

Legal Costs – Your Right to Know



What should I be told about legal costs?

This fact sheet provides information to members of the public about what they are entitled to be told about legal costs.

When you ask a lawyer to handle a legal matter for you, you should expect to pay for the professional skills and experience the lawyer applies to that work. The costs that lawyers charge will vary depending on the type, duration and complexity of the work involved.

You have rights about the information that must be told to you about your lawyer's costs.

If your lawyer's costs are likely to be below **\$1,500** your lawyer is not required to give you information about costs, but you can still ask for that information.

What should your lawyer tell you?

When you engage a lawyer, and your legal costs are likely to be more than **\$1,500** you must be advised in writing about the following matters, (unless the lawyer is otherwise exempted from doing so in accordance with section 295 of the *Legal Profession Act 2007*):

1. How legal costs will be calculated, including whether a 'scale of costs' applies to any of the legal costs.
2. Your right to:
 - Negotiate a costs agreement with your lawyer;
 - Receive a bill from your lawyer;

- Request a more detailed bill (*itemised bill*) within 30 days after receipt of a lump sum bill;
 - Be notified of any substantial change to anything included in the lawyer's disclosure i.e. changes in a lawyer's hourly rate.
3. An estimate of the total legal costs (this is not a fixed quotation) or, if that is not reasonably practicable:
 - A range of estimates of the total legal costs; and,
 - An explanation of the major factors that will affect the calculation of those costs.
 4. If the matter is a litigious matter, i.e. it involves litigation in a court or tribunal, an estimate of:
 - The range of costs that may be recovered if you are successful in the litigation; and,
 - The range of costs you may be ordered to pay if you are unsuccessful. This may include the other parties' costs.
 5. Details of the how often you will be billed i.e. monthly.
 6. The rate of interest (if any) that will be charged on overdue or unpaid legal costs, whether that rate is a specific rate of interest or is a benchmark rate of interest.
 7. Your right to receive reports detailing the progress of your matter upon your reasonable request (*progress reports*).

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8. Details of the person you may contact to discuss legal costs.
9. The following avenues that are open in the event of a dispute in relation to legal costs:
 - To apply for a costs assessment through the Supreme Court of Tasmania within 60 days of payment or receipt of the bill;
 - To apply to a costs assessor through the Supreme Court of Tasmania to set aside a costs agreement;
 - To make a complaint to the Legal Profession Board of Tasmania.
10. Your right to:
 - Accept or reject any offer your lawyer makes for an interstate costs law to apply to your matter;
 - Notify your lawyer that you require an interstate costs law to apply to your matter.
11. The name of the lawyer who is primarily to perform the work on your file.
12. Information relating to the fact that some or all of the work on your file is to be performed by someone who is not a lawyer.
13. Information about 'No win no fee' agreements can be found in our fact sheet ***'No Win No Fee Agreements'***.

This fact sheet is made in satisfaction of Regulation 64 of the Legal Profession Regulations 2018.

The Supreme Court of Tasmania can be contacted on **1300 664 608** or at www.supremecourt.tas.gov.au

See the additional fact sheet entitled ***'Your Right to Challenge Legal Costs.'***



Further information

If you have any questions or require further information, please contact the Legal Profession Board of Tasmania.

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