

WHAT FILES SENT FOR COSTING SHOULD CONTAIN

A STEP BY STEP GUIDE

To enable us to carry out costing for your file, please send us your entire file with a letter of instructions. We are flexible with working with either physical or electronic files. Your file would include:

- correspondence and file notes – in chronological order if possible;
- other documents – e.g. court documents, affidavits, expert reports, documents produced under subpoena, counsel brief(s), court books, documents received from the client and other relevant material;
- copy of any WIP or time ledger (if available);
- copies of disbursement invoices (disbursements are more easily identified and captured in a Bill of Costs when filed in a central location);
- copies of invoices sent to your client and copies of any invoices already paid;
- costs orders (as any judgment in relation to costs must be authenticated); and
- copies of any costs agreement and disclosure documents.

Please note that original Counsel Brief(s) and Court Books will be used to identify and list copies when claiming copy documents. If this is not available, please advise the number of pages annexed to Counsel Brief(s) and Court Books (ideally set out in an index to the brief). We do not ordinarily need to sight copies of subpoenaed documents, but we generally require, at the least, advice about the number of pages of documents produced in relation to each subpoena issued, or Notice to Produce issued.

It may be simpler just to send us your entire file.

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IMPORTANT POINTS TO CONSIDER

Correspondence

Correspondence should be spiked or filed in chronological order. This assures all attendances and letters are claimed in the bill and assists quick item identification at taxation or assessment. Legal costs may be lost at taxation if the tag and relevant item cannot be located. Well presented files keep our preparation time and your cost to a minimum.

Original documents include:

- Court documents
- Medicals reports
- Expert reports
- Original Counsel Brief(s)
- Employment material (if any)
- Other relevant material

Counsel Brief(s)

Your original brief(s) will be used to identify and list copies when claiming copy documents provided for Counsel. In some cases the index of documents provided can also be used. However, copies will be disallowed on taxation or assessment without the production of Counsel's original brief(s) if requested by the Taxing Registrar or Costs Assessor.

Court Books (if any)

As for Counsel Brief(s) documents index attached to the court book can be used for copy calculation. On taxation, these copy documents must be produced to recover costs.

Accounts/Disbursements kept separately

Disbursements are more easily identified and captured in the bill of costs when filed in a central location. More importantly, on taxation all accounts must be produced in order to recover the cost.

Receipted accounts are preferred by the courts but not all courts are strict to the rule. The Supreme Court of Victoria however, does adhere to this principle and requires all accounts be receipted in order to recover the cost on taxation. The court may accept that payment has been made if the account has been stamped or marked as paid by your office, together with the payment date paid and your signature.

Costs Orders

Receipted accounts are preferred by the courts but not all courts are strict to the rule. The Supreme Court of Victoria however, does adhere to this principle and requires all accounts be receipted in order to recover the cost on taxation. The court may accept that payment has been made if the account has been stamped or marked as paid by your office, together with the payment date paid and your signature.

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We recommend upon settlement of a proceeding, orders in relation to judgment awarding costs are drawn and presented to the court as an administrative procedure. This speeds the process of recovering your party/party costs.

SUMMARY

A file provided to us in an organised manner:

- Assists with easy identification of omissions
- Provides the best opportunity to identify possible omissions
- Results in early contact with your office for clarification.

reasonable charges in your bill of costs. Our ability to substantiate charges on taxation can also be inhibited. The most obvious examples of this are in recoverable costs for:

- Copies made (enclosures to letters, counsel brief(s), court books etc)
- Documents perused on the file
- Disbursements incurred
- Inadequate details or lack of conference/attendance notes.

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