

ADVICE FOR THOSE MAKING COMPLAINTS IN RELATION TO ATTORNEYS' FEES

Generally speaking, the amount of legal fees charged to a client is not a matter governed by the Barristers' Code of Professional Conduct 1981, being a matter of contract between the client and his attorney. While there are particular limitations regarding attorneys' fees to be found in the Code, such as a prohibition on contingent or percentage fees in contentious matters other than debt collections, the Bar Council cannot regulate what attorneys charge their clients for their services, whether it be at a rate per hour or at a fixed fee. Such being the case, the Council does not have any statutory basis to deal with a complaint over fees in a formal way. However, for many years there has been an informal Fees Committee of the Bar Council that exists to hear and decide upon such complaints; this Committee comprises three members of the Bar Association, namely Mr Peter J C Smith, Ms Shirley D Simmons and Mr Mark A C Diel.

The Committee is prepared to hear both sides of a dispute over the amount of an attorney's bill and to make a decision on the proper amount to be charged, bearing in mind all of the circumstances of the case. Before the Committee can do this, **it is essential that both the client and the attorney agree to be bound by any future decision of the Committee**, otherwise the efforts of the Committee might all be in vain. Should either the client or the attorney not be willing to be bound by any decision of this Committee, the only available alternative is to have the dispute resolved by a court of law.

Fees complaints must be in writing and directed to the Bar Council in the first instance. It should be noted that where a Summons has been issued by a law firm through the Magistrate's Court against their client for unpaid fees, the Bar Council will **NOT** entertain a fees complaint against that law firm, as it has no jurisdiction over such proceedings.

After a complaint is forwarded to the Committee, the Committee's Chairman will contact both the client and the attorney to arrange a hearing date. The client, should he wish, can have another attorney represent him at this hearing.