



Legal Practitioners

Conduct Board

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FACT SHEET 4

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. Cost complaints are usually made by clients about the fees charged by their own lawyers.

The Board has no power to investigate complaints relating to party and party costs, that is, costs a person has been ordered by a Court or Tribunal to pay another person in litigation.

What should I do before lodging a complaint about costs?

- If you are unhappy with the costs your lawyer has charged, raise your concerns directly with your lawyer. You can do this by telephone, letter, email or in person. Some law firms have a Managing Partner or Office Manager who deals with complaints from clients, including complaints about costs.
- If your lawyer has not responded to your queries about costs to your satisfaction, you can ask to speak to the Managing Partner or Office Manager of the firm.
- The Board is not the only body that deals with issue relating to costs. You may have a right to have your costs reviewed by a court.

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

- A investigator employed by the Board will consider your complaint, the lawyer's bill and any other relevant paperwork, which may include the lawyer's file.
- The Board may offer to conciliate a cost complaint. You may request that your complaint be conciliated. Refer to the Board's Fact Sheet on Conciliation.
- The Board may decide to assess the amount of costs in detail if it appears to the Board's investigator that there may be significant overcharging.

Is there any charge to have my file assessed?

There is no charge to the client or lawyer if the Board has a file assessed. Pursuant to [Section 77A\(2\)](#) the Board can require a complainant to pay a reasonable fee for the investigation of a cost complaint and decline to proceed with the investigation unless the fee is paid. The Board, however, rarely requires a complainant to pay such a fee.

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

- The Board may **recommend** that your lawyer reduce their bill or make a refund. The Board does not have the power to either compel the reduction of a bill, or order that your lawyer refund an amount already paid.
- The Board may arrange conciliation between you and your lawyer with a qualified and experienced Conciliator. Refer to the Conciliation Fact Sheet for further information about conciliation at the Board.
- If an agreement about costs is reached at conciliation and is signed by the parties, it is binding on everyone.
- Where the Board finds gross overcharging, your lawyer may be subject to disciplinary proceedings for misconduct.
- You may have a legal right to a refund or reduction of your bill through the process of taxation or adjudication of costs. Taxation is a formal review of the bill by the Court. You should seek independent legal advice in relation to the taxation process.

What information must a lawyer give me regarding costs?

- Your lawyer has certain obligations to provide you with information about costs.
- Generally, your lawyer must provide you with written advice as to the reasonable estimate of the range of costs and disbursements that you will face.
- Your lawyer must provide this advice to you in writing as soon as possible after receiving your instructions. This information can be provided in a letter from your lawyer or separate document entitled "*retainer agreement*" or "*letter of engagement*" or "*cost agreement*" and must include the hourly rate for work done or the basis of charging for items of work.
- When an offer is made to settle a claim your lawyer must tell you the amount of costs and disbursements to be paid so that you know how much money you will receive from the offer if you accept it.
- Your lawyer must give you a detailed and itemised bill, **at no cost to you**, provided that you ask for it within 6 months of receiving your final account. The detailed bill should show you each item of work, the date on which it was done and the cost of each item.

Where can I get legal advice about costs?

- The Board cannot give you legal advice.
- Independent legal advice can be sought from:

- **Private Lawyers**

The names of private lawyers can be obtained from:

The Law Society of South Australia

Telephone: (08) 8229 0222

Website: www.lawsocietysa.asn.au

- **Legal Services Commission of South Australia**

General enquiries: (08) 8463 3555

Legal Help Line: 1300 366 424

Website: www.lsc.sa.gov.au

- **Community Legal Centres**

Telephone the Legal Services Commission and ask for the contact details of your nearest community legal centre. Or go to the website for the National Association of Community Legal Centres www.naclc.org.au and click on "CLC directory".

- **Adelaide Family Law Registry**

Roma Mitchell Commonwealth Law Courts Building

Address: 3 Angas Street
ADELAIDE SA 5000

Postal: PO Box 9991
ADELAIDE SA 5001

Website: www.familycourt.com.au

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July 2010



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Information Sheets on other topics are available from the Board.