



Legal Practitioners Complaints Committee

The Legal Practitioners Complaints Committee is concerned to note that it has received a number of complaints from clients alleging that they were informed by their solicitors, at the outset of instructions, that they would not be required to pay legal fees until their matter was concluded, but were not told that they would have to pay for disbursements; nor that these would be substantial.

If a practitioner proposes to act on the basis that he or she will not require payment of fees from a client until the client matter is concluded, it is important that the practitioner make it clear to the client, at the very outset of the retainer, that although the interim payment of fees will not be sought, the client will be required to pay for disbursements before the matter concludes (if such is the case), what disbursements are and the amount of these disbursements. This is particularly important if the practitioner proposes to seek the client's instructions to engage an expert or brief counsel, at which point significant sums of money may be required of the client.

The committee's view is that to not so advise a client at the outset of instructions, when at the same time advising that client that no fees will be sought until the matter is concluded, may be misleading and could constitute unprofessional conduct.

The committee recommends that such advice be given in writing, to avoid any possible misunderstanding. It also enables the client to make a more informed decision as to whether he or she wishes to proceed and instruct the practitioner in the matter.