

A guide to **representing yourself** when

Requesting an assessment of your solicitor's bill

in the Costs Court

Contact details

Supreme Court staff can answer questions about court process. They cannot give legal advice, or help you prepare or present your case.

Website

supremecourt.vic.gov.au

Self-represented Litigant Coordinator

Phone: 03 8600 2031

Email: unrepresented@supcourt.vic.gov.au

Appointments with the Self-represented Litigant Coordinator are held at the Principal Registry

Principal Registry

450 Little Bourke Street
Melbourne VIC 3000

Phone: 03 8600 2004

Mon-Fri 9.30am-4pm, closed public holidays

Address for Mail:

Principal Registry
Supreme Court of Victoria
210 William Street
Melbourne Victoria 3000

Court locations

Visit the Supreme Court website for court locations throughout Victoria. Check your court documents to make sure you attend the correct location for your hearing. Also check the Daily Hearing List on our website.

Security

You must go through security screening before entering a Supreme Court building. Items not allowed include anything explosive, sharp or a potential weapon, including cans and glass bottles. Alcohol is also not allowed.

This guide contains general information only and is not intended to be legal advice.

This guide is licensed under a Creative Commons Attribution 4.0 licence. You are free to re-use the work if you credit Court Services Victoria as author, indicate if changes were made and comply with the other licence terms. The licence does not apply to any branding, including the Victorian Coat of Arms, Victorian government logo, Supreme Court of Victoria logo, Court Services Victoria logo and content supplied by third parties.

Contents

Supreme Court contact details	2
About this guide	4
Requesting an assessment of your solicitor's bill	4
What the Costs Court can order	4
Complaints handled by the Legal Services Commissioner	5
Assessment handled by the Costs Court to be changed to	5
Assessments handled by the Costs Court	6
Time limits	6
What it means to represent yourself	7
Using the online RedCrest system	7
Court fees and costs	8
Court fees	8
Fee waivers and concession rates	8
Preparing for your assessment	9
Get to know legal terms	9
Get to know Court procedures	9
Do your legal research	9
Understand what the Costs Court can order	9
Decide if you need legal help	9
STAGE 1: File a Summons for Taxation form	10
To start the process	10
Ask your solicitor for an itemised bill	11
STAGE 2: Serve your documents on the solicitor	12
Who to serve	12
What documents to serve	12
When to serve documents	12
How to serve documents	12
STAGE 3: Attend the directions hearing	13
Prepare for the directions hearing	13
After the directions hearing	13
STAGE 4: Mediation, assessment in chambers or taxation	14
Mediation	14
After mediation	14
Assessment in chambers	14
Taxation hearing	14
Preparing for your taxation hearing	15
Disputing specific items of an itemised bill	15
STAGE 5: Review the decision of a judicial officer	16
If you are unhappy with the decision at the taxation hearing	16
Appendix	17
Glossary, Organisations, Legal reference material	17
Forms, Guidance, Videos	17

Requesting an assessment of your solicitor's bill

If you are unhappy with your solicitor's bill, you should first discuss the matter with your solicitor. If you are unable to resolve the issues you can:

- Make a complaint to the Legal Services Commissioner
- or**
- start a proceeding in the Supreme Court of Victoria requesting the Costs Court to assess the bill.

Time limits and restrictions apply to complaints handled by the Legal Services Commissioner and assessments conducted by the Costs Court.

Costs Court assessments are managed in accordance with:

- Part 4.3 of Schedule 1 to the *Legal Profession Uniform Law Application Act 2014* (known as the *Legal Profession Uniform Law*), if you first instructed your solicitor on or after 1 July 2015

or

- Part 3.4 of the *Legal Profession Act 2004*, if you first instructed your solicitor between 12 December 2005 and 30 June 2015.

If you first instructed your solicitor before 12 December 2005, contact the Self-represented Litigant Coordinator to discuss your situation.

The Supreme Court has two main parts: Trial Division and Court of Appeal. The Costs Court is part of the Trial Division.

What the Costs Court can order

The Costs Court may order the solicitor to reduce the bill if it decides the costs:

- were not reasonably incurred
- or**
- are not reasonable and proportionate to how complex or important the legal issue was that led to the bill.

The process of this assessment by the Costs Court is called a taxation.

*** Be aware** – Your lawyer may start a proceeding in the Costs Court, or sue you in another court, if you do not pay your bill on time. Seek legal advice if you are not sure about paying your bill.

ABOUT THIS GUIDE

This guide is for people who want the Supreme Court to assess a solicitor's bill, who may not have a lawyer.

Read this guide to find out:

- which part of the Supreme Court hears this type of proceeding
- what it means to represent yourself in a court proceeding
- court fees that apply
- stages in the process and what you do at each stage
- documents you need to provide
- forms you need to complete.

The Appendix has links to the forms and resources you may find helpful.

Forms are also available in hard copy from the Principal Registry.

This guide contains general information only and is not intended to be legal advice.

The content in this guide is based on the *Supreme Court (General Civil Procedure) Rules 2015* and *Supreme Court (Miscellaneous Civil Proceedings) Rules 2018*. The Rules are official legal instructions you must follow.

If you are reading a print version of this guide, note that the online version has links to forms and other resources you may need. Visit supremecourt.vic.gov.au/representingyourself for the online version. References to links in the appendix are only relevant if you are reading the online guide.

Complaints handled by the Legal Services Commissioner

If you first instructed your solicitor on or after 1 July 2015, you can make a complaint to the Legal Services Commissioner about your bill if the:

- total bill is less than \$100,000

or

- the bill is more than \$100,000 but the amount in dispute is less than \$10,000.

If you first instructed your solicitor between 12 December 2005 and 30 June 2015, you can make a complaint to the Legal Services Commissioner about your bill if the total bill is less than \$25,000.

Strict time limits apply. Contact the Commissioner's office on 1300 796 344 or visit their website lsbc.vic.gov.au for details.

Assessments conducted by the Costs Court

If you first instructed your solicitor on or after 1 July 2015, you can apply to have the Costs Court assess your bill if:

- you are out of time to apply to the Legal Services Commissioner

or

- your total bill is \$100,000 or more (making you ineligible to apply to the Legal Services Commissioner).

You can apply to the Cost Court for a assessment even if the amount in dispute is less than \$100,000. Part 4.3 of the *Legal Profession Uniform Law* applies in this situation.

If you first instructed your solicitor between 12 December 2005 and 30 June 2015, you can apply to have the Costs Court assess your bill if you:

- are out of time to apply to the Legal Services Commissioner

or

- your total bill is \$25,000 or more (making you ineligible to apply to the Legal Services Commissioner)

or

- your total bill is less than \$25,000 and you prefer the Costs Court to assess your bill.

IMPORTANT INFORMATION

Legal word

Taxation – the process of the Costs Court assessing your solicitor's bill.

Stages in the assessment process

An assessment of a solicitor's bill through the Costs Court usually goes through these stages:

STAGE 1	File a Summons for Taxation form
STAGE 2	Serve your documents on the solicitor
STAGE 3	Attend the directions hearing
STAGE 4	Attend a mediation, have the bill assessed in chambers or attend a taxation hearing.
STAGE 5	Review the decision of a judicial officer.

Time limits

If you first instructed a solicitor to act on your behalf in a legal matter after 12 December 2005, **you have 12 months from the date you received your final solicitor's bill** to apply for a Costs Court assessment.

You may have received a number of bills over the course of your solicitor's engagement. However, only the date on the final bill is relevant to the time limits.

Requesting an extension of the time limit

If more than 12 months have passed since you received your final bill, and you first instructed your solicitor after 12 December 2005, you can make an application to the Court to extend the time.

The Court will consider the reason for the delay and if it is just and fair to accept your late application. A fee may be required, unless you have a fee waiver.

The extension of time application must be accompanied by an affidavit you prepare that outlines the reasons why you are applying late, and why it is just and fair to extend the time limit.

Contact the Self-represented Litigant Coordinator if you need to discuss your situation.

IMPORTANT INFORMATION

Legal word

Taxation – the process of the Costs Court assessing your solicitor's bill.

Applicant – a person or company who makes an application to the Costs Court.

Respondent – an individual or company that an application is made against.

Filing a document – giving it to the Registry where it officially becomes part of the Court file. You do this using the online system RedCrest. More details on using RedCrest appear later in this guide.

Serving a document – formally delivering it to a person or company. There are rules about which documents need to be served in person and which can also be served by email or post. See order 6 of the *Supreme Court (General Civil Procedure) Rules 2015*.

Directions hearing – a short hearing to decide matters that include the timing of the proceeding, such as who needs to do what and by when. It is a chance for the judicial officer to hear from the parties and decide whether the case is suitable for mediation or an assessment in chambers or, whether it should go directly to a taxation hearing. All parties are expected to attend.

What it means to represent yourself

Representing yourself in court means you take responsibility for the tasks that a lawyer would otherwise do for you.

People who represent themselves in the court are known as self-represented litigants.

In the Trial Division of the Supreme Court, individuals are allowed to represent themselves. Companies must be represented by a lawyer. If you are the sole director of a company and you wish to represent your company, you must get the Court's permission. Contact the Self-represented Litigant Coordinator if you need to discuss your situation.

Some things you may need to do yourself include:

- become familiar with legal language and legal concepts
- read and understand relevant legislation, rules of procedure and case law
- prepare your case
- gather relevant documents that support your case
- present your case to the judicial officer, explaining each of your arguments and answering questions about them from the judicial officer, the other party or their lawyer
- understand and follow the correct court procedures.

The Court prefers any documents you prepare to be typed, not handwritten. You rely on these documents during your proceeding. If they read well and look professional it may help everyone involved get a better understanding of the case you are making.

Using the online RedCrest system

The Supreme Court uses an online system called RedCrest (redcrest.com.au), which you use to file your documents.

You need an email address to create a RedCrest account. If you do not have an email address and cannot get one, contact the Self-represented Litigant Coordinator to discuss your situation.

You will be notified in RedCrest when any documents you file are ready for you to serve with the Court's seal (official stamp) on them. The notification will include a link to where you can download and print copies.

Read the *RedCrest Electronic Filing User Guide* for information and instructions. If you have questions about using RedCrest, contact the Principal Registry (redcrest.com.au).

IMPORTANT INFORMATION

Who can help me?

Registry

Registry staff can provide information on how the assessment process works.

Self-represented Litigant Coordinator

The Supreme Court has a Self-represented Litigant Coordinator who specialises in helping people who do not have a lawyer. They can give information and guidance on Court procedures, but are not allowed to give legal advice. You can make an appointment with the Coordinator to discuss Court process and to check you have the right documents. See page 2 for contact details.

Duty Barristers' Scheme

You can apply to have a barrister (a lawyer who specialises in presenting cases in court) to help you, for no cost. This is a one-off service to complete a task, such as to appear for you in Court. In legal terms, this free help is called pro bono. The Duty Barristers' Scheme is provided by the Victorian Bar.

You cannot apply directly to the Scheme but must be referred to the service by the Court, after a proceeding has started. To be considered, contact the Self-represented Litigant Coordinator. You must confirm that you have tried all other ways to get free legal help and that you cannot afford to pay for a private lawyer or barrister.

Free and low-cost legal help

See the Appendix for a link to organisations that provide free or low-cost legal services and information.

Court fees and costs

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 (see below).

After conducting an assessment, if the Costs Court reduces your solicitor's bill by 15 per cent or more, then it may order the solicitor to pay your legal costs, if you have incurred any. For self represented litigants, costs are usually limited to disbursements. 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.**

Consider paying for some legal advice even if it is only to help you with a particular part of the process.

See the Appendix for a link to organisations that provide legal information and free or low-cost legal services.

Court fees

You need to pay court fees at various stages of your proceeding, using PayPal, a credit card or debit card. **See the fees table on our website called Prothonotary's Office Fees**, under the Fees tab.

You may need to pay court fees for:

- Commencing a proceeding outside the time limit
- Mediation
- Setting down (confirming a date) for the hearing
- Hearing (per day or part day).

If you have questions about what fees apply, contact the Self-represented Litigant Coordinator.

Fee waivers and concession rates

You may be eligible for a fee waiver if you can prove that paying the fees would cause you financial hardship. In some circumstances, you may be automatically entitled to a fee waiver. However, you must still apply for it. This includes if you are:

- represented by Legal Aid, a community legal centre or under a pro bono scheme administered by or on behalf of the Victorian Bar, the Law Institute of Victoria or Justice Connect
- serving a prison sentence or are in a detention facility
- under 18 years of age.

See Important Information box for more details.

IMPORTANT INFORMATION

! Note

You pay fees online in RedCrest, using:

- PayPal
- credit card, or
- debit card.

Fees normally change on 1 July each year.

! Note

If you have a Commonwealth Health Care Card, you can apply to pay the concession rate. This is the only type of concession card the Court accepts. If you do not have this card, and do not have a fee waiver, you pay the standard fee.

Read the *RedCrest Electronic Filing User Guide* for instructions on how to apply for a fee waiver or pay the concession rate. If you have questions about using RedCrest, contact the Principal Registry.

Tip

The Law Institute of Victoria has a free referral service that helps you find a private lawyer. See the Appendix for a link to organisations that provide legal information and free or low-cost legal services.

Legal word

Costs – fees for lawyers' professional services and disbursements (out-of-pocket expenses), such as court fees, barristers' fees and fees for medical and other expert reports. If you are representing yourself and you win, you can claim your out-of-pocket expenses but you cannot claim the time you spent working on your case as a cost.

Fee waiver – permission from the Court to not pay the court fees.

Financial hardship – decided after taking into account your day-to-day living expenses, liabilities and assets.

Preparing for the Costs Court assessment

Get to know legal terms

See the Important Information box for common legal words and terms.

Get to know Court procedures

Read the following documents carefully, as they provide important information and guidance.

- Read the following documents carefully, as they provide important information and guidance.
- Supreme Court (General Civil Procedure) Rules 2015
- Supreme Court Act 1986 – Section 17D
- Part 3.4 of the *Legal Profession Act 2004*

or

- Part 4.3 of Schedule 1 to the *Legal Profession Uniform Law Application Act 2014* (known as the *Legal Profession Uniform Law*)
- Practice Note SC Gen 11 – Costs Court

Do your legal research

Make sure you understand the law that applies to your case by doing some legal research. Read about cases similar to yours, and note any cases where the law you are relying on has been applied in a way that you think proves your arguments.

Understand what the Costs Court can order

After conducting an assessment, if the Costs Court reduces your solicitor's bill by 15 per cent or more, then it may order the solicitor to pay your legal costs if you have incurred any. For self represented litigants, costs are usually limited to disbursements. 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.**

Decide if you need legal help

The law in relation to cost matters is complex and technical. It is recommended that you seek legal advice from another lawyer or a cost consultant. The Law Institute of Victoria has a free referral service to help you find one. See the Appendix for a link to organisations that provide legal information and free or low-cost legal services.

IMPORTANT INFORMATION



Tip

See the Appendix for links to forms, legislation and resources you may find helpful.



Legal word

Applicant – a person or company who makes an application to the Costs Court.

Respondent – an individual or company that an application or appeal is made against.

Filing a document – giving it to the Registry where it officially becomes part of the Court file. You do this using RedCrest.

Serving a document – formally delivering it to a person or company. There are rules about which documents need to be served in person and which can also be served by email or post. See order 6 of the *Supreme Court (General Civil Procedure) Rules 2015*.

Practice note – a document that details Supreme Court procedures, instructions, rules, processes and information. As well as general practice notes that apply to all Supreme Court proceedings, some lists have their own practice notes with specific information for their list.

Taxation – the process of the Costs Court assessing your solicitor's bill.

Directions hearing – a short hearing to decide matters that include the timing of the proceeding, such as who needs to do what and by when. It is a chance for the judicial officer to hear from the parties and decide whether the case is suitable for mediation or an assessment in chambers or, whether it should go directly to a taxation hearing. All parties are expected to attend.

To start the process:

- Complete a *Legal Profession Legislation and other matters Taxation Information Form* (“the taxation information form”).
- Email the taxation information form to costs.court@supcourt.vic.gov.au
- You will receive an email confirmation from the Court with a date for the directions hearing and instructions to file your Summons for Taxation.
- File these forms on RedCrest:
 - The Summons for Taxation
 - The email confirmation from the Court
 - The taxation information form
 - A copy of the solicitor’s bill(s) or invoices
- Wait for a notification in RedCrest that the Summons for Taxation has been accepted — it will now have the Court’s seal (official stamp) on it.

You can file either a lump sum bill (total bill) or an itemised bill.

The sealed Summons for Taxation has a date for the first hearing, called a directions hearing. It can be downloaded and printed ready for service in Stage 2.

IMPORTANT INFORMATION**! Note**

The Court expects the applicant and respondent to attend any hearing it schedules. If you cannot attend for any substantial reason, for example if you have a medical emergency, contact the Court immediately.

The *Legal Profession Legislation and other matters Taxation Information Form* contains information that will assist the Court in determining the most appropriate way to list your application to assess your solicitor’s costs. It will include the amount of costs in dispute, a summary of the application including details of the retainer, an estimate of the time required to hear the matter and your solicitor’s details.

The taxation information form is attached to the Costs Court Practice Note (S Gen 11) which is available on the Supreme Court website.

💡 Tip

See the Appendix for links to the forms you need.

📖 Legal word

Filing a document – giving it to the Registry where it officially becomes part of the Court file. You do this using RedCrest.

Taxation – the process of the Costs Court assessing your solicitor’s bill.

Directions hearing – a short hearing to decide matters that include the timing of the proceeding, such as who needs to do what and by when. It is a chance for the judicial officer to hear from the parties and decide whether the case is suitable for mediation or an assessment in chambers or, whether it should go directly to a taxation hearing. All parties are expected to attend.

▶ Watch the video

- *Requesting an assessment of your solicitor’s bill*

Ask your solicitor for an itemised bill

You need an itemised bill for the assessment process. An itemised bill shows what you were charged for each item or task the solicitor did.

In some instances, the bills a solicitor sends you may be lump sum bills that do not have enough details to conduct the assessment.

Do not delay filing your Summons for Taxation form if you do not have an itemised bill yet. You can file the lump sum bills with your Summons for Taxation.

You have 30 days, from the date the most recent bill was due for payment, to request an itemised bill. The solicitor must provide one within 21 days of your request.

If more than 30 days have passed, at the directions hearing the Costs Court can order the solicitor to give you an itemised bill.

Checklist - STAGE 1

Complete the taxation information form

Email the taxation information form to costs.court@supcourt.vic.gov.au

Once you have received an email confirmation from the Court with a date for the directions hearing, file these forms on RedCrest:

- The Summons for Taxation
- The email confirmation from the Court
- The taxation information form
- A copy of the solicitor's bill(s) or invoices

Wait for a notification in RedCrest that the Summons for Taxation has been accepted — it will now have the Court's seal (official stamp) on it.

Download and print a copy of the sealed Summons for Taxation ready for service in Stage 2.

IMPORTANT INFORMATION

! Note

The Court expects the applicant and respondent to attend any hearing it schedules. If you cannot attend for any substantial reason, for example if you have a medical emergency, contact the Court immediately.

The *Legal Profession Legislation and other matters Taxation Information Form* contains information that will assist the Court in determining the most appropriate way to list your application to assess your solicitor's costs. It will include the amount of costs in dispute, a summary of the application including details of the retainer, an estimate of the time required to hear the matter and your solicitor's details.

The taxation information form is attached to the Costs Court Practice Note (S Gen 11) which is available on the Supreme Court website.

💡 Tip

See the Appendix for links to the forms you need.

📖 Legal word

Filing a document – giving it to the Registry where it officially becomes part of the Court file. You do this using RedCrest.

Taxation – the process of the Costs Court assessing your solicitor's bill.

Directions hearing – a short hearing to decide matters that include the timing of the proceeding, such as who needs to do what and by when. It is a chance for the judicial officer to hear from the parties and decide whether the case is suitable for mediation or an assessment in chambers or, whether it should go directly to a taxation hearing. All parties are expected to attend.

▶ Watch the video

- *Requesting an assessment of your solicitor's bill*

Who to serve

You serve the solicitor whose bill is being assessed.

What documents to serve

Serve the:

- Summons for Taxation form with the Court's seal on it
- copy of the solicitor's bill(s).

When to serve documents

Serve the documents as soon as you are notified in RedCrest that the sealed copy of the Summons for Taxation form is available.

Do not delay serving the documents. They are how the solicitor knows you are disputing their bill(s) and the date they need to attend Court for the directions hearing. The Court may reschedule your directions hearing if you have not given the solicitor enough notice of the date.

How to serve documents

You, or someone acting on your behalf, must serve documents on the solicitor in person. This means you:

- leave a copy of the document with the solicitor at their office
- or
- if the solicitor does not accept the copy or refuses to see you, put it down near the solicitor or a staff member (such as a receptionist) and tell them the nature of the document.

The Court may ask you to swear or affirm an affidavit proving that you served the documents.

If you have any questions about serving documents contact the Self-represented Litigant Coordinator.

IMPORTANT INFORMATION

Legal word

Serving a document – formally delivering it to a person or company. There are rules about which documents need to be served in person and which can also be served by email or post. See order 6 of the *Supreme Court (General Civil Procedure) Rules 2015*.

Tip

Although the documents must be served in person, you don't need to do this yourself. You can ask a friend, family member or a professional to serve the documents for you. They must be prepared to sign an affidavit confirming they served the documents, if the Court requests this.

Affidavit – a document that presents written evidence in a court case. It must be sworn to be true and correct in front of an authorised person, on oath or by affirmation. It is a serious crime to knowingly make a false statement.

Watch the video

- *Requesting an assessment of your solicitor's bill*

Checklist - STAGE 2

- Serve the Summons for Taxation form and the solicitor's bill(s) on the solicitor

When the Costs Court accepted your Summons for Taxation form in Stage 1, it gave you a date for the first hearing of your proceeding. This first hearing is known as a **directions hearing**.

The directions hearing is a short hearing to decide matters that include the timing of the proceeding, such as who needs to do what and by when. It is a chance for the judicial officer to hear from the parties and decide whether the case is suitable for mediation or an assessment in chambers. The judicial officer may decide the case should go directly to a taxation hearing. All parties are expected to attend.

Prepare for the directions hearing

Directions hearings are held on a set date each month. The dates are on our website. Check your sealed Summons for Taxation form for the date and venue of your directions hearing.

Dates are allocated in order of when the Summons for Taxation forms are accepted. A large number of matters may be listed for the same day. You need to wait for your matter to be called on the day.

You will be told at the time of filing your Summons for Taxation whether you need to come to Court or whether the directions hearing will be done by the Zoom platform.

The directions hearing is not when you present your arguments to the Costs Court. You will get a chance to do this at the mediation or taxation hearing.

After the directions hearing

After your directions hearing, the judicial officer will make orders that tell you what happens next and what you need to do to get your case ready for the assessment. This includes which documents to prepare and when they need to be filed with the Costs Court.

IMPORTANT INFORMATION

! Note

The Costs Court expects the applicant and respondent to attend the directions hearing and any other hearing it schedules. If you cannot attend for any substantial reason, for example if you have a medical emergency, contact the Court immediately.

💡 Tip

You only need to bring to the directions hearing the documents you filed in Stage 1, something to make notes on such as a notepad, tablet or laptop and your diary (so you can check if dates proposed for the mediation or taxation hearing are suitable).

📖 Legal word

Directions hearing – a short hearing to decide matters that include the timing of the proceeding, such as who needs to do what and by when. It is a chance for the judicial officer to hear from the parties and decide whether the case is suitable for mediation or an assessment in chambers or, whether it should go directly to a taxation hearing. All parties are expected to attend.

Serving a document – formally delivering it to a person or company. There are rules about which documents need to be served in person and which can also be served by email or post. See order 6 of the *Supreme Court (General Civil Procedure) Rules 2015*.

Checklist - STAGE 3

- Check your Summons for Taxation for the date and venue of the directions hearing
- Attend the directions hearing

At the directions hearing in Stage 3, the judicial officer will decide if your case goes to mediation, an assessment in the absence of the parties (also known as an “assessment in chambers”) or a taxation hearing.

Mediation

A mediation is a confidential discussion held between parties with the help of a skilled independent mediator.

The mediator cannot force anyone to resolve a dispute, but can help parties explore options, negotiate and reach a settlement agreement, without the need for a hearing.

The Costs Court may order parties to go to mediation at any stage of the process.

After the mediation

If your case settles at the mediation, the judicial officer will send you orders that confirm what was agreed between you and your solicitor. The case now comes to an end. If your case does not settle (remains unresolved), the Costs Court will usually refer your solicitor’s bill to be assessed in chambers or order you and your solicitor to attend a taxation hearing at a later date.

Assessment in chambers

An assessment in chambers is a process where the judicial officer assesses the bill of costs based on documents filed with the Court, without the need for anyone to appear. Each party will be sent a notice with the judicial officer’s estimate of the amount your solicitor can charge you. Both you and the law firm then have 21 days to consider the estimate. If either you or your solicitor object to the estimate, the matter will be listed for a taxation. If no objection to the estimate is filed, the judicial officer will make an order that you pay your solicitor or that your solicitor refund an amount to you.

Taxation hearing

A taxation is a hearing where the Costs Court assesses your solicitor’s bill. The judicial officer examines each item in your solicitor’s bill that you have objected to and determines the amount your solicitor is entitled to charge you for that work. Both parties appear in the Costs Court and make submissions to the judicial offer in support of their arguments.

The Costs Court will determine whether the legal costs your solicitor has charged you are fair and reasonable and the amount you have to pay your solicitor or the amount your solicitor must refund to you.

IMPORTANT INFORMATION

▶ Watch the video

If your case is not settled at a mediation and you are ordered to attend a taxation hearing, watch the videos on our website to help you prepare:

- *Preparing for a hearing*
- *Attending Court – the day of your hearing*

Preparing for your taxation hearing

Some things you can do to prepare for your taxation hearing include:

- Watch the videos on our website about preparing for a hearing and attending court (see Important Information box)
- Make sure you are familiar with all the information and material the solicitor sent you during the time you engaged their services, in case they are referred to during the hearing
- 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 Costs Court
- Read any relevant rules and legislation, for example, order 63 of the *Supreme Court (General Civil Procedure) Rules 2015*.

Disputing specific items on an itemised bill

Irrespective of whether your matter is referred to a mediation, an assessment in chambers or taxation hearing, if you are disputing specific items on an itemised bill, you must file a document in RedCrest that identifies each item you want to dispute. This is called your 'Notice of objections'.

At the directions hearing in Stage 3, the judicial officer will make an order that you file a Notice of objections by a certain date, usually seven days before a mediation, an assessment in chambers or taxation hearing.

For each item, set out the grounds (reasons) that you object to the amount you were charged on the bill. Be specific and concise when explaining why you object to the amount. You must serve this document on the solicitor and anyone else named on the Summons for Taxation form

IMPORTANT INFORMATION

Watch the video

If your case is not settled at a mediation and you are ordered to attend a taxation hearing, watch the videos on our website to help you prepare:

- *Preparing for a hearing*
- *Attending Court - the day of your hearing*

Checklist - STAGE 4

- File your notice of objections as directed by the judicial officer at the Directions Hearing.
- Serve your notice of objections on the solicitor and anyone else named in the Summons for Taxation

If you are unhappy with the decision at the taxation hearing

Stage 5 only applies if you are unhappy with the decision made by the judicial officer at the taxation hearing.

You usually get your decision at the hearing. If you are unhappy with the decision, you have 14 days to request a review of it.

Who reviews the decision depends on who conducted the assessment of your solicitor's bill. See below table.

Assessment of solicitor's bill conducted by	Decision is reviewed by
Costs Registrar	Judicial Registrar
Judicial Registrar	Associate Judge
Associate Judge	A judge
A judge	Appeal to Court of Appeal

To apply for a review of the decision, see the *Supreme Court (General Civil Procedure) Rules 2015* or contact the Self represented Litigant Coordinator to discuss your situation.

IMPORTANT INFORMATION

Watch the video

If you are ordered to attend a taxation hearing, watch the videos on our website to help you prepare:

- *Preparing for a hearing*
- *Attending Court – the day of your hearing*
- *Requesting an assessment of your solicitor's bill*

Legal word

Costs – fees for lawyers' professional services and disbursements (out-of-pocket expenses), such as court fees, barristers' fees and fees for medical and other expert reports. If you are representing yourself and you win, you can claim your out-of-pocket expenses but you cannot claim the time you spent working on your case as a cost.

Note

After conducting an assessment, if the Costs Court reduces your solicitor's bill by 15 per cent or more, then it may order the solicitor to pay your legal costs, if you have incurred any. For self-represented litigants, costs are usually limited to disbursements. If your solicitor's bill is not reduced by this amount, the Costs Court may order you to pay your solicitor's costs.

Appendix

If you are reading a print version of this guide, note that the online version has links to forms and other resources you may need. Visit supremecourt.vic.gov.au/representingyourself for the online version. References to links in the appendix are only relevant if you are reading the online guide.

A. Glossary

B. Organisations that may be able to help you

C. Legal reference material

D. Forms

- [Summons for Taxation](#)
- [Legal Profession Legislation Taxation Information Form](#)

E. Guidance

- [Supreme Court \(General Civil Procedure\) Rules 2015](#)
- [Supreme Court Act 1986 – Section 17D](#)
- [Legal Profession Act 2004, Part 3.4](#)

or

- [Part 4.3 of Schedule 1 to the Legal Profession Uniform Law Application Act 2014](#)
- [Practice Note SC Gen 11 – Costs Court](#)

F. Videos

- [Completing an affidavit](#)
- [Preparing for a hearing](#)
- [Attending Court - the day of your hearing](#)
- [Requesting an assessment of your solicitor's bill](#)

