

Legal Costs

At Butlers we acknowledge that many people find legal costs and the way they are calculated quite complex.

So that you understand our legal costs, before we start work on your behalf, we will explain to you:

- How we calculate our fees;
- The likely costs involved in preparing and running your case;
- Any additional costs that may be incurred;
- Any costs that may be recoverable from, or payable by you to the other party.

We will also provide you with a written costs disclosure document and a letter offering a costs agreement. If, at any stage of the matter, we find that the information contained our costs disclosure document is no longer accurate, you will be informed as soon as is reasonably practicable.

How are legal fees decided?

There are many different ways to calculate legal fees. Our fees are usually charged using an agreed hourly rate, or if applicable, by using official court scales or other statutory scales which set out what should be charged for a particular task.

For matters charged on an agreed hourly rate, the precise amount of your legal costs will depend on a number of factors including the amount of work performed to prepare your matter, its complexity and the stage at which it is resolved.

Will there be any extra costs?

You will be required pay us the cost of ‘disbursements’ or out-of-pocket expenses that we incur on your behalf. Some typical disbursements include:

- An expert’s fee for providing a report;
- Stamp duty costs;
- Court fees.

What about the costs of going to court?

We are committed to providing you with clear and complete information about your likely legal costs before you commit to taking any court action. We will explain, discuss and negotiate legal costs with you before starting your claim.

Nevertheless, it can be difficult to predict whether a case will settle early or proceed to a court hearing. Some court hearings can be short and others lengthy. If we cannot predict the likely direction your matter will take, we will provide you with information about the potential costs at each stage of your matter. Statistically, the overwhelming majority of cases settle before going to court.

In many successful cases a percentage of your legal costs may be recovered from the other party.

If my court case is not successful, will I have to pay costs for the other party?

There are risks associated with taking court action. Most courts and tribunals may order you to pay the other party's costs if your case is unsuccessful.

Your case will be continually monitored and assessed to ensure you are not exposed to an unreasonable risk of having to pay the other party's costs.

Payment

Usually, we will bill you monthly or on the completion of the matter, and payment is due 14 days from the invoice date.

In some complex matters where costs are likely to be great, we may ask for you to pay an amount up-front to be held by us on trust for the costs involved in running the matter.

No win, no fee

In certain circumstances, we may be able to take on your matter on a contingency basis, where, if you do not win your case, we will not charge you any legal fees, although you may still be liable to pay the other side's legal costs. Only if your claim is successful, will you be required to pay our fees. We will only take on matters on a contingency basis if:

- We believe your case has legal merit;
- You would not otherwise be able to afford to make the claim;
- You agree to tell us everything relevant to your claim;
- You agree to co-operate fully with us.

Talk to us

If you would like more information about legal costs, please don't hesitate to contact us either by email or by calling us on (02) 4929 7002.