

Legal Costs – Your Right to Know

When you engage a lawyer you must be advised in writing about the following costs issues, unless the lawyer is exempted from doing so in accordance with section 295 of the *Legal Profession Act 2007*:

1. The basis on which 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 an 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.
 3. An estimate amount of the total legal costs or, if that is not reasonably practicable:
 - a range of estimates of the total legal costs; and
 - an explanation of the major variables that will affect the calculation of those costs.
 4. If the matter is a litigious matter, an estimate of the 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;
 5. The details of the intervals (if any) at which you will be billed;
 6. The rate of interest (if any) that will be charged on overdue legal costs, whether that rate is a specific rate of interest or is a benchmark rate of interest;
 7. Your right to progress reports;
 8. The details of the person you may contact to discuss legal costs;
 9. The following avenues are open in the event of a dispute in relation to legal costs:
 - Costs Assessment
 - The setting aside of costs agreement
 - Making a complaint to the Legal Profession Board
- (See the additional fact sheet entitled 'Your Right to Challenge Legal Costs').
10. The law of Tasmania applies to legal costs in relation to the matter but you may –
 - accept or reject any offer 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

The above advice in writing is **not** required to be made in particular if the total legal costs excluding disbursements are not likely to exceed \$1500.00(exclusive of GST)

This Fact Sheet is made in satisfaction of regulation 63 of the *Legal Profession Regulations 2008*.