



Legal Practitioners

Conduct Board

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GENERAL INFORMATION ABOUT LEGAL COSTS

Can the Board investigate a complaint about costs charged by a lawyer?

The Board must investigate all complaints of overcharging unless it considers the complaint to be frivolous or vexatious. These complaints are usually made by clients about the fees charged to them by their own lawyers.

The Board has no power to investigate complaints concerning costs a person has been ordered to pay to another party in litigation, that is orders or claims for party and party costs.

What should I do before lodging a complaint about costs?

- If you are unhappy with the costs your lawyer has charged, explain your concerns to your lawyer. You can do this by telephone, letter, email or in person. Some law firms have a general manager or managing partner, part of whose job is to deal with complaints from clients, including complaints about costs.
- If your lawyer is not responding to your queries about costs or their bill, you can ask to speak to the general manager or managing partner of the firm.
- The Board is not the only body to deal with the issue of costs. You may have a right to have a court review your costs. A complaint to the Board is not a substitute for the court's role.
- The Family Court publishes Notices about costs in connection with family matters which a lawyer is required to give clients. A person should read those notices or the Family Court website www.familycourt.gov.au/costs.

What does the Board do when a complaint about costs is made?

- A solicitor employed by the Board will consider your complaint, the lawyers bill and any other paperwork, including the file.
- The Board may offer to conciliate the issue of costs.

- The Board may ask a lawyer to provide the file to the Board.
- The Board may choose to assess the amount of costs in detail if it appears to the Board's solicitor that the fees charged exceed usual fees.

Is there any charge to have my file assessed?

There is no charge to the client or lawyer for having a file assessed, but it is within the Board's judgment and discretion as to how the Board will assess reasonable costs.

What can the Board do if it finds that there has been overcharging?

- The Board may recommend that a lawyer reduce a bill or make a refund. The Board does not have the power to force the reduction of a bill or to order that a lawyer refund an amount paid.
- The Board may arrange a conciliation conference between the lawyer, the client and an accredited Conciliator. Participation is voluntary and the service is confidential.
- If agreement is reached at conciliation about costs and it is signed by the parties, it is binding on everyone.
- Where there is found to be gross overcharging without any reasonable excuse it may result in a finding of misconduct against the lawyer. The Legal Practitioners Disciplinary Tribunal may make orders concerning the lawyer and their practice.
- A person can obtain a legal right to a refund or reduction of a bill by the process of taxation or adjudication of costs that is a review by a Court of the bill.

What information must a lawyer give me regarding costs?

- A lawyer has certain obligations to provide a client with information about costs.
- Generally, a lawyer must provide a client with written advice as to a reasonable estimate of the range of costs and disbursements the client will face.
- The lawyer must provide this advice as soon as possible after receiving instructions from the client. That is, the hourly rate for work done or the basis of charging for items of work. This information can be provided in a letter from the lawyer or a separate document titled *retainer agreement* or *letter of engagement* or *costs agreement*.
- A lawyer must provide a client with advice in writing showing on what basis the lawyer intends to charge the client.
- When an offer is made to settle a claim a lawyer must tell the client the amount of costs and disbursements to be paid so that the client knows how much he or she might get from the offer if it is accepted.
- Your lawyer must give you a detailed bill, **at no cost to you** provided that you ask for it within 6 months of receiving the account. The detailed bill should show you each item of work, the date on which it was done and the cost of each item.
- In family law matters your lawyer must give you notices about costs. After each court event a lawyer must give you written notice of costs already incurred and an estimate of future costs.

Where can I get legal advice about costs?

- Independent legal advice can be sought from:
 - **private lawyers**
The names of private lawyers can be obtained from the
Law Society of South Australia: 8229 0222
www.lawsocietysa.asn.au
 - **Legal Services Commission**
Telephone Advice Service: 1300 366 424
Appointments: 8463 3555
www.lsc.sa.gov.au
 - **Community Legal Centres**
Ring the Legal Services Commission and ask for the contact details of your nearest community legal centre. Or go to www.naclc.org.au and click on 'CLC directory'.
 - **Family Court Registry**
5th Floor, Grenfell Centre
25 Grenfell Street
ADELAIDE SA 5000
OR www.familycourt.com.au/costs
- The Board cannot give you legal advice.

Information Sheet 4

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Information Sheets on other topics are available from the Board.