

**SUPREME AND DISTRICT COURTS INDICATOR ON COUNSEL FEES
APPLICABLE FROM 1 JULY 2007**

This is an Indicator, and not a scale of counsel fees. It is based on information obtained by the Courts of relevant matters affecting how the Courts might exercise their discretion in the future in allowing and fixing counsel fees. It in no way is to bind the Courts on how they will determine the proper quantum of counsel fees based on the admissible evidence about their quantum in a particular case. The ranges for the items reflect the likely degree of variation in the possible factual conclusions which may be reached on taxations or adjudications. This Indicator supersedes the Guide to Counsel Fees for work done on and after its commencement date.

No	Item	Junior Counsel \$	Senior Counsel \$
1	Daily Trial fee (including contested hearings and appeals which exceed ½ day) (see Note 2)	1,180-2,800	2,450-4,500
2	Contested hearings (including submissions on guilty pleas and settlement conferences) not being trials, and where the hearing is estimated at a ½ day or less: (a) Appeals (b) Other than appeals	400-1,400 300-1,200	500-2,200 450-1,600
3	Uncontested hearings (including taking reserved judgments and arraignments): (a) Less than 1 hour (b) Per hour after the first – item 7	200-400	300-500
4	Conferences (see Notes 8, 9 and 10)	240-400 p/h	360-520 p/h
5	Settling fees, plus where counsel draws the document as well as settles it, the equivalent of a solicitor's drawing fee for it	100-400	150-800
6	Written opinions and advices on evidence	475-1,200	1,050-1,800
7	General time fee including necessary and proper preparation, reading, waiting and travelling time	200-300 p/h	300-420 p/h

NOTES:

- 1 The fee to be allowed will be what is fair and reasonable having regard to the time occupied, the complexity of the matter, the standing and experience of the particular counsel, the prevailing rates being charged for work of a particular type in this State and any other relevant criteria. The Court will act on the admissible evidence and submissions received in a particular case in which it has to determine the proper quantum of allowable counsel fees. This Indicator is not admissible evidence on these issues. It is expected that fees at the tops of the ranges will only be allowed in a few cases.
- 2 A daily trial fee is to include:
 - (1) the first 5-hour period (not including any luncheon adjournment) in which the Court sits;
 - (2) reasonable preparation including reading the first 150 pages of the brief;
 - (3) one conference relating to incidental matters;
 - (4) the reading and noting up of evidence;
 - (5) reading any written submissions from other parties;
 - (6) preparing submissions and addresses.

(Sub-paras (2) – (6) are limited to work which is incidental to the 5 hour period in sub-para (1).)
- 3 Fees for hearings for the first day will become payable at the time when it is proper for the brief to be delivered to counsel for the matter.
- 4 Where a trial is adjourned, or does not proceed on the listed date, no other fee will be allowed to counsel for time set aside for the trial other than in special circumstances. Where a trial is listed to last for more than five days consideration will be given to allowing a cancellation fee of one daily trial fee for each five day period after the first such period for which the trial was listed.
- 5 Pursuant to Practice Directions 25 and 6.3 no fee is chargeable for a written outline of submissions other than in unusual cases.
- 6 Preparation time is not to be permitted for counsel undertaking general legal research. Reading time will be permitted for reading the cases in the lists of authorities, but not in full for cases with which counsel practising in the field would be expected to be conversant.

- 7 In assessing proper reading and preparation times regard will be had to fees previously allowed to that counsel for other work in that or related cases.
- 8 Conference fees are to include counsel's work done in arranging for the conference, preparation for it and making any record of it. Fees for preparation time are only to be allowed where the proper preparation time is not reflected in the conference fee rate.
- 9 Telephone attendances by counsel will not ordinarily attract fees unless the subject matter of the call would have justified a conference fee.
- 10 Conference fees will not be allowed merely for solicitors attending upon counsel, or junior counsel upon leading counsel, where counsel is engaged on preparation which does not necessarily require the assistance of the solicitor or junior counsel respectively for the duration of the conference.
- 11 No settling fee will be allowed without the production of a settled draft or other satisfactory evidence of settling.
- 12 Waiting time will only be allowed where the time is not otherwise compensated in other fees.