

HOW DO I REDUCE MY LEGAL COSTS?

The following tips may be useful to help minimise your legal bill:

Before your appointment:

- Have your relevant documents available at the first appointment, with copies for the solicitor to keep, eg. all Court documents, financial documents, photographs etc;
- Have all relevant full names, addresses and contact details with you;
- Have a list of points that you want to discuss with your solicitor.
- Provide lengthy documents to your solicitor well before your appointment, to enable thorough reading in readiness for your appointment.

During your first appointment:

- Ask for an estimate of costs and request a Costs Agreement to be sent to you at the first opportunity;
- Inquire about legal aid or whether an agency can carry out the work at little or no cost to you (eg. Fair Trading Tribunal);
- Ask about alternative solutions to legal proceedings, eg; mediation, police intervention, counselling, government agencies. Some of these services are free, or have quite reasonable rates;
- Try to stick to the relevant facts, rather than the emotional issues, your opinion about the other party, or irrelevant side issues;
- Be aware that your solicitor's role is to provide legal advice rather than emotional support or sympathy;

- Don't bring friends or relatives to the appointment unless they are relevant to the matter. Remember, when they talk to your solicitor, **you** are paying for that time;
- Allow enough time for your solicitor to prepare what you want, eg; a Will cannot usually be ready on the same day, as solicitors may need further information, or have pressing Court work at the time;
- Don't take or make mobile calls during your appointment, again **you** will pay for that time;
- If you have a budget, tell your solicitor up front how much you are prepared to spend;
- Ask for discounts for paying early or as loyal clients (keep your business in the one place).

After you have given instructions to the solicitor:

- Always accept a telephone call from your solicitor, as you are charged for a return call as well;
- Make prior arrangements with your solicitor if you expect to be away around important times (delays cost) eg; Court dates, settlement of real estate sales or purchases;
- Where possible, put aside money for legal costs, request regular invoices, and pay promptly. You may otherwise be charged interest and/ or incur follow-up costs;
- Give prompt instructions to your solicitor when requested, to avoid the cost of follow-up correspondence and calls. You pay for every letter, email and telephone call;
- Be on time for all appointments, especially Court attendances. No-shows and

adjournments cost, and can put the judiciary off-side;

- Be aware that your actions towards the other party may be exaggerated and reported in Court documents or to Police;
- Be aware that anything you put in writing about or to the other party can be used in evidence against you;
- Your after-hours or mobile calls to your solicitor will still be charged – they are not free;
- Listen to your legal advisors, rather than thinking you know better. A solicitor can terminate your retainer if you are obstructive or frequently not following legal advice. A new solicitor will then charge a premium to obtain and read your file from your former solicitor;
- Take long documents home to read, amend, or prepare queries, and then see your solicitor, rather than read in the presence of your solicitor and incurring costs for the time you spend in your solicitor's office;
- Do not presume that attendances at the solicitor's office to see your solicitor without an appointment are free - you will still be charged;
- Avoid paper warfare with the other party, such as detailed point-scoring notes for your solicitor to read. Keep focused on the end outcome;
- Be realistic about your prospects : "*the principle of the thing*" or revenge can be costly;
- Be prepared to make a commercial decision to settle, for instance, if the other party does

not have the funds to recover if you sue. Cut your losses;

- Be honest with your solicitor, do not leave out facts that may hurt your case, nor exaggerate or invent facts to bolster your case. They may ultimately be revealed, at great expense to you;
- Allow sufficient time for your solicitor to receive a reply from the other side; 2-3 weeks is not unreasonable. Your telephone calls or emails to your solicitor to check on progress after only a few days will be billed to you. Your solicitor diaries follow-ups and will contact you when a reply is received, or send a follow-up reminder on your behalf;
- Urgency costs. A facsimile letter or express post will be charged a premium;
- Stubbornness costs. Do not engage in lengthy legal correspondence/proceedings over minor issues;
- Do not allow friends or relatives to give instructions or seek information about your case from you solicitor. You will still be charged for your solicitor's time;
- If you have literacy problems, ask a friend/relative to read correspondence and documents to you rather than have your solicitor do that;
- Arrange third party evidence yourself where possible, eg; a valuation, pest inspection report, medical report etc, as your solicitor will charge to arrange these.

In general:

- Seek early legal advice about all contractual documents eg; real estate listing agreements, car purchase contracts,

builder's contracts etc. When things go wrong later it can be far more costly;

- Be practical and have legal documents prepared when needed, eg. a current Will, family loan agreement etc. \$100 or so spent now can save \$\$\$thousands in the long run;
- Seek professional legal advice rather than listen to "bush lawyer" friends/relatives. Poor advice can be costly and waste valuable time;
- Seek legal advice at the first opportunity, rather than when things get out of hand or too late. There are strict time limits to most claims;
- Solicitors can charge for their time, even checking your forms such as "do-it-yourself" divorce application or Will forms. Do not expect it as a free service. Have a friend or relative check forms for you instead, if you are not prepared to pay;
- "No Win No Fee" does not exist in reality. You will still be charged for out-of-pocket expenses incurred, such as court fees, postage, copying, telephone, stationery, travel expenses, witness costs etc;
- Give your solicitor a landline number, as calls to a mobile phone may attract a premium;
- Emails are costed at the same rate as letters. They are not a free service as a solicitor must spend time accessing, reading, printing and replying to emails;
- Be realistic that not all problems have a legal solution.

Even if you have a litigated matter in which the

other side is awarded your costs, this does not mean that all your legal costs are recoverable from that party. There are restrictions on what is regarded as 'reasonable' legal costs. Some costs awards are limited by legislation to payment of costs incurred directly with the other side, and would not include your telephone calls, emails or appointments with your solicitor to discuss tactics, for instance.

When you win a case with a costs order against the other side, not all costs are paid. Some examples of *non-recoverable* costs might be:

- More than one telephone call, email or appointment per day with your solicitor;
- Querying the solicitor about the same point more than once;
- After hours calls when not an emergency;
- Home visits;
- Instructing your solicitor to carry out non-legal work or low level work able to be carried out by a legal secretary or yourself, eg. photocopying, obtaining bank statements, travel arrangements;
- Not doing things on time, requiring follow-ups or incurring Court delays.

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