

## IMPORTANT DETAILS YOU CAN'T IGNORE

ENSURE NOTHING GETS OVERLOOKED

### *Disbursements*

A disbursement ledger printout ensures we can cross-check against disbursements located throughout the file for inclusion in your bill of costs. If your firm does not have a disbursement ledger the minimum information we require to successfully cross-check are: name of service provider, amount of fee incurred, and date service provided.

### *File Notes*

File notes need to include the following information in order to fully recover cost on taxation:

- The date, time and duration of the attendance.
- Detailed attendances in excess of 15 minutes require details to substantiate discussions that took place. This might include the length (time) of the attendance and detail of the attendance. For example, your office attends a view for 3 hours and simply has an attendance which says "attendance at view 3 hours". With no further details this item may be reduced on taxation.
- Travelling time to and from the destination to be included where relevant.
- Where the attendance took place
- Detail of person(s) who attended

### *Counsel Brief(s)/Backsheets*

As previously mentioned, please ensure any Counsels Briefs are returned for inclusion in the file for taxation. You cannot recover copy documents without Counsel's copy brief being produced on taxation.

### *Backsheets*

Unmarked backsheets are often found loose in unconnected areas of the file. This can lead to omissions of claiming briefs to counsel in the bill of costs. The ideal placement for unmarked backsheets, that have just been sent to counsel, is inside the correspondence. Doing this ensures the costs consultant will claim the drawing and delivery of the brief to counsel.

Marked backsheets from a costing perspective are classified as a disbursement. Like any other disbursement, this item must be produced on taxation. If judgment has been made to that effect, production of backsheets may also be required at taxation to prove certification of counsel's fees. To ensure inclusion and identification of these items at taxation, it is best for marked backsheets to be kept within your disbursements section.

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### *Counsel Fees*

In Victoria, before an order can be made in relation to party/party costs as taxed, the bill of costs must be certified as paid by Counsel's Clerk. This is a service Blackstone Legal Costing can provide at the scale fee (recoverable on taxation). However the County Court will allow for an undertaking to be provided to pay counsel's fees within 14 days after receipt of party/party costs

The quickest way to ascertain outstanding counsel fees is to request a statement from counsel's clerks. This ensures that cheques are made out for the correct amount before the clerk's offices are attended for certification. The clerks are quick in providing these lists and it saves you a lot of time.

### GENERAL TIPS

- Witness attendance notes should always be reflected in your file.
- Original correspondence or copies of, should be placed only on the correspondence pin with the enclosure in the relevant section of the documents folder. This reduces the time taken to prepare a matter for taxation and also prevents omissions within the bill.

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