



Association
of Costs
Lawyers

Candidate Number _____

Unit 1 - 2015 Examination Paper

Held on 22 August 2015

Time allowed: 3 hours

To pass this examination candidates must obtain a mark of 50% or above. You must answer ALL of the questions.

Write in full sentences – a yes or no answer will not earn any marks. The mark allocation for each question and part question is given and you are advised to take this into account in planning your work. Write in blue or black ink or ballpoint pen.

Please put your candidate identification number at the top right corner of each sheet of paper (NOT your name) and number the pages. At the end of the examination, attach your answers to the examination papers and put your paper in proper order in the envelope. Please hand the envelope to the invigilator and sign the registration form to confirm that you have handed in the paper.

Please write legibly, on one side of the paper only: Marks will be lost if the examiners cannot read your answers.

Do not turn over this page until instructed by the Invigilator.

Section A

1. Describe the formalities of a part 36 offer for settlement. (5 marks)
2. What is the indemnity basis? (5 marks)
3. Describe the phases in a precedent H. (10 marks)
4. Explain when it may be appropriate to apply for default judgment (10 marks)
5. What is a default costs certificate and when may a party apply for one? (10 marks)

Section B

6. You are in a meeting with your line manager and have asked if you can study to become a costs lawyer. Your line manager is not persuaded at this time and asks what impact it would have on your performance. You are adamant that completing the course will be beneficial to the business; being regulated will ensure compliance with rules on professional conduct and allow you to undertake reserved legal activities.

Outline the principles of the CLSB code of conduct and give examples of when those principles may be applicable? (10 marks)

7. You work in house at Farmer and Parker LLP. A junior fee earner, Laurice Harper, has just started work in the civil litigation department. She is due to meet with her first client next week and is conscious that she will need to advise on funding.

Write a memo to Laurice describing the methods of funding available in civil matters.

(10 marks)

8. You work as a costs lawyer at Costs 'R' Us and receive an email from an existing client, Mr Basil, who specializes in PI. Mr Basil is annoyed by some PODs received in relation to one of his cases. He wants you to draft replies and he starts explaining all of the points he wishes you to make in response to the disputed items. He is adamant that all of the costs can be justified.

Write an email in response setting out the information you require from the fee earner and how you will approach drafting the Replies and the procedure that must be followed. (20 marks)

9. Jeremy is a cost lawyer and has been out of the country for 18 months. Whilst Jeremy has complied with the CLSB requirements in relation to CPD, much of his CPD has concentrated on the changes to legal aid following the enactment of the Legal Aid Sentencing and Punishment of Offenders Act 2012.

He has just started work at a cost practice in Bradford and has been asked to draft points of dispute on a personal injury matter funded by a CFA where the costs are £35,000. He has been told that the matter will go to provisional assessment and whilst he is vaguely aware that there has been a change to the detailed assessment procedure he is not quite sure what this means.

Write a memo to Jeremy setting out the amendments made to the detailed assessment procedure following the Legal Aid Sentencing and Punishment of Offenders Act 2012 and the implication on the file he is working on. Your response should include time estimates and include a comparison of the old and new procedure. (20 marks)