



Dixie Ann Middleton & ASSOCIATES

Family Law & Estate Administration

Costs Checklist

Part 1

LEGAL FEES

We appreciate that when selecting your Solicitor, one of the issues that you must take into account is the cost of that Solicitor. There are a number of different methods that can be utilised by Solicitors in calculating their fees, for example:

1. Fixed fee for specified service;
2. Hourly rate (actual time or units of time);
3. Charging in accordance with a Government set scale of fees;
4. Combination of Government Scales and hourly rate;
5. Pro Bono;
6. Legal Aid; and
7. No win—no fee.

When comparing Solicitors' fees, it is important to determine, therefore, that you are comparing like with like.

Even within a particular method, there are complexities. For example, in the hourly rate of charging, is the Solicitor charging actual time or in units of time and if units of time, what are the units e.g. 5 minutes, 6 minutes? When charging units of time, this means that even if you are on the telephone for only 2 minutes, you will be charged 5 or 6 minutes depending on the unit time used by that firm.

You should use the following checklist as a guide when considering the issue of legal fees charged by your Solicitor:

1. What method of charging is the Solicitor using?
2. Will all my accounts be itemised so I know what work has been undertaken for the fee?
3. What is the degree of experience of the Solicitor undertaking the work? The more experienced and respected expert within an area of practice will usually be able to undertake the work more quickly than a junior practitioner or someone who doesn't specialise in that area of law. This is another example

of ensuring that you compare like with like when doing a comparison between Solicitors.

4. Will you be charged at regular intervals so you know the investment you are making in legal fees as the matter progresses?
5. What is the method of payment? Can you pay by credit card, direct deposit, cash or cheque. Today, people often like to pay by credit card to attract reward points for which they recover a benefit.
6. Will you be asked to place funds in the Trust bank account in advance of work being undertaken by your Solicitor? This approach enables you to budget for the expense.
7. Who will be doing the work on your file? Is all work done by the senior Solicitor or is it delegated to other members of staff?
8. What extras will you get from a particular firm for your fees? Do you for example have access to quarterly newsletters with relevant legal information relevant to your area of concern or to a publication with relevant information so that you can gain a general understanding of the area of law affecting you? We provide the following free benefits:-
 - A quarterly newsletter;
 - A copy of our book “Yours Mine Ours—a Guide to Family Law”; and
 - Check List brochures.
9. You should be provided with a Costs Agreement and a Disclosure Notice re Costs following your first appointment. This sets out how you will be charged and all matters pertaining to the payment of legal fees to the practice.
10. There are means of saving legal fees. So as to ensure that your dollar is effectively spent with your Solicitor, you should undertake the following steps:
 - Prepare questions prior to your appointment;
 - Communicate your expectations of the Solicitor and the process;
 - If you don't understand ask further questions;
 - If you are given a plan of action, complete the plan of action in the time specified;
 - Ensure your Solicitor has your up to date contact details;
 - Provide your paperwork in a chronological order with index and an extra copy for the other side if it is disclosure documents that need to be provided to them;

- If you have concerns during the course of the conduct of the matter, convey them to the Solicitor handling the matter or to the Principal of the firm;
- Email information, updates and requests. This is usually a very efficient way of communication.

OUR FEES

For your information we respond to the recommended checklist as follows:

Method of charging

We charge on an hourly rate based on actual time, not units of time.

Accounts

All our accounts are itemised. This means that you are given details of what work was undertaken, what time it took to complete that work, who did the work and the charge for each item of work.

Experience of Solicitors handling your matter

All our Solicitors are experienced Solicitors well respected within the industry. For updated biographies in regard to our Solicitors, see our website www.middletonlawyers.com.au. There are different rates of fees depending on the seniority and experience of the Solicitor you see within our office.

Team approach

The work on your file will be done by various members of staff as determined by the Principal. This means that work which can and should be done by a clerk at clerk's rate will occur. This is cost effective for you. This approach also means that when a Solicitor is away on leave, sick or on an RDO, work still goes on in regards to your matter.

Frequency of accounts

This will be at least monthly, but can be more frequent depending on the volume of work being undertaken on your matter.

Means of payment

You have the following choices in regard to methods of payment:

- Cash;
- Cheque;
- Eftpos or credit card; or
- Direct debit.

Payments into the Trust bank account

\$1,000.00 will be required to be deposited into the Trust bank account prior to your first appointment.

You will be required to place funds into the Trust bank account prior to work being undertaken. The quantum will depend on the extent of the work being undertaken at any particular time and you will be given an indication of the amount required for particular portions of work so that you may budget from time to time as the matter progresses.

Costs Agreement and Disclosure Notice

Following your first appointment you will be provided with a Costs Agreement which will need to be signed if you wish us to undertake any further work for you. This sets out the terms and conditions upon which we will act as your Solicitor. At the same time, we will also provide you with a Disclosure Notice which sets out estimates of potential costs to undertake certain types of work. This will give you some assistance in budgeting for your legal fees.

Conclusion

There will be no shocks or surprises in regards to the fees you incur with us. We are transparent about our method of charging and the rate at which we will charge you. We do not do work without having had you place funds in the Trust bank account so you are not incurring a debt which will cause you more distress than the issue for which you sought assistance in the first instance. We do not do work unless you have instructed us to carry out that work. We have you check draft documents and letters before they are sent out. We work with you to resolve the issues that are confronting you. You will achieve a cost effective result with our firm.

WARNING

This article reflected the state of the law at the time of publication. But the law is a living creation which is constantly changing and adapting. These articles should be treated as an information resource only and not as a substitute for specific legal advice in respect to your particular problems and circumstances.

Liability limited by a scheme approved under professional standards legislation.