

# BURLEY & GEACH

## NO WIN – NO FEE FUNDING YOUR CASE – CONDITIONAL FEE AGREEMENTS

When you instruct us to proceed with your claim, we'll need to reach an agreement with you about paying our fees. We appreciate that it can sometimes be difficult for clients afford to pay for legal costs and under the English Legal System, if you lose your case, you usually have to pay the other party's legal costs.

Our Practice covers all areas of the law which allows us, as a Firm, to address other issues that may arise when dealing with the matter in hand.

To help our clients we are prepared to act for them, in appropriate cases, under a Conditional Fee Agreement ( often known as "No Win, No Fee" Agreements). Under a Conditional Fee Agreement, we would not charge you legal costs unless your claim is successful. Conditional Fee Agreements are often used in Personal Injury Claims where we would only claim costs if we recovered compensation for you. This means that if the case is lost, you will not have to pay us any fees for the work we have done.

Accordingly, you may find a Conditional Fee Agreement a very helpful way to be able to pursue your claim without being burdened by having to pay Legal Costs as the case progresses. However, you still have to cover expenses which we might incur in bringing the claim, such as Court Fees, Medical Report fees and Barrister's Fees, which you would not be able to recover from the other party if the claim is unsuccessful, you would also pay the other party's legal costs if you lose. We can help to protect you from this risk by taking out an Insurance Policy to cover your expenses and your opponent's Legal Fees. If you do want to consider having insurance protection, we shall be happy to discuss this with you and to arrange cover on your behalf to give you the protection you need.

Because the Conditional Fee Agreement provides that we are not paid any costs if we lose the case, we are allowed to charge an additional fee over and above our basic fee if we win the case. This is called a Success Fee and is calculated as a percentage of our basic fees. We base percentage of the Success Fee on how much risk we think there is in bringing the claim and how long we believe the case is going to take to be concluded. If you want to enter into a Conditional Fee Agreement with us we shall explain to you how the Success Fee will be calculated and paid.

If you have entered into a Conditional Fee Agreement and you win your case, you would then be responsible for paying our fees and your expenses, but we will normally be able to claim most of these back from your opponent. We can usually agree with the other side what costs they have to pay, but if not, the Court will decide how much they are liable for and whether you would have to bear any of your own costs and expenses which cannot be recovered from the other party.

If you would like to discuss with us about entering into a Conditional Fee Agreement, we'll be happy to answer any questions that you have about Conditional Fee Agreements and how they work. We'll also explain the Agreement to you in detail before you sign it, should you decide to go ahead, so that you understand it and are happy about it.

