

# Funding your 1975 Act claim

It is always important to consider the possible cost of bringing a legal action. We will discuss with you the ways in which you can fund your legal costs, with our advice tailored to your specific personal circumstances.



## HOW CAN WILLANS HELP?

Highly-skilled and experienced in handling small cases as well as multi-million pound disputes, our litigation solicitors will give you a full picture of the potential outcomes, risks and routes to resolving the issue.

### Conditional fee agreements

A conditional fee agreement can also be known as 'a CFA' or a 'no win no fee'.

Where we consider your claim and whether it has sufficient prospects of success, we may be prepared to enter into a CFA with you.

A CFA allows for all or part of our fees and expenses to be payable only in specified circumstances. Generally, if you lose the case, you will not have to pay for the fees and expenses that are subject to the agreement (the conditional fees). If you win the case, you will be liable to pay all fees and expenses – including the conditional fees – and a 'success fee'.

The advantage is a reduced risk to you if the case is lost. The disadvantage is that any success fee will be payable to us in addition to our normal fees, taking account of the risk that we carry. This, unfortunately, is not recoverable from the losing party, however recent case law provides that the court may consider making an award. This is because the success fee may be treated as debt, which can therefore be considered as part of your financial need when calculating an award under the 1975 Act.

An alternative form of CFA may be where we agree to work for a reduced hourly rate, payable by you irrespective of the outcome of the litigation. However, in the event of a successful outcome, you would become liable for the difference between the reduced hourly rate and the hourly rate we would otherwise have charged you.

To determine whether your claim has prospects of success – and therefore suitable for a CFA – we may need to carry out some initial investigatory work. The fees for such work may have to be paid for by you on a fee-paying basis.

### Privately funded claims

We also deal with claims on a privately paying basis. In doing so, we would

discuss our charges with you at the start of our involvement and arrange for your claim to be dealt with proportionately and with the right level of legal advisor to suit your budget.

We will provide you with full costs estimates where we are able to do so, allowing you to manage your finances to fund the claim.

### Legal expenses insurance

We will explore with you whether or not you already have legal expenses insurance with an existing insurance policy. If so, this could provide you with cover to bring a claim and provide you with an indemnity in the event of adverse costs orders being made against you.

### After the event insurance

To mitigate the risk of you having to pay for an opposing party's costs if your claim is ultimately unsuccessful, we can consider and assist with organising insurance policies which may cover costs that are awarded against you.

This type of cover may also be able to assist with payment of your disbursements, such as court fees and counsel's fees that you are required to pay to bring your claim. ■

## CONTACT US

Clear, professional advice from a friendly and approachable firm

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Find your lawyer online at [www.willans.co.uk/people](http://www.willans.co.uk/people)