to progress legal issues. An online tool could help users to identify regulated costs lawyers as a potential source of advice on costs issues, thus helping to address unmet legal need where this exists in relation to legal costs.

If a Costs Council or standing committee were to be created as recommended by the Jackson Review and as proposed in the Green Paper, we recommend that it should include representatives of regulated Costs Lawyers. Regulated Costs Lawyers have a detailed knowledge of, and expertise in, the field of legal costs. They are experts in preparing costs budgets, advising on fee arrangements between clients and their legal advisors, advising on legal aid costs and claims, and advising in disputes and costs mediation, as well as other costs-related matters. This expertise would be of value to a Costs Council with responsibility

for reviewing fixed recoverable costs and overall upper limits for more complex, high-value cases, and for setting guideline hourly rates for solicitors, as envisaged in the Green Paper.

We look forward to the publication of the Law Society's response to the consultation in due course.