



The Costs Lawyer Standards Board, setting and maintaining standards in the profession

Newsletter to Costs Lawyers 15: 28 November 2018

CILEx – A correction by ACL

On 8 November 2018, the ACL published an article under the heading “CILEx agrees exemptions to allow Costs Lawyers to join as members and requalify.” Following intervention by the CILEx and the CLSB, the ACL issued a correction statement under its newsletter dated 15 November 2018.

The ACL would like to apologise for any confusion caused by an article, and comments made, last week which inferred a change to CILEx’s regulatory arrangements and the process for qualification as a Chartered Legal Executive. Such a change has not taken place.

To clarify:

CILEx has, for several years, applied policies and processes to enable recognition of appropriate prior certificated learning considered to be equivalent to units in the CILEx professional qualifications. CILEx accepts exemption applications to help ensure that students do not need to repeat learning that they have gained previously. The published CILEx Exemption Policy sets out the rules and processes which relate to exemption applications.

The Costs Lawyer qualification is not a Listed Exemption and therefore any application in relation to this qualification would be, and has been, dealt with on an individual basis, using the CILEx Unlisted Exemption application process.

A recent enquiry was made to CILEx to request a mapping exercise to establish whether an unlisted exemption application might be available for an individual who has completed the Costs Lawyer qualification, and the results of this exercise have been passed to the individual concerned.

As the Costs Lawyer qualification is not a Listed Exemption, any application in relation to it should be made as an Unlisted Exemption application and will be dealt with on an individual basis, with each application assessed on the evidence of prior learning submitted by the applicant at that time.

Recommendations in CMA report dated 15 December 2016

Client care letters: The CMA recommended client care letters state the experience of the person handling an instruction, as well as their qualification. The requirement to state your qualification has always existed under our guidance note. The CLSB has therefore revised its

guidance note to reflect the additional requirement that a Costs Lawyer sets out their years of experience.

Websites: The CMA recommended that pre-instruction pricing information and complaints procedures be published by Lawyers. The CMA has accepted the CLSB cannot make this a requirement as it does not regulate entities who generally own and operate their business websites. The CLSB has however agreed to recommend that where a Costs Lawyer has influence over website contents, they seek to ensure their complaints procedure and meaningful pre-instruction pricing information is published.

New CLSB board members

The 24th October 2018 was the last CLSB board meeting of David Gamble, who had served in a lay non-executive director (NED) for 5 years. David was an excellent board member and we were sorry to see him leave. The CLSB was delighted by the response to the two advertised opportunities (lay NED to replace David and non-lay NED to replace Richard Allen whose term in office ends January 2019).

Interviews have now taken place, and we are pleased to advise that Costs Lawyer Paul McCarthy will be joining the CLSB board as a non-lay NED in January 2019 and Stephanie McIntosh will be joining as a lay NED in December 2018. Stephanie is a panel member on the Judicial Appointments Commission and is a Director of Development & Practice at the Parole Board.

Update: Costs Lawyer competence assessment (CLCA)

On 24 October 2018, the CLSB board approved the CLCA in principle. It was agreed that one further consultation be actioned before an application is filed for consideration by the LSB. The proposed CLCA was therefore sent by email to all Costs Lawyers and the ACL on 25 October 2018. The consultation closed on 21 November 2018 and we are now working on our application to the LSB.

Qualifying as a Costs Lawyer

If you are aware of anyone wishing to qualify as a Costs Lawyer, please ask them to register an interest at enquires@clsb.info so that we can keep them updated on the proposed new CLCA.

2019 practising certificate packs

2019 practising certificate application packs will be posted to arrive at residential addresses on 1 December 2018. Do ensure the CLSB receives your fully completed application on or before 31 December 2018 to avoid a reinstatement charge.

Your contact details

Please don't forget to let us know if you change:

- employer; or
- home address; or
- email address.

We are aware from phone calls received how much the CLSB register is used by potential clients looking to contract a Costs lawyer, so keeping your employer information up to date is in your best interests. In respect of your personal information, keeping this up to date enables us to ensure effective communication.

Email: enquiries@clsb.info

Phone: 0161 956 8969

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Costs Lawyer Standards Board

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