

This video explains the processes involved for a self-represented Litigant who wants the Costs Court to review their solicitor's bill.

If you are unhappy with your solicitor's bill, first discuss the matter with your solicitor.

If you cannot resolve the issues you can:

- Ask the Legal Services Commissioner to review the bill
- Or, Start a proceeding in the Costs Court, part of the Supreme Court of Victoria.

Where you apply to have your review heard depends on:

- the amount of the bill
- the amount in dispute
- And when you first instructed your solicitor to act on your behalf.

Read about your options in the guide on our website: *Requesting a review of your solicitor's bill*.

Usually, you have 12 months from the date you received your final solicitor's bill to apply for a review in the Costs Court.

Be aware - Your lawyer may start a proceeding in the Costs Court, or sue you in another court, if you do not pay your bills on time.

Legal proceedings in the Supreme Court can be very expensive.

You need to pay court fees at different stages, unless you have a fee waiver.

After conducting a review, if the Costs Court reduces your solicitor's bill by 15 per cent or more, then it may order the solicitor to pay your costs.

If your solicitor's bill is not reduced by this amount, the Costs Court may order you to pay your solicitor's costs.

Be aware – these costs can be substantial.

A review of solicitor's bills in the Costs Court usually goes through these stages:

**Stage 1 - Complete a "Legal Profession Legislation Taxation Information Form" which is found on our website.**

Email your completed form to [Costs.Court@SupremeCourt.vic.gov.au](mailto:Costs.Court@SupremeCourt.vic.gov.au)

Be sure to provide all the required information

A Registry Officer will email you a date and time on which you are to attend the first hearing in the Supreme Court which is called a "callover"

Complete the Summons for Taxation with the callover date and time you have been given by the Court. A summons for taxation form can be obtained from our website.

File your completed Summons for Taxation, and a copy of the solicitor's bill or invoices if you do not have a bill. You should also include the email you received from the Court.

Redcrest will notify you when the Summons for taxation has been accepted. It will have the Court's seal and the date and time on which you are to attend the callover.

**Stage 2 – Serve your documents on the solicitor.**

Serve the summons for Taxation form and solicitor's bills on the solicitor in person or at their office.

**Stage 3 – Attend the callover**

The first hearing is called a callover where orders are made to progress the proceeding.

At the callover, you will be allocated date for the next court event, either a mediation or alternatively, a hearing in Court which is called a taxation.

Matters listed for mediation are common where both parties are represented.

If you are a self represented litigant, It is more likely that your matter will be listed for a taxation.

#### **Stage 4 – Attend the mediation, if ordered.**

A mediation is a confidential discussion held between parties facilitated by a skilled independent mediator.

The Court will tell you if you need to attend a mediation.

Whether you attend a mediation or a taxation, if you are disputing specific items on an itemised bill, you must file with the Court, and serve on the solicitor a Notice of Objection. It is a document that sets out your objections to specific items in the bill of costs with a brief statement as to why you are disputing the items.

File and serve this document at least seven days before a mediation or taxation or as ordered by the Court.

#### **Stage 5 – Attend the taxation hearing**

If you attended a mediation in Stage 4 and the case did not settle, the Court will usually order you to attend a taxation hearing.

Or, your proceeding may go straight to a taxation hearing after the callover.

The taxation hearing is where you present your arguments to the Court based on

your Notice of Objections.

There are some things you can do to prepare for your taxation hearing:

- Watch the videos on our website about preparing for a hearing and attending court
- Become familiar with anything the solicitor sent you during the time you engaged their services
- If disputing specific items, bring to the hearing copies of the emails, letters or other materials that relate to the items
- Prepare to present your arguments to the Court
- Read any relevant rules and legislation

The judicial officer will usually give their decision on disputed items in the bill of costs and a decision about who pays the cost of the taxation at the taxation hearing. If the taxation involves a disputed point of law, you may get that decision after the taxation.

If you are unhappy with the outcome, you have 14 days to request a review of the decision.

For more details on requesting a review of a solicitor's bill, see the guide on our website: [Requesting a review of your solicitor's bill](#).

You can also contact the Self-represented Litigant Coordinator to discuss your situation. Contact details are on our website.