



Costs Lawyer Qualification Prospectus

2017 -18

About Us

- **The Association of Costs Lawyers and the Costs Lawyer Standards Board**

The Association of Costs Lawyers (ACL) is the representative body for costs lawyers. The ACL was founded in 1977 (as the Association of Law Costs Draftsmen (ALCD)) to promote the status and interests of its members. In those days, law costs draftsmen were not trained or qualified.

The ACL pioneered professional development for its members and its work was central to the elevation of qualified law costs draftsmen to the status of qualified lawyers. Qualified, regulated law costs draftsmen are now given the title “Costs Lawyer”. Until October 2011, the ACL represented and regulated its members. In 2007, the organisation was appointed as a statutory authorised regulator under the Legal Services Act (LSA). This was an important step in recognition for costs lawyers to achieve statutory regulation in line with the more established legal professions.

In October 2011, as part of its compliance with the requirements of the Act, the ACL delegated its regulatory work to the newly-formed Costs Lawyer Standards Board (CLSB). All qualified costs lawyers that hold practicing certificates are regulated by the CLSB. Today's ACL is a solely representative body, promoting the interests of costs lawyers to the legal profession, the Government and the public. An elected Council runs the ACL with the assistance of administrative staff.

- **ACL Training**

ACL Training is a subsidiary of ACL and runs training courses for ACL members, students who wish to qualify as costs lawyers and for the wider legal profession. ACL Training is the sole provider of the Costs Lawyer qualification.

The Role and Work of Costs Lawyers

The role of the costs lawyer has developed over the years into a highly specialised area of law which continues to grow and develop. There are many aspects to a costs lawyer's expertise, historically derived from three main areas:

- ☑ Costs between the parties
- ☑ Solicitor and client costs
- ☑ Public Funding

Costs between the parties arise when an action has been successfully pursued and the winning party is awarded costs. Costs lawyers may be instructed to deal with costs on behalf of either the paying party or the receiving party.

Costs Lawyers are retained by their client to act on that client's behalf. The contract established between them forms the basis of their retainer. Charges levied by the solicitor to their client, under the terms of the contract, are referred to as "solicitor and client costs". Often clients are unhappy with the charges levied by their solicitor and a costs lawyer may be instructed to advise.

Public funding is available in a number of circumstances, for example in some family, matrimonial, criminal and clinical negligence matters. Where public funding has been awarded, work done will fall to be scrutinised by either the court or the Legal Aid Agency (LAA).

In all of the above areas there are detailed rules and procedures which must be followed. Work a costs lawyer may be expected to do includes:-

- ☑ Advising your solicitor client as to their obligations under the SRA Rules (compliance issues);
- ☑ Advising your solicitor client on retainers and alternative funding arrangements (compliance issues);
- ☑ Drafting compliant documents, from retainers to skeleton arguments;
- ☑ Assisting your solicitor client in the conduct of the litigation utilising legal project management skills acquired during training;
- ☑ Assisting your solicitor client in the conduct of the litigation by drafting accurate budgets;
- ☑ Advising throughout the conduct of the litigation on matters of costs procedure, costs and case management, costs law and best practice;
- ☑ Liaising with your solicitor client and opponent to achieve agreement/settlements on budgets and bills;
- ☑ Costs advocacy at various stages in the litigation.

Becoming a Costs Lawyer

- **Two elements to qualification**

There are two elements to qualifying as a costs lawyer. The first element is the completion of a level six academic qualification and the second element is a three year period of supervised practice.

Element 1: Academic

The course is divided into three separate units which include assignments, compulsory practical seminars and an end of unit examination. The course cannot be undertaken under three years but can be studied over a period of six . If a student wishes to postpone their studies, due to work pressures or their personal life, they can postpone their studies and return at a later stage. If a trainee interrupts their studies but completes a unit, having attended any compulsory seminars, ACL Training will issue a Certificate of Completion for the unit.

Element 2: Supervised Practice

To achieve costs lawyer status you must undertake at least three years of supervised practice, during or after study for the Costs Lawyer qualification.

On successful completion of the course and supervised practice, a trainee will have met the education and training requirements to become a costs lawyer. The trainee will then be able to apply to the CLSB for a costs lawyer practising certificate, under which they will be afforded the rights to conduct the following reserved legal activities under the Legal Services Act 2007:

- The exercise of a right of audience;
- The conduct of litigation;
- The administration of oaths.

The Course

• The Course Outcomes

The aims and objectives of the course are to enable trainee costs lawyers to:

- ☑ Obtain general knowledge of each area of law studied;
- ☑ Achieve detailed knowledge of the law and procedures relating to the costs subject studied;
- ☑ Develop skills of legal analysis, particularly in relation to costs law and practice;
- ☑ Reach a high level of competency and performance;
- ☑ Learn valuable transferable skills.

The course adopts the credit tariff recognised by the Qualifications and Credit Framework (QCF). Each of the modules in a unit has a credit value. The total credit value for the course is 180 credits, made up of 60 credits for each unit.

The credit value provides an indication of the estimated length of time required for successful completion of each module in a unit. One credit equates to 10 hours. This is merely an indication of hours and the actual time spent will vary according to the trainee's experience or prior knowledge and will include time spent preparing for any formal sessions, private study, engaging in relevant work-based learning and preparation for formative assessments.

• What you will study

The course is divided into three separate units providing a structured learning programme. Each unit is then broken down into modules. The course content is under constant review to ensure that the changing face of the costs profession is covered in detail. More information will be found in the syllabus. All modules in units 1 and 2 are compulsory. Unit 3 is divided into compulsory and optional modules. Each unit includes self-assessment assignments, examiner marked assignments and a compulsory practical seminar and exam.

Unit 1 (all compulsory): The Foundations of Costs Practice

- ☑ English Legal System, Legal Method & Legal Skills
- ☑ Professional Ethics
- ☑ Professional Development Planning (Foundation)
- ☑ Civil Procedure (Foundation)
- ☑ Costs Pleadings and Other Process Documentation
- ☑ Advocacy and Negotiation Skills

Unit 2 (all compulsory): Entitlement and Recovery of Costs

- ☑ Law of Contract
- ☑ Law of Torts
- ☑ Lawyer and Client Costs
- ☑ Costs in Special Courts
- ☑ Legal Accounts
- ☑ Funding (Legal Aid and Other)

Unit 3 (compulsory/optional)

- ☑ Civil Procedure (Advanced)
- ☑ Business Management
- ☑ Professional Development Planning
- ☑ Personal Injury/Clinical Negligence
- ☑ Criminal Law
- ☑ Land Law
- ☑ Company and Commercial Law
- ☑ Family Law

● How you will study

ACL Training offers a unique style of distance learning. The course will begin with a face- to-face induction enabling you to meet with both your peers and tutors.

The qualification uses a customised online learning platform which is incorporated into the course to enable easier access to learning materials, tutor interaction and administrative support.

Central to the course design is the recognition that many trainees will be in full- time employment juggling both study and work in a high-pressured environment. The materials have been devised to ensure you are able to study on your own, either at home or wherever suits you – reading, watching or listening to the material supplied, undertaking activities and assignments with regular weekly support from your tutor.

You will also get the opportunity to interact with other students through the online learning environment and forums.

● How you will be assessed

A trainee costs lawyer must complete each of the module assignments, attend the compulsory seminar for that unit and pass the end of unit examination. Successful completion of the unit will enable progression on to the next year of study.

Each unit is assessed by way of an unseen written examination which will assess knowledge, application, skills and professional conduct outcomes.

The pass mark for all unit examinations is 50%:

- 49% (inclusive) and below: Fail
- 50% (inclusive) to 59% (inclusive): Pass
- 60% (inclusive) to 69% (inclusive): Pass with merit
- 70% (inclusive) and over: Pass with distinction

● Entry Requirements

The minimum age for a trainee costs lawyer with ACL Training is 18. Before study can be commenced students must provide documentary evidence of the required qualifications.

The minimum level of qualification for a trainee costs lawyer is as set out below, or equivalent:

- Four GCSEs at grade C or above, English and Maths being compulsory; or
- Two A level passes and 1 GCSE level to include English; or
- Three AS level passes to include either English or Maths; or
- GNVQ at intermediate or advance level, provided a communications skills element is included; or
- Passing a written aptitude test set by the ACL.

If your first language is not English, or you have not studied your secondary education in English, you may need to demonstrate you have achieved a recognised English language qualification. The minimum International English Language Testing System (IELTS) score required for entry to the programme is 6.0 overall with a minimum 5.5 in each component. Please note, all applicants must be ordinarily domiciled in England and Wales or working permanently in England and Wales. Just like everyone else who applies, mature students need to demonstrate academic ability and commitment to study.

ACL Training welcomes applications from disabled students and makes reasonable adjustments to facilitate their access to the course. Any applications from students with disabilities will be considered on the same academic grounds as those for other candidates. Disabled students are advised to notify ACL of any disability that may impact upon their engagement with the programme so that reasonable adjustments can be made.

Applying to become a Costs Lawyer

Application forms must be completed and submitted to the ACL Office by 30 June in the year of intended study (with study to commence in September of that year).

Applications after 30 June may not be considered until the following year. The application form must be completed in full with the correct information and should be accompanied by the following:

- The name, address and telephone number of two referees;
- Documentary evidence of qualifications (certified copies are required);
- The applicant's curriculum vitae;
- Payment of the £50 application fee

Upon applying for the course an application will be made on your behalf for membership of the ACL as a trainee costs lawyer.

● Requirements of Suitability

Applicants must declare any information that might affect their suitability to be a trainee costs lawyer/costs lawyer in accordance with Rule 4 of the CLSB Training and CPD Rules 2013 (found at <http://clsb.info/rules-regulations/training-cpd-rules>).

In the event of any declarations ACL Training will consider the applicant's suitability and whether any conditions should be imposed. ACL Training may make any required checks including criminal records checks to ensure the suitability of an applicant. A failure to disclose, or the provision of misleading information on an application, can be taken into account by the ACL when considering the suitability of an applicant to be a trainee costs lawyer.

● References

An applicant will be required to submit the name, address, telephone numbers and email address of two referees (one character, one professional). Those referees should be:

- People who know the applicant well enough to vouch for the applicant's character;
- Preferably professional people;
- People who are likely to know of any problems the applicant may have had such as convictions and/or incidents of plagiarism.

● Acceptance as a Trainee Costs Lawyer

ACL Training will confirm in writing whether the application has been accepted and request they attend an ACL Training induction. Attendance at the induction is mandatory. In the event an application is refused, ACL Training will provide reasons why.

Course costs and dates

The first year programme will cost £2,500 plus VAT, with a similar commitment for years two and three. As well as all materials, tutorial support, compulsory seminars, a

compulsory revision course and exam, the fee also includes student membership of the ACL.

After induction on the first module course fees will only be refunded in accordance to ACL Training's refund policy.

Academic Calendar 2016-2017

| | |
|----------------------------|-------------------------|
| Saturday, 9 September 2017 | Student induction |
| Monday, 11 September 2017 | Module 1a Commences |
| Friday, 20 October 2017 | Module 1b Commences |
| Friday, 1 December 2017 | Module 1f Commences |
| Friday, 12 January 2018 | Module 1e Commences |
| Friday, 23 February 2018 | Module 1c Commences |
| Friday, 20 April 2018 | Module 1d Commences |
| Monday, 21 May 2018 | U1 Seminar and Revision |
| Tuesday, 22 May 2018 | U1 Seminar and Revision |
| Friday, 15 June 2018 | Unit 1 Exam |

Exemptions

The aim of the ACL Training exemption policy is to acknowledge appropriate prior learning equivalent to units in the Costs Lawyer qualification. This is to ensure that students do not need to repeat learning that they have undertaken and been assessed on previously.

Under Rule 8 of the CLSB Training and CPD Rules 2013 (<http://clsb.info/rules-regulations/training-cpd-rules/>) ACL Training may consider applications for exemptions for individual subjects within the course modules for trainee costs lawyers who have successfully attained a similar qualification.

The qualifications already recognised by ACL Training for exemption purposes are set out in the table below.

An application for an exemption can be made if supported by a copy of the module descriptor and results from the applicant's prior accredited learning. Any application must be made in accordance to the ACL Training Exemption Policy which can be found on the ACL website - <http://www.associationofcostslawyers.co.uk/train-to-be-a-costs-lawyer/>.

Eligibility for exemptions should be checked with the ACL Office (training@costslawyer.co.uk). Where exemptions are granted there will be no reductions in the fees payable for each module or the three-year period of study. Set out below are those qualifications already recognised by ACL Training for exemption purposes.

| Qualification | Module/Unit Exemptions |
|--|---|
| A Qualifying Law Degree* OR Graduate Diploma in Law* | 1. English Legal System, Legal Method & Legal Skills (10 credits), 2. Law of Contract (10 credits) 3. Law of Torts & Costs (10 credits) 4. Land Law (5 credits) 5. Criminal Law (5 credits) |
| Certificate of completion of the Law Society Legal Practice Course | 1. Civil Procedure (Foundation) (10 credits) 2. Advocacy and Negotiation (10 credits) 3. Legal Accounts (5 credits) |
| The Bar Professional Training Qualification | 1. Civil Procedure (Foundation) (10 credits) 2. Advocacy and Negotiation (10 credits) |
| CILEx Level 6 Higher Professional Diploma in Law and Practice* | 1. English Legal System, Legal Method & Legal Skills (10 credits) |

* Additional exemptions may be gained where qualifications have been obtained with other education providers but an application is dependent on the units/modules studied in order to achieve the qualification

Supervised Practice

In order to qualify as a Costs Lawyer, a Trainee is required to have three years of relevant costs work experience, the assessment of which is governed by ACLT's Supervised Practice Regulations. ACL Training recognises a number of regulated professions for exemption purposes. These are based on the day one outcomes of their pathway to qualification.

Exemptions from legal skills clusters may be granted to those regulated by another Approved Regulator (as defined by the Legal Services Act 2007). There are no exemptions to pure costs law and practice clusters.

Any application must be made in accordance to the ACL Training Exemption Policy which can be found on the ACL website

(<http://www.associationofcostslawyers.co.uk/train-to-be-a-costs-lawyer/>)

| Regulated Professionals | Cluster Exemptions |
|--|---|
| Practising Barrister, Solicitor and Fellows of CILEx | 1. Working with others (WO) 2. Management of Workload (MW) 3. Client Relations (CR) 4. Communication Skills (CS) 5. Business Awareness (BA) |

All trainees are required to take part in a minimum of one viva (oral assessment) as part of the assessment process. No trainees will be exempted from the viva (oral assessment).

All those considering making an application for an exemption from a Supervised Practice Cluster are advised to discuss their applications with the academic team who will advise on the content of the Supervised Practice Framework.

Equality and Diversity

ACL Training values and promotes equality and diversity and will seek to ensure that it treats all individuals fairly and with dignity and respect. It is opposed to all forms of unlawful and unfair discrimination.

Course Requirements, ACL Obligations, Regulations and Standards

More details of the course requirements, the obligations of the ACL and regulations applicable to trainee costs lawyers will be made available from ACL Training upon enrolment. Applicants should also read and adhere to the following:

Costs Lawyer Practising Rules
(<http://www.clsb.info/RulesRegulations/PractisingRules.aspx>) and CLSB

Training and CPD Rules
(<http://www.clsb.info/RulesRegulations/TrainingCPDRules.aspx>).

Reservation

Sometimes circumstances may develop unexpectedly necessitating changes to the course and membership. ACL Training reserves the right to change the fees, course and membership requirements, syllabi and structure of the training course at any time. Please further note that neither the Association of Costs Lawyers nor ACL Training warrant that completion of the course may result in applicants securing employment in costs law and practice.

Invoices for the first year of the course will fall due for payment by 18 August 2017. If, before this date and for any reason, you need to withdraw your application you may do so. If you withdraw after this date and before 1st September an administration fee of £50 will apply. For withdrawals received after 1st September and before the induction day, an administration fee of £150 will apply. For withdrawals received after the induction please see Chapter 1 of the ACLT Costs Lawyer Course regulations (Refund and Withdrawal policy).

Further information on the Association of Costs Lawyers and ACL Training can be found on: www.associationofcostslawyers.co.uk

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