
Advisory

15 July 2020

Legal Practitioners fee assessments

The Legal Practice Council has received a number of enquiries from Curator Bonii and Trustees regarding their entitlement to call for taxation of the costs of the attorneys who handled the matter giving rise to such appointment. The enquiries arise from uncertainty on the part of certain practitioners of their obligations to persons other than their instructing client.

In any circumstance where a person acts in a fiduciary capacity, either as a Legal Practitioner, Curator or Trustee – that person is obliged to act in the best interests of their client, the Estate or the Trust. This means that if they are of the opinion that any bill of costs for litigious work done is to be drawn or presented for taxation, they may call for this and the Legal Practitioner concerned is obliged to comply.

In matters that fall within the ambit of the Contingency Fees Act 66 of 1997, Curators and Trustees, even if they were not the instructing party, are entitled by virtue of their fiduciary duty to call for a review of either the contingency fee agreement or any fees charged in terms thereof by the Legal Practice Council as provided for in terms of section 5(2) of that Act.

The Legal Practice Council established provincial Fee Dispute Resolution Committees to assess legal practitioners fees and disbursements in non-litigious matters and/or to review contingency fees agreements and the provincial offices can be contacted in the event an assessment or review is required.

Legal Practitioners and other affected parties are guided accordingly.

Issued by the Legal Practice Council