



# Legal Practitioners Conduct Board

## COSTS

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### **Information Sheet No. 4 for a person who has contacted the Legal Practitioners Conduct Board regarding costs charged by their lawyer**

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

The Board must investigate all complaints unless it considers them to be frivolous.

#### **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 or in person.
- € Many lawyers will be willing to explain or negotiate their costs.
- € 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. However there are court fees associated with this process.

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

- € The Board may try to conciliate the issue of costs.
- € The Board may ask a lawyer to provide the Board with the file.
- € The Board may choose to send the file to an independent cost assessor.

#### **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 discretion as to whether this is an appropriate step.

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

- € The Board may recommend that a lawyer reduce the account. The Board does not have the power to order the reduction of an account.
- € The Board may arrange a conciliation conference between the lawyer, the client and the Board's conciliator. Participation is voluntary and the service is confidential.
- € Where there is found to be excessive overcharging it may result in a finding of misconduct against the lawyer.

### 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.
- € A lawyer must provide a client with advice in writing showing on what basis the lawyer intends to charge the client.
- € 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.

### Types of costs

- € The term 'costs' generally refers to a solicitor's **professional fees** for work they have done, and **disbursements** or out of pocket expenses, such as barrister's fees, search fees and report fees of doctors or other experts.
- € A solicitor's professional fees include 'solicitor/client costs' and 'party/party costs'.  
**Solicitor/client costs** are costs which a solicitor charges their client for legal services provided directly to the client, for example, taking instructions and giving advice.  
**Party/party costs** relate to the legal services necessary to run a matter in court - for example, correspondence to the other party and court documents prepared by your lawyer on your behalf. When the court orders another party to pay costs, or where there is a settlement and costs are agreed as part of the settlement, it is party/party costs that will be covered.

**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

- **Legal Services Commission**

Telephone Advice Service: 1300 366 424  
Appointments: 8463 3555

- **Community Legal Centres**

Ring the Legal Services Commission and ask for the contact details of your nearest community legal centre. Or go to [www.nacalc.org.au](http://www.nacalc.org.au) and click on 'CLC directory'.

€ The Board cannot give you legal advice.

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**Information Sheets on other topics are available from the Board.**