

No win, no fee arrangements are a way of funding personal injury claims. In most cases, even if you lose, we will not charge you for conducting your case up to and including the trial. The legal term for this is a conditional fee agreement.

Normally, in a privately funded claim, you would have to pay all of our charges and costs for conducting your case up to and including trial. If the case was won, your opponents, the defendants, would pay your damages as well as your legal costs. We would then make a repayment to you of the costs you had paid to us.

The risk with this approach is that if the case is lost, you would still have to pay our costs and the defendants' costs without recovering any damages - potentially thousands of pounds. It is because of this risk that many clients were deterred from pursuing personal injury cases in the past and why conditional fee agreements were introduced.

We take the risk

With conditional fee agreements, we will take the risk that if the case is lost, we will incur the costs. If the case is won, we will be able to recover all or the large majority of them from the losing defendants.

In most cases we will enter into a conditional fee agreement with you straight away. However we may sometimes have to carry out some investigations including obtaining a medical report. If this is the case, we may ask for a payment on account to undertake these investigations and give you an estimate of how much the investigations will cost in total. After the investigations are complete, we can advise you on whether we will agree to enter into a conditional fee agreement with you.

Success fee

We are taking the risk that we will not be paid and we will not receive any of our costs during the conduct of your case. Because of this, we are also able to charge the defendants a success fee. This is paid by the defendants at the end of the case and is on top of your damages and costs. The success fee is based on a percentage of our costs and includes VAT. The level of the success fee is assessed depending on the risks involved in your claim and may not be greater than 100%.

What if the case is lost?

If the case is lost, we will have taken out an insurance policy for you. The insurers will pay the defendants legal costs. The insurance premium can range from £1,000 to potentially as high as £30,000. In the vast majority of cases the insurer will not ask you to pay the premium at the start of the case but at the end, and only if you win. This is called a deferred premium.

If the case is lost and the insurers pay the defendant's costs, you do not have to pay the insurance premium. If the case is won, you pay the insurance premium back from your damages. We then ask the defendants to repay it as part of the solicitor's costs claim.

In over 95% of cases we are then able to refund the whole cost to you.

Money we have to pay to other people

Throughout the duration of your case we will have to pay money to other people which we call disbursements. This will be for items such as fees for medical reports, court costs, engineers' reports, company searches, travelling expenses and the like. If the case is won, the outlay will almost always be repaid by the defendants in total. If the case is lost, the insurance policy will cover the cost of disbursements incurred after the conditional fee agreement was signed.

Barristers' costs

We use barristers for advising on your case and for conducting any trials. We may ask the barrister to enter into a conditional fee agreement at the same success fee as ourselves.

An example of costs

An example of how a conditional fee agreement may work at the end of the case based on winning £100,000 with a 27.5% success fee and a deferred insurance premium is as follows:

If the case is won:

Damages	£100,000
Defendants pay: Field Fisher Waterhouse, barrister costs (say)	£10,000
Defendants pay: Field Fisher Waterhouse, barrister success fee (say)	£2,750
Defendants pay your insurance premium (say)	£2,000
Defendants pay your pre-paid disbursements (say)	£3,000
Your net gain	£100,000

If the case is lost:

- your insurance pays defendant's costs
- your insurance pays disbursements incurred after date of conditional fee agreement

You will have paid:

- the insurance premium (only if not deferred)
- investigation costs before date of conditional fee agreement if relevant