



Association  
of Costs  
Lawyers

Candidate Number \_\_\_\_\_

## Examination Paper

22 June 2015

**Time allowed: 3 hours**

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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.

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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. What is the indemnity principle?  

**(5 marks)**
2. Outline the circumstances when costs management will not apply.  

**(5 marks)**
3. When may summary assessment take place? Outline the procedure.  

**(10 marks)**
4. What documents must be lodged with the court when a request for detailed assessment is made?  

**(10 marks)**
5. Outline the role of the CLSB.  

**(10 marks)**

## **Section B**

6. You work in house for a high street solicitors practice; your friend has just landed a job at the same firm as a trainee legal executive. She has received a memo from her supervisor, a partner at the firm, together with the file of James Bodgit. She has been told that this is a case where their client, the claimant in a debt recovery matter, has instructed that the Defendant's defence is fabricated and doesn't address the points in the particulars of the claim. It is the Claimant's case that the defendant has no real prospect of success. Your friend is in a panic, she has been asked to provide notes for Mr Bodgit's forthcoming appointment.

Write a memo to your friend explaining the appropriate application that would need to be made in order to have the matter concluded without trial.

**(10 marks)**

7. You are instructed for the Paying Party on a matter listed for detailed assessment before a Deputy District Judge. Your opponent is a costs draftsman from another area, you have received numerous e-mails from him, badgering you over petty points and threatening you with wasted costs orders when you do not respond by return.

Your own client is angry by the correspondence and now insists that you argue the case in a way which you know is wrong. He expects you to present his case by arguing facts that are untrue, and to put forward submissions on the law that are simply wrong.

Prepare a summary on what is meant by a wasted costs order and when the court may be minded to make such an order.

**(10 marks)**

8. In the past you have often been instructed by Miss Jenny Hargreaves who is a local solicitor. She has recently got a new job and has been hired to set up and run a Personal Injury Department for them. She has contacted you and has asked for your help in designing a number of leaflets to be handed to prospective clients.

a) Prepare a summary for Miss Hargreaves of the methods of funding that should be considered by a solicitor advising her client in relation to a claim for damages for personal injury.

**(10 marks)**

b) Prepare a summary for Miss Hargreaves of what is meant by a part 36 offer for settlement outlining the formalities and tactical advantages of drafting such a letter.

**(10 marks)**

9. You are instructed by Mr Jay Thomas, a solicitor with a local high street firm. He has returned to practice after travelling around Europe for the past 12 months. On his return from his travels he has taken on a role in debt recovery.

He has contacted you having received a Bill of Costs from an opponent who successfully defended a debt claim valued at £80,000. He has no prior experience of detailed assessment and needs you to explain the procedure and next steps.

**(20 marks)**