

2008 Fees and Charges

Grope Hamilton Lawyers are cost effective

Being a boutique commercial law firm, we can more effectively contain our overheads, so we can keep our total charges for an equivalent task lower than those of many large law firms. We also always aim to keep our hourly charge out rates at or near the underlying Supreme Court rate for a lawyer exercising special skill.

It has always been our philosophy to ensure matters are not "over-serviced" and are carried out as efficiently and effectively as possible. This includes, where appropriate, delegating aspects of work to a person within the firm with appropriate skills and a lower charge-out rate. Aspects of some matters can be carried out by associate lawyers or paralegals with close partner supervision, seeking to ensure that costs are not disproportionate to the task.

OUR FEES

Like most firms, our fees are calculated on a time basis for work performed, plus recovery of out-of-pocket expenses - unless specific arrangements are made in writing to the contrary. Our current rates are:

Partners	\$279.00 per hour (plus GST)
Other Lawyers (if applicable)	\$247.00 per hour (plus GST)
Paralegal	\$113.00 per hour (plus GST)

Most administrative support (like word processing) is included in the professional hourly rates. If extensive overtime or weekend work is necessary, we provide administrative support at a competitive cost.

EXPENSES

Direct Disbursements

Direct expenses are fees paid by the firm on client's behalf such as Court filing fees and fees to outside bodies such as the Australian Securities and Investments Commission, Lands Titles Office, Stamp Duties Office, courier fees and FID. These will be billed to client's account or we may request a client to provide a cheque payable to the relevant government agency for the particular expense. We seek client's approval prior to incurring any unusual or substantial disbursements.

Indirect Expenses

Internal administration costs are indirect expenses and are individually detailed in client accounts. In keeping with our philosophy of keeping our charging cost efficient, our disbursement charges are generally below the Supreme Court general scale of costs. Our current charge rates (not including GST) are:

Postage at cost	
Photocopying	55c per page
Scanning	55c per page
Printing	55c per page
Email	50c each
Facsimiles (outgoing)	Local: \$2.50 first page, \$1.00 subsequent pages National: \$2.50 first page, \$1.00 subsequent pages International: \$5.00 first page, \$2.00 subsequent pages
Telephone	Telstra charges
Binding	\$1.50 per document

Cost Estimates

In some matters (where we can predict the amount of legal work involved) we will perform certain legal services at fixed rates or within a range of estimated costs. In transactional matters, such as business or property acquisitions and disposals, the "market" and recommended fee scales will generally determine the fees.

Retaining counsel, experts and consultants etc

It is firm policy that all external experts and consultants that may be required to advise or provide expert reports in a matter, such as accountants, building consultants, medical practitioners etc, be engaged direct by the client and not the firm. The firm will seek your prior approval before retaining Counsel to assist in client matter including the basis upon which counsel will charge in the matter.

RECOVERY OF COSTS

If we are acting for a client in a litigation matter then the client may if successful obtain an order that the other party pay the clients costs of the legal action ("the costs order"). The costs order would normally be on the basis that the client recovers "party/party" costs to be taxed on the relevant court scale, as opposed to on a time basis. There are two reasons why clients would not normally affect a full recovery of the legal costs which they pay this firm under our standard costs agreement. Firstly, the fact that the clients costs would be taxed on a "party/party" basis as opposed to a "client/solicitor" basis. This means that the Court will not necessarily require the other party to reimburse our client for all items of work which the client instruct us to do on the file, whereas we charge the client for all work done. The second reason is that the work done on the file will be "taxed" on the court scale of costs, rather than at our hourly rates. For the purposes of costs orders, these scales vary depending on what Court the action is conducted in.

Predicting what, if any, difference this would make in terms of a client's total recovery of costs is very difficult given that our hourly rates are at or below the rate of \$267 per hour for a solicitor exercising special skill under the Supreme Court general scale of costs.

It must also be borne in mind that a client's ability to actually recover any costs will depend on the means of the other party to pay such costs.

As a rough rule of thumb, lawyers habitually tell clients that in normal matters party/party costs are likely to tax out at approximately two thirds to three quarters of the costs charged to the client. This is by necessity a brief comment on a complicated topic. Please ask us for a more detailed explanation if you require it.

ACCOUNTS AND TERMS OF PAYMENT

The firm issues interim accounts for professional charges and expenses (both incurred and anticipated) from time to time (usually, but not always, monthly) to keep clients up-to-date with the costs in this matter and to help clients financial planning and our firm's cash-flow. The firm requires at least fortnightly accounts from counsel briefed in matters; and passes these on for immediate payment.

These interim accounts are "long-form" accounts (i.e. they specify the period in which the work has been performed and provide basic details of that work). We will also provide clients' with the automatic draft Bill format, which shows the charge for each individual item of work performed.

Our accounts in this matter are strictly payable within seven (7) days. Counsel accounts are payable by return mail direct to counsel with confirmation to us.

TRANSCRIPT OF COURT PROCEEDINGS

It is firm policy that the client in litigation matters enters into an agreement with the Courts Administration Authority (SA) or equivalent for the supply of the transcript of any court proceedings.

MONIES IN TRUST

From time to time, at the discretion of this firm, the client may be requested to deposit money in the firm's trust account to cover anticipated costs and expenses (including counsel fees). If this need does arise, we attempt to give the client prior notice and will negotiate an appropriate amount to cover the anticipated costs.

It must be and is a term of our retainer that in the event of a client's failure to comply with a request to pay money into trust, Grope Hamilton Lawyers may immediately cease to act for the client in this matter.

CESSATION - GENERAL

While Grope Hamilton Lawyers has a policy of negotiating with clients to clarify and resolve any difficulties in the handling of matters or payment of accounts, if the terms of trade or any subsequently negotiated terms of payment cannot be adhered to, the firm is under no obligation to continue to act.

If a client fails to provide us with timely instructions on matters arising during the course of the matter, then the firm has no alternative but to cease acting and reserves the right to do so.

GOODS AND SERVICES TAX ("GST")

From 1 July 2000, GST has been payable in addition to our professional time costs and disbursements at the rate of 10%, and will be charged on all amounts invoiced.

LEGAL ADVICE ON OUR COSTS AGREEMENT

Given that our firm's standard costs agreement involves contracting out of the court scale, prospective clients' may wish to obtain independent legal advice on the terms of the costs agreement; and enquire as to whether there are lawyers prepared to undertake the work for them on the relevant Court scale.

ESTIMATION OF COSTS

As soon as practicable after taking instructions, the Professional Conduct Rules also provide that legal practitioners should – unless it is unreasonable or inappropriate – provide clients with a written estimate of the range of costs and disbursements likely to be incurred by pursuing the legal activity.

Sometimes, the full scope and extent of work required of us pursuant to a new or existing retainer cannot be identified; and therefore quantified or estimated in terms of likely cost. A costs estimate or a "guesstimated" range of possible costs will be given if possible and useful.