

Our Ref: «MATTER_FEE_EARNER_ID»/«client_no»/«matter_no»

25 March 2022

«FW_CN_CLI_INFO_FW_CN_LF_TITLE» «FW_CN_CLI_INFO_FW_CN_LF_INITIA»
«FW_CN_CLI_INFO_FW_CN_LF_SNAME»
«FW_CN_CLI_INFO_FW_CN_LF_ADD»

Dear «FW_CN_CLI_INFO_FW_CN_LF_TITLE»
«FW_CN_CLI_INFO_FW_CN_LF_SNAME»

Re: «MATTER MATTER DESCRIPTION»

Thank you for your instructions to act for you in respect of «LINKNAME_FORENAME_1»
«LINKNAME_SURNAME_1»'s medical negligence claim.

This letter explains the basis on which we will carry out all the work in relation to
«LINKNAME_FORENAME_1»'s case. As the parent/guardian of
«LINKNAME_FORENAME_1» «LINKNAME_SURNAME_1», unless we hear from you to the
contrary, we assume that you will be her nominated 'litigation friend' and will be responsible
for providing instructions in relation to «LINKNAME_FORENAME_1»'s case.

A litigation friend is also responsible for any costs which may be payable by a minor or
patient should a cost order be awarded against the minor/patient. However, a minor/patient
is usually entitled to public funding, and under the relevant statutes, if a court is considering
whether or not to make a cost order against a legally aided party, (s)he must look at the
legally aided party's financial circumstances. As public funding is granted to those without
their own financial resources, it is most unlikely that a court will require the legally aided
party to pay costs.

Legal Help

In light of the information you have provided, we assessed «LINKNAME_FORENAME_1»'s
eligibility for Legal Help. , «LINKNAME_FORENAME_1» qualifies for this preliminary form of
funding. As «LINKNAME_FORENAME_1» qualifies we will be able to do work up to the
value of £249 plus VAT on «LINKNAME_FORENAME_1»'s behalf.

These figures allow us to meet with you and others, travel when necessary, consider,
prepare and work on papers, enter into and consider incoming correspondence, make and
receive telephone calls on your behalf, consider any issues which arise and keep you
informed of matter. However, it is not possible for us to attend Court on your behalf.

In extenuating circumstances, if further work is required, we may be able to apply for an extension of this financial limit to a maximum of £500.00 plus VAT, but if it is refused, it will be your responsibility to cover the cost of the additional work requested by you which exceeds the existing limit. If we do not recover costs from your opponent but «LINKNAME_FORENAME_1» recovers compensation or property, these costs may be repayable to the Legal Aid Agency by «LINKNAME_FORENAME_1» from damages received.

The Legal Aid Agency which provides Legal Help funding will pay your legal costs as follows:

- £47.80 per hour for attendance upon individuals and documentation and preparation;
- £37.50 per hour for telephone calls and letters.
- £26.80 for travelling and waiting.

Our charges are calculated mainly by reference to the amount of time that we spend on a matter.

Routine letters that we write and routine telephone calls that we make and receive will be charged as units of 1/10th of an hour. Other letters and calls will be charged on a time basis.

We will add VAT to our charges at the rate that applies when the work is done. VAT is 20% at present.

Please note that unnecessary telephone calls received or made at your request have the potential to eat into the funding before initial investigations/work has been finalized.

CLS Funding certificates for Legal Representation

If you apply for a Funding certificate on behalf of «LINKNAME_FORENAME_1», your application forms will be submitted to the Legal Aid Agency but it may take them 3-4 weeks to deal with your application. If they calculate that «LINKNAME_FORENAME_1» is financially eligible for a Funding certificate they will then look at the chances of «LINKNAME_FORENAME_1»'s case succeeding and the likelihood of the opponent being able to pay her legal costs. The Legal Aid Agency will notify you of their decision and can issue a Funding Certificate, an Offer of Funding or refuse «LINKNAME_FORENAME_1»'s application. In the latter case you can appeal against their decision, if appropriate

Financial Changes and Discharge of Funding Certificates

If and when «LINKNAME_FORENAME_1» is granted a Funding certificate you have a duty to disclose any changes in «LINKNAME_FORENAME_1»'s circumstances, including a change of address or financial circumstances. If there is any increase in «LINKNAME_FORENAME_1»'s finances during the time «LINKNAME_FORENAME_1» is in receipt of Funding, this may affect the amount of any contribution that has to be paid towards the costs of «LINKNAME_FORENAME_1»'s case. As soon as there is any change in «LINKNAME_FORENAME_1»'s circumstances you should inform us and notify the Legal Aid Agency. If «LINKNAME_FORENAME_1» becomes financially ineligible for Funding «LINKNAME_FORENAME_1» certificate will be discharged. «LINKNAME_FORENAME_1» may be asked to make a contribution towards the costs incurred by the Legal Aid Agency up to the date of discharge of your certificate. However, as a minor, this is most unlikely unless she has, for example, money settled in a trust. The Legal Aid Agency can also discharge «LINKNAME_FORENAME_1»'s Funding Certificate if our investigations show that it is unlikely that her claim for compensation will be successful. The Legal Aid Agency will pay

the costs incurred by us, «LINKNAME_FORENAME_1»'s experts and Counsel until the date the certificate is discharged but you will be responsible for paying for any additional work after that date.

Funding Contributions and Revocation of Funding Certificates

You may be required to pay a monthly contribution towards the costs of the case in which case the Legal Aid Agency will send you an Offer of Funding setting out the amount you have to pay. We cannot start work on «LINKNAME_FORENAME_1»'s case, under the terms of the Certificate, until you accept the offer and start to make payments in accordance with that offer. The Legal Aid Agency will then issue a Funding Certificate. Again, it is highly unlikely that a contribution will be payable on «LINKNAME_FORENAME_1»'s certificate. If «LINKNAME_FORENAME_1»'s income or capital position changes you should inform us and notify the Legal Aid Agency who will re-assess your contribution. Failure to keep up to date with payment of contributions may result in «LINKNAME_FORENAME_1»'s Funding Certificate being revoked or cancelled and you may have to pay all or some of the costs incurred by us, your experts and Counsel up to the date your certificate was cancelled. You would lose all contributions paid to the Legal Aid Agency. Funding contributions are payable throughout the entirety of your case and have to be paid even after the work we do on your behalf has been completed. If you cannot afford the contributions you should notify the Legal Aid Agency immediately. The Legal Aid Agency can also revoke or cancel your Funding Certificate if you provide them with false information about your financial resources or you do not co-operate with them or us by providing requested information. As you may be asked to repay «LINKNAME_FORENAME_1»'s costs in full it is important that you keep in touch with us and do not abandon your case without discussing the implications with us.

If «LINKNAME_FORENAME_1» is successful and recovers compensation and legal commission will repay to «LINKNAME_FORENAME_1» some or all of the contributions which have been paid on her behalf. As noted above, it is extremely unlikely that «LINKNAME_FORENAME_1» will be required to pay a contribution.

The Statutory Charge

The Legal Aid Agency has a charge over any money or property that is recovered or preserved as a result of a case for which «LINKNAME_FORENAME_1» has a Funding Certificate, whether by settlement or court order.

This means that we cannot release «LINKNAME_FORENAME_1»'s compensation immediately and the compensation will be put on deposit pending payment of «LINKNAME_FORENAME_1»'s legal costs. If the opponent pays «LINKNAME_FORENAME_1»'s costs in full, the compensation, plus interest, will be released. If «LINKNAME_FORENAME_1»'s costs are not paid in full by her opponent, the Legal Aid Agency may ask for re-payment of some or all of «LINKNAME_FORENAME_1»'s legal costs from the compensation.

If «LINKNAME_FORENAME_1» wins her case the opponent may not be ordered to pay the full amount of «LINKNAME_FORENAME_1»'s costs because, for example:

A medical report was obtained, because it was not favorable to «LINKNAME_FORENAME_1», it was not disclosed to the opponent;
The court considers that too much time was spent on «LINKNAME_FORENAME_1»'s file because we were required to attend upon you too often for too long;
There was more than one opponent involved in the case but only one of them is ordered to pay «LINKNAME_FORENAME_1» compensation and costs, and

«LINKNAME_FORENAME_1»'s compensation may be used to pay the costs of the additional opponents against whom you were unsuccessful. In some cases your opponent may not be capable of paying the costs they have been ordered to pay to you. The court will decide whether or not these costs should be paid by the opponent and if not, whether they can be deducted from «LINKNAME_FORENAME_1»'s compensation. This procedure is called detailed assessment and may take 6 months.

Losing your case

If «LINKNAME_FORENAME_1» loses her case, the court may order payment of the opponent's costs, even though all or some of «LINKNAME_FORENAME_1»'s costs will be paid by the Legal Aid Agency. The amount to be paid towards the opponent's costs will depend upon whether or not «LINKNAME_FORENAME_1» has had to pay a contribution towards her own costs. Usually «LINKNAME_FORENAME_1» will only be ordered to pay an amount equal to the contribution «LINKNAME_FORENAME_1» has made towards her own legal costs. Costs in excess of this will only be payable if «LINKNAME_FORENAME_1»'s opponent returns to court and shows that her financial position has altered and she can now afford to pay all their costs.

In these circumstances «LINKNAME_FORENAME_1»'s costs will be paid by the Legal Aid Agency. Because of the Statutory Charge we shall try to keep the costs to a minimum. Whilst it is difficult to give a precise figure for the likely cost of pursuing an action such at this stage, we would estimate that they should be in the region of £«FW_CN_COSTS_FW_CN_COST_EST». Costs vary depending upon the amount of work we have to carry out in each case but are likely to be a lower figure if the case is settled quickly without a court hearing involving experts and Counsel.

We will update our estimate of costs every 6 months and at the same time give you an indication of the costs already incurred.

We should point out to you that although we have a duty to act in «LINKNAME_FORENAME_1»'s best interests, we also have a duty to the Legal Aid Agency to ensure that public money is not wasted. We must inform them if «LINKNAME_FORENAME_1»'s case is weak or if you unreasonably refuse offers of settlement.

Yours sincerely

«CALCULATION_FEE_EARNER_DESCRIPTION»
«PRACTICEINFO_PRACTICE_NAME»