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| Legal Aid Agency | Claim 2 checklistFor use with CIV CLAIM2 |

The purpose of this checklist is to reduce the likelihood of your CIV CLAIM2 claim being rejected. Please complete the whole checklist, paying particular attention to requirements marked:

 CIV CLAIM2 claims are often rejected because they fail to meet these requirements;

Please ensure you are using the correct version of the form. The current version of the Claim 2 is Version 13 (November 2015). It is available at <https://www.gov.uk/government/publications/civ-claim2-other-party-costs-claim-in-full-or-part>

 **If LAA rejects your claim**:

* please ensure that you include this checklist when you resubmit your claim;
* the LAA will tick those requirements that have been met, and it is your responsibility to check the remaining requirements before you resubmit the claim;
* you can email LAA at laacivilclaimfix@justice.gov.uk if you have any issues with the reject.

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| --- | --- | --- | --- |
| Client’s name |  | Cert. Ref. No. |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Provider’s name |  | Provider’s Acct. No. |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Fee earner’s name |  |  |  |

The claim needs the attention of (please tick): [ ]  NIAT [ ]  HCC [ ]  VHCC [ ]  MHU

|  |  |
| --- | --- |
| **Mandatory Caseworker Check** | **LAA check****Pass?** |
| Has an emergency certificate been issued? | Where an emergency certificate has been issued you must use the rates calculator to check* Has there been a gap between the expiry of the emergency and the grant of the substantive certificate
* Has any work been claimed between the expiry of the emergency and the grant of the substantive certificate

Where the claim has been assessed by the court this work should be removed. The costs will be assessed where the claim is for assessment by LAA. |  |

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| Emergency Date | Substantive Date | Rates Calculator Checked Yes or No | Gap in fundingYes or No |
|  |  |  |  |

|  | **Requirement** | **Notes** | **Provider checked** | **LAA use:** |
| --- | --- | --- | --- | --- |
| **Pass?** |
| For all CIV CLAIM 2 Submissions  |
| **1** | Apportionment | In the case of an apportioned claim, please provide the reference number for each Legal Aid certificate to which the claim relates and state the percentage of your costs that should be apportioned to each certificate. |  |  |
| **2** | Account number | The account number that you provide on page 1 of the CIV CLAIM2 must match that on your Legal Aid Certificate. |  |  |
| **3** | Previous advice | If you are the final conducting solicitor and are submitting your final bill for a case, you must:* state that this is your final claim; and
* ensure that all previous firms have submitted their claims before you submit yours.
 |  |  |
| **4** | Outcome of case | You must provide the date of last work, outcome codes and the name(s) of the court(s) or proposed court. The date of last work determines the applicable VAT rate; please ensure that you use the appropriate VAT rate. The court (or proposed court) determines the rates applicable. |  |  |
| **5** | Summary of costs paid | The Summary of Costs must be completed for all CIV Claim 2 submissions. Please ensure that the Pre-certificate interest on costs, Post-certificate interest on Legal Aid costs only and Damages or monies awarded are completed. **Please do not leave these boxes blank – enter a “nil” if there is no interest of damages** |  |  |
| **6** | Has the claim form been signed and dated?Warning Sign Clip Art | The Certification on page 10 of CIV CLAIM2 must be signed and dated, as indicated on the claim form. This must be an original signature and it must be clear who has signed the claim form. |  |  |
| For all LAA and Court Assessed Submissions |
| **7** | Do the costs qualify for court costs assessment | Your claim should be assessed by the court if the case has concluded in the county court or a higher court, and:* the total (excluding VAT) assessable profit costs, disbursements and (non FAS) counsel’s fee costs exceeds £2,500; and/or
* there are inter-partes costs to be assessed by the court.

Please refer to Section 14.1, 14.2 & 14.13 of the Costs Assessment Guidance 2018 for further details on assessable costs in fixed fee cases. |  |  |
| **8** | Family Graduated Fee Scheme or Family Advocacy scheme payments to counselWarning Sign Clip Art  | You will have been advised by LAA of payments it has made to counsel(s) for the case. The amounts shown on CIV CLAIM2 for payments to counsel(s) must match the actual payments made by LAA. If not, you must ask counsel the reason for this and provide LAA with a covering letter explaining this.While you do not have to give counsel’s details or the amount payable to each counsel on CIV CLAIM2, doing so may help LAA identify any discrepancies. |  |  |
| **9** | Expert invoice detailsWarning Sign Clip Art | You must claim experts’ costs at the correct codified rate. These are shown at:<https://www.gov.uk/expert-witnesses-in-legal-aid-cases>If you claim for the cost of Drug and/or Alcohol tests, unless LAA has granted prior authority for the tests you must provide a copy of the court order for the tests to be carried out. |  |  |
| **10** |  DisbursementsWarning Sign Clip Art | You must provide a voucher for every disbursement of £20 (including VAT) or more. For mileage claims and court fees, LAA will accept a copy of your ledger or the letter you sent with a payment. All other vouchers must show:* the service provider’s details (e.g. be on headed notepaper);
* your client’s name (so as to link them to the case);
* details of what the voucher is for;
* where applicable, a detailed breakdown of work undertaken, time spent and the hourly rate.

If you are unable to provide this level of detail due to the nature of a disbursement or the age of the case, LAA may accept a copy of your ledger plus evidence of the work undertaken (e.g. an expert report and instructions). You must explain your reasons for this in a covering letter accompanying the CIV CLAIM2.Please mark each disbursement voucher with a number, and list all of the vouchers in numbered order on page 5 of the claim form, so that LAA can check it has all of the disbursement vouchers for which you are claiming. If there’s not enough space on the claim form, please continue the list on a separate sheet. Please provide all of the vouchers securely attached together in a separate bundle.**Please note that LAA will keep your vouchers.** |  |  |
| **11** | Statutory charge (CIV ADMIN1)Warning Sign Clip Art | If appropriate, has a statutory charge decision been made and the legal aid fund protected?If a statutory charge decision has not yet been made, you must provide LAA with a fully completed CIV ADMIN1, a copy of the court order/settlement agreement and your client’s repayment proposals, so that LAA can make a decision. Where proceedings have not concluded the statutory charge may still apply after discharge/revocation; therefore please ensure details are provided to enable consideration by the LAA.Where a statutory charge decision could be made, you must report the outcome of the case promptly. If you fail to do so, payment of your claim might be delayed.If you receive money on behalf of your client, you must either provide LAA with a cheque for the full amount or an undertaking as to costs, pending a statutory charge decision.The legal help costs section on page 1 of CIV CLAIM2 must also be completed. |  |  |
| **12** | Have you used the correct fee scheme and rates?Warning Sign Clip Art | You must ensure that you use the correct fee scheme and fee rates are used. A rates calculator and guidance for civil claims are available at:<https://www.gov.uk/government/publications/civil-claims-rates-calculator>You must detail the amount of your profit costs so that LAA can check that you have claimed the correct fee. |  |  |
| **13** | Expert Standards | All experts must meet the required Ministry of Justice standards for experts in England and Wales.Where the standards have been met please tick the box. Where the standards are not met and no prior authority has been granted please provide a copy of the court order and experts CV |  |  |
| **14** | Outstanding show cause or reassessmentWarning Sign Clip Art | Before you submit your claim you must check that neither a ‘show cause’ nor a reassessment is outstanding on the certificate. If either applies, it must be resolved before you submit your claim. |  |  |
| **15** | Panel membership declaration | If you claim for panel membership enhancement, the section on page 10 of CIV CLAIM2 must be signed by all panel members. In the event that the fee earner is unable to sign this declaration, in exceptional circumstances LAA will accept the signature of either one of your firm’s partners or a fellow panel member, supported by an explanation in a covering letter provided with the CIV CLAIM2. |  |  |
| **16** | Solicitor Advocacy under the Family Advocacy Scheme (FAS) | If you claim for advocacy under the FAS, you must submit court orders with FAS recitals evidencing any fees along with your CIV CLAIM2.The order must contain details of times, dates and type of hearing. All bolt ons claimed must be authorised by the judge or court clerk as part of the FAS recitals. Amendments to the order are allowable under the slip rule at the court’s discretion. You must show any lunch-time adjournments on the claim.If there have been two or more advocates’ meetings, you must also submit a copy of the court order requiring that you attend the meetings.You must ensure that all work you claim for falls within the scope of your Legal Aid Certificate, and that it is claimed for at the correct rates. Rates are available at: <https://www.gov.uk/government/publications/civil-claims-rates-calculator> |  |  |
| **17** | Counsel’s fee notes (non‑FAS/FGF) | Codified rates for counsel apply to Legal Aid Certificates issued on or after 3/10/11, so LAA requires that fee notes contain counsels’ rates, details of their seniority and hours worked. Rates for counsel are shown at:<https://www.gov.uk/government/publications/civil-claims-rates-calculator>For Legal Aid Certificates issued on or after 02/12/13 rates for solicitors apply to counsel an submission of CF1a is mandatory detailing counsel’s fees.The CF1a can be located at:<https://www.gov.uk/government/publications/cf1a-counsel-claim-form> |  |  |
| **18** | Costs Orders/Default Costs Certificate | The LAA can only assess costs payable to the client by another party where no assessment of those costs is needed; i.e either costs agreed, for a specific amount or default costs certificate has been obtained.Where costs have been ordered in favour of your client but have not been recovered, and, court assessment of those costs is not required you must complete pages 13 of CIV CLAIM2.Where the Default Costs Procedure has been followed you must provide a copy of the default costs certificate. Alternatively please enclose a copy of the order in which the fixed costs were ordered.Please remember that, while a court order may entitle your client to recover costs from a debtor at the rate ordered by the court, you may only claim costs from LAA at LAA’s prescribed rates, which are shown at:**http://www.justice.gov.uk/forms/legal-aid-agency/civil-forms/claims** |  |  |
| **19** | Claim form fully completed | Before you submit the form you should check that all of the relevant pages of the claim form have been fully completed, with correct addition where applicable, and ensure that all necessary information required to process your claim is included. |  |  |
| **20** | All works falls within your LA Certificate’s scopeWarning Sign Clip Art | You must ensure that all work you claim for falls within the scope of your Legal Aid Certificate. If work outside the scope has been claimed for, LAA will reject your claim and ask you to amend and resubmit it.LAA will not normally allow costs you incur during a period that a Notice to show cause is outstanding on your Legal Aid Certificate. |  |  |
| LAA Assessed Submissions Only |
| **21** |  File of papers | You should submit your file of papers with your CIV CLAIM2:* for **all Mental Health Claims**;
* for all **escape cases**
* for **Judicial Review and Immigration cases,** if your claim for solicitors profit costs (excluding VAT) exceeds £1,000
* for **other cases**, if your claim for solicitor’s profit costs (excluding VAT) exceeds **£2,500**.

If your claim is rejected and remains over the above values when you resubmit it, you should resubmit your file of papers with your CIV CLAIM2.Attendance notes are required if advocacy is being claimed on fixed fee care and supervision certificates issued prior to 09/05/11 |  |  |
| **22** | Details of work done  | You should provide details of the work you have done on pages 7 and 8 of CIV CLAIM2. In particular, you must give details of any ‘other’ work claimed for under DOT, AOT, ROT or OOT codes. A list of codes is available at:<https://www.gov.uk/government/publications/outcome-expert-and-claiming-codes> |  |  |
| **Court Assessed Submissions** |
| **23** | Original sealed assessment certificate (EX80A or EX80B)Warning Sign Clip Art | You must provide an original sealed **Legal aid/Legal Aid Agency assessment certificate** (EX80A or EX80B) Please ensure that the figures on it match those on your CIV CLAIM2.For fixed fee cases where costs have been assessed we require a current version of the assessment certificate EX80B. Where the current version cannot be submitted caseworker discretion will be used to determine whether all information required is provided.If you wish to claim a sum greater than that shown on the EX80A or EX80B you must ask the court to revise and reseal the assessment certificate. If you claim for less than is shown on the EX80A or EX80B LAA may ask you the reason for this. |  |  |
| **24** | Bill, as assessed by the court | You must provide your annotated bill, as assessed by the court; either the original or a copy is acceptable. If you are unable to provide this, you must provide LAA with a letter from the court stating that your bill has been assessed and approved. |  |  |
| **High or Very High Cost Claim 2 Submissions** |
| **25** | HCC or VHCC contract agreed | You must bear in mind Clause 12 within the contract. Payment must be taken in full from either the opponent or the LAA. You must seek specific authority from your contract manager to claim on the fund where costs have been recovered. |  |  |
| **26** | Costs recovery exceeding £95,000 | You must ensure that any costs recovery that exceeds £95,000 is evidenced and receipt confirmed. |  |  |
| **27** | Have you used the correct counsel/solicitor hourly rates? | In Clinical Negligence cases you should check that you claim at the correct rates, in line with the rules on the Clinical Negligence checklist. |  |  |

**For LAA use:**

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| Caseworker’s name |  | Region |  |