

Your right to challenge legal costs

There are a number of avenues available to a client in the event of a dispute about legal costs. It is recommended, that clients first discuss any concerns with their lawyer before taking formal action.

Request and Itemized Bill

If you have received a lump sum bill you are entitled to request your lawyer to give you an itemised bill which you are entitled to receive within 21 days of your request.

Apply for a Costs Assessment

You may apply to a Costs Assessor (also called a Taxing Officer) at the Supreme Court of Tasmania for a review of the whole or any part of legal costs. An application for a costs assessment may be made even if the legal costs have been wholly or partly paid.

If you first instructed your lawyer before 31 December 2008, a costs assessment must be conducted in accordance with Part 11 of the *Legal Profession Act 1993*.

If you first instructed your lawyer after 31 December 2008, you must make application within 60 days after:

- the bill was given or the request for payment was made to you; or
- the costs were paid if neither a bill was given nor a request was made.

The Costs Assessor has a discretion in relation to the legal costs of the review process, the issue of who pays the legal costs of the review process can depend on how much (if at all) the bill is reduced. For further information, contact the Supreme Court of Tasmania on 03 - 6233 6385.

Apply to Set Aside a Costs Agreement

If you have entered into a costs agreement, you may apply to a Costs Assessor for an order that the costs agreement be set aside. There is no time limit for making this type of application. The Costs Assessor may set aside a costs agreement if satisfied that the agreement is not fair or reasonable.

If the costs agreement is set aside, the Costs Assessor may order the legal practitioner to pay your costs of the hearing. If the costs agreement is not set aside, the Costs Assessor may order you to pay the legal practitioner's costs of the hearing. For further information, contact the Supreme Court of Tasmania on (03) 6233 6385.

Making a complaint to the Legal Profession Board

The Legal Profession Board may accept complaints that relate to a bill of costs.

A complaint involving a costs dispute must be made within 3 years of the conduct complained about, unless the Board grants an extension of time in which to lodge a complaint.

If any part of a complaint relates to a bill of costs the Legal Profession Board may:

- refer the bill of costs to a Costs Assessor to be assessed or;
- deal with that part of the complaint under Chapter 4 of the *Legal Profession Act 2007*.

The Legal Profession Board will try to assist those involved in a costs dispute to resolve their dispute. Usually this will involve negotiations by letter or telephone, but may also include referring the dispute to mediation.

The Legal Profession Board of Tasmania can be contacted on 03 – 6226 3000, or 3/147 Macquarie Street, Hobart.

This Fact Sheet is made in satisfaction of regulation 66 of the *Legal Profession Regulations 2008*.